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Sub. S. B. No. 135

Senator Cirino

Cosponsors: Senators Antani, Blessing, Brenner, Hoagland, Huffman, M., Huffman, S., Johnson, McColley, Roegner, Romanchuk, Schaffer, Thomas, Yuko Representatives Hall, Abrams, Bird, Callender, Carruthers, Cross, Fraizer, Gross, Holmes, Hoops, John, Jones, Jordan, Kick, Lanese, Lightbody, Loychik, McClain, Merrin, Miller, K., Plummer, Ray, Richardson, Riedel, Sheehy, Stephens, Stevens, White, Wiggam, Young, T.

A BILL

To amend sections 9.76, 123.01, 3313.6020, 3333.04, 1
3333.122, 3345.0212, 3345.21, 3345.35, 3345.481, 2
and 5727.75 and to enact sections 3333.0418, 3
3333.073, 3333.126, 3333.127, 3333.168, 4
3345.024, 3345.028, 3345.0215, 3345.064, 5
3345.241, 3345.381, and 3345.461 of the Revised 6
Code and to amend Sections 381.10 and 381.480 of 7
H.B. 110 of the 134th General Assembly with 8
regard to the operation of state institutions of 9
higher education, free speech in public 10
universities and colleges, the Second Chance 11
Grant Program, high school career advising, 12
apprenticeships, and energy project education 13
relationships, and to make an appropriation. 14

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

Section 1. That sections 9.76, 123.01, 3313.6020, 3333.04, 15

3333.122, 3345.0212, 3345.21, 3345.35, 3345.481, and 5727.75 be 16
amended and sections 3333.0418, 3333.073, 3333.126, 3333.127, 17
3333.168, 3345.024, 3345.028, 3345.0215, 3345.064, 3345.241, 18
3345.381, and 3345.461 of the Revised Code be enacted to read as 19
follows: 20

Sec. 9.76. (A) As used in this section: 21

(1) "Boycott" means engaging in refusals to deal, 22
terminating business activities, or other actions that are 23
intended to limit commercial relations with persons or entities 24
in a discriminatory manner. "Boycott" does not include: 25

(a) Boycotts to which 50 U.S.C. 4607(c) applies; 26

(b) A decision based on business or economic reasons, or 27
the specific conduct of a targeted person or entity; 28

(c) A boycott against a public entity of a foreign state 29
when the boycott is applied in a nondiscriminatory manner; and 30

(d) Conduct necessary to comply with applicable law in the 31
business's home jurisdiction. 32

(2) "Company" means a sole proprietorship, partnership, 33
corporation, national association, societe anonyme, limited 34
liability company, limited partnership, limited liability 35
partnership, joint venture, or other business organization, 36
including their subsidiaries and affiliates, that operates to 37
earn a profit. 38

(3) "Israel" means Israel or Israeli-controlled 39
territories. 40

(4) "Jurisdiction with whom this state can enjoy open 41
trade" means any world trade organization member and any 42
jurisdiction with which the United States has free trade or 43

other agreements aimed at ensuring open and nondiscriminatory trade relations. 44
45

(5) "State agency" means an organized body, office, 46
agency, institution, or other entity established by the laws of 47
the state for the exercise of a function of state government, 48
and includes a "state institution of higher education" as 49
defined in section 3345.011 of the Revised Code. 50

(B) A state agency may not enter into or renew a contract 51
with a company for the acquisition or provision of supplies, 52
equipment, or services, or for construction services, unless the 53
contract declares that the company is not boycotting any 54
jurisdiction with whom this state can enjoy open trade, 55
including Israel, and will not do so during the contract period. 56

Sec. 123.01. (A) The department of administrative 57
services, in addition to those powers enumerated in Chapters 58
124. and 125. of the Revised Code and provided elsewhere by law, 59
shall exercise the following powers: 60

(1) To prepare and suggest comprehensive plans for the 61
development of grounds and buildings under the control of a 62
state agency; 63

(2) To acquire, by purchase, gift, devise, lease, or 64
grant, all real estate required by a state agency, in the 65
exercise of which power the department may exercise the power of 66
eminent domain, in the manner provided by sections 163.01 to 67
163.22 of the Revised Code; 68

(3) To erect, supervise, and maintain all public monuments 69
and memorials erected by the state, except where the supervision 70
and maintenance is otherwise provided by law; 71

(4) To procure, by lease, storage accommodations for a 72

state agency;	73
(5) To lease or grant easements or licenses for	74
unproductive and unused lands or other property under the	75
control of a state agency. Such leases, easements, or licenses	76
may be granted to any person or entity, shall be for a period	77
not to exceed fifteen years, unless a longer period is	78
authorized by division (A) (5) of this section, and shall be	79
executed for the state by the director of administrative	80
services. The director shall grant leases, easements, or	81
licenses of university land for periods not to exceed twenty-	82
five years for purposes approved by the respective university's	83
board of trustees wherein the uses are compatible with the uses	84
and needs of the university and may grant leases of university	85
land for periods not to exceed forty years for purposes approved	86
by the respective university's board of trustees pursuant to	87
section 123.17 of the Revised Code. The director may grant	88
perpetual easements to public utilities, as defined in section	89
4905.02 of the Revised Code or described in section 4905.03 of	90
the Revised Code.	91
(6) To lease space for the use of a state agency;	92
(7) To have general supervision and care of the	93
storerooms, offices, and buildings leased for the use of a state	94
agency;	95
(8) To exercise general custodial care of all real	96
property of the state;	97
(9) To assign and group together state offices in any city	98
in the state and to establish, in cooperation with the state	99
agencies involved, rules governing space requirements for office	100
or storage use;	101

(10) To lease for a period not to exceed forty years, 102
pursuant to a contract providing for the construction thereof 103
under a lease-purchase plan, buildings, structures, and other 104
improvements for any public purpose, and, in conjunction 105
therewith, to grant leases, easements, or licenses for lands 106
under the control of a state agency for a period not to exceed 107
forty years. The lease-purchase plan shall provide that at the 108
end of the lease period, the buildings, structures, and related 109
improvements, together with the land on which they are situated, 110
shall become the property of the state without cost. 111

(a) Whenever any building, structure, or other improvement 112
is to be so leased by a state agency, the department shall 113
retain either basic plans, specifications, bills of materials, 114
and estimates of cost with sufficient detail to afford bidders 115
all needed information or, alternatively, all of the following 116
plans, details, bills of materials, and specifications: 117

(i) Full and accurate plans suitable for the use of 118
mechanics and other builders in the improvement; 119

(ii) Details to scale and full sized, so drawn and 120
represented as to be easily understood; 121

(iii) Accurate bills showing the exact quantity of 122
different kinds of material necessary to the construction; 123

(iv) Definite and complete specifications of the work to 124
be performed, together with such directions as will enable a 125
competent mechanic or other builder to carry them out and afford 126
bidders all needed information; 127

(v) A full and accurate estimate of each item of expense 128
and of the aggregate cost thereof. 129

(b) The department shall give public notice, in such 130

newspaper, in such form, and with such phraseology as the 131
director of administrative services prescribes, published once 132
each week for four consecutive weeks, of the time when and place 133
where bids will be received for entering into an agreement to 134
lease to a state agency a building, structure, or other 135
improvement. The last publication shall be at least eight days 136
preceding the day for opening the bids. The bids shall contain 137
the terms upon which the builder would propose to lease the 138
building, structure, or other improvement to the state agency. 139
The form of the bid approved by the department shall be used, 140
and a bid is invalid and shall not be considered unless that 141
form is used without change, alteration, or addition. Before 142
submitting bids pursuant to this section, any builder shall 143
comply with Chapter 153. of the Revised Code. 144

(c) On the day and at the place named for receiving bids 145
for entering into lease agreements with a state agency, the 146
director of administrative services shall open the bids and 147
shall publicly proceed immediately to tabulate the bids upon 148
duplicate sheets. No lease agreement shall be entered into until 149
the bureau of workers' compensation has certified that the 150
person to be awarded the lease agreement has complied with 151
Chapter 4123. of the Revised Code, until, if the builder 152
submitting the lowest and best bid is a foreign corporation, the 153
secretary of state has certified that the corporation is 154
authorized to do business in this state, until, if the builder 155
submitting the lowest and best bid is a person nonresident of 156
this state, the person has filed with the secretary of state a 157
power of attorney designating the secretary of state as its 158
agent for the purpose of accepting service of summons in any 159
action brought under Chapter 4123. of the Revised Code, and 160
until the agreement is submitted to the attorney general and the 161

attorney general's approval is certified thereon. Within thirty 162
days after the day on which the bids are received, the 163
department shall investigate the bids received and shall 164
determine that the bureau and the secretary of state have made 165
the certifications required by this section of the builder who 166
has submitted the lowest and best bid. Within ten days of the 167
completion of the investigation of the bids, the department 168
shall award the lease agreement to the builder who has submitted 169
the lowest and best bid and who has been certified by the bureau 170
and secretary of state as required by this section. If bidding 171
for the lease agreement has been conducted upon the basis of 172
basic plans, specifications, bills of materials, and estimates 173
of costs, upon the award to the builder the department, or the 174
builder with the approval of the department, shall appoint an 175
architect or engineer licensed in this state to prepare such 176
further detailed plans, specifications, and bills of materials 177
as are required to construct the building, structure, or 178
improvement. The department shall adopt such rules as are 179
necessary to give effect to this section. The department may 180
reject any bid. Where there is reason to believe there is 181
collusion or combination among bidders, the bids of those 182
concerned therein shall be rejected. 183

(11) To acquire by purchase, gift, devise, or grant and to 184
transfer, lease, or otherwise dispose of all real property 185
required to assist in the development of a conversion facility 186
as defined in section 5709.30 of the Revised Code as that 187
section existed before its repeal by Amended Substitute House 188
Bill 95 of the 125th general assembly; 189

(12) To lease for a period not to exceed forty years, 190
notwithstanding any other division of this section, the state- 191
owned property located at 408-450 East Town Street, Columbus, 192

Ohio, formerly the state school for the deaf, to a developer in 193
accordance with this section. "Developer," as used in this 194
section, has the same meaning as in section 123.77 of the 195
Revised Code. 196

Such a lease shall be for the purpose of development of 197
the land for use by senior citizens by constructing, altering, 198
renovating, repairing, expanding, and improving the site as it 199
existed on June 25, 1982. A developer desiring to lease the land 200
shall prepare for submission to the department a plan for 201
development. Plans shall include provisions for roads, sewers, 202
water lines, waste disposal, water supply, and similar matters 203
to meet the requirements of state and local laws. The plans 204
shall also include provision for protection of the property by 205
insurance or otherwise, and plans for financing the development, 206
and shall set forth details of the developer's financial 207
responsibility. 208

The department may employ, as employees or consultants, 209
persons needed to assist in reviewing the development plans. 210
Those persons may include attorneys, financial experts, 211
engineers, and other necessary experts. The department shall 212
review the development plans and may enter into a lease if it 213
finds all of the following: 214

(a) The best interests of the state will be promoted by 215
entering into a lease with the developer; 216

(b) The development plans are satisfactory; 217

(c) The developer has established the developer's 218
financial responsibility and satisfactory plans for financing 219
the development. 220

The lease shall contain a provision that construction or 221

renovation of the buildings, roads, structures, and other 222
necessary facilities shall begin within one year after the date 223
of the lease and shall proceed according to a schedule agreed to 224
between the department and the developer or the lease will be 225
terminated. The lease shall contain such conditions and 226
stipulations as the director considers necessary to preserve the 227
best interest of the state. Moneys received by the state 228
pursuant to this lease shall be paid into the general revenue 229
fund. The lease shall provide that at the end of the lease 230
period the buildings, structures, and related improvements shall 231
become the property of the state without cost. 232

(13) To manage the use of space owned and controlled by 233
the department by doing all of the following: 234

(a) Biennially implementing, by state agency location, a 235
census of agency employees assigned space; 236

(b) Periodically in the discretion of the director of 237
administrative services: 238

(i) Requiring each state agency to categorize the use of 239
space allotted to the agency between office space, common areas, 240
storage space, and other uses, and to report its findings to the 241
department; 242

(ii) Creating and updating a master space utilization plan 243
for all space allotted to state agencies. The plan shall 244
incorporate space utilization metrics. 245

(iii) Conducting a cost-benefit analysis to determine the 246
effectiveness of state-owned buildings; 247

(iv) Assessing the alternatives associated with 248
consolidating the commercial leases for buildings located in 249
Columbus. 250

(c) Commissioning a comprehensive space utilization and capacity study in order to determine the feasibility of consolidating existing commercially leased space used by state agencies into a new state-owned facility.	251 252 253 254
(14) To adopt rules to ensure that energy efficiency and conservation is considered in the purchase of products and equipment, except motor vehicles, by any state agency, department, division, bureau, office, unit, board, commission, authority, quasi-governmental entity, or institution. The department may require minimum energy efficiency standards for purchased products and equipment based on federal testing and labeling if available or on standards developed by the department. When possible, the rules shall apply to the competitive selection of energy consuming systems, components, and equipment under Chapter 125. of the Revised Code.	255 256 257 258 259 260 261 262 263 264 265
(15) To ensure energy efficient and energy conserving purchasing practices by doing all of the following:	266 267
(a) Identifying available energy efficiency and conservation opportunities;	268 269
(b) Providing for interchange of information among purchasing agencies;	270 271
(c) Identifying laws, policies, rules, and procedures that should be modified;	272 273
(d) Monitoring experience with and the cost-effectiveness of this state's purchase and use of motor vehicles and of major energy-consuming systems, components, equipment, and products having a significant impact on energy consumption by the government;	274 275 276 277 278
(e) Providing technical assistance and training to state	279

employees involved in the purchasing process;	280
(f) Working with the department of development to make	281
recommendations regarding planning and implementation of	282
purchasing policies and procedures that are supportive of energy	283
efficiency and conservation.	284
(16) To require all state agencies, departments,	285
divisions, bureaus, offices, units, commissions, boards,	286
authorities, quasi-governmental entities, institutions, and	287
state institutions of higher education to implement procedures	288
to ensure that all of the passenger automobiles they acquire in	289
each fiscal year, except for those passenger automobiles	290
acquired for use in law enforcement or emergency rescue work,	291
achieve a fleet average fuel economy of not less than the fleet	292
average fuel economy for that fiscal year as the department	293
shall prescribe by rule. The department shall adopt the rule	294
prior to the beginning of the fiscal year, in accordance with	295
the average fuel economy standards established by federal law	296
for passenger automobiles manufactured during the model year	297
that begins during the fiscal year.	298
Each state agency, department, division, bureau, office,	299
unit, commission, board, authority, quasi-governmental entity,	300
institution, and state institution of higher education shall	301
determine its fleet average fuel economy by dividing the total	302
number of passenger vehicles acquired during the fiscal year,	303
except for those passenger vehicles acquired for use in law	304
enforcement or emergency rescue work, by a sum of terms, each of	305
which is a fraction created by dividing the number of passenger	306
vehicles of a given make, model, and year, except for passenger	307
vehicles acquired for use in law enforcement or emergency rescue	308
work, acquired during the fiscal year by the fuel economy	309

measured by the administrator of the United States environmental 310
protection agency, for the given make, model, and year of 311
vehicle, that constitutes an average fuel economy for combined 312
city and highway driving. 313

As used in division (A) (16) of this section, "acquired" 314
means leased for a period of sixty continuous days or more, or 315
purchased. 316

(17) To correct legal descriptions or title defects, or 317
release fractional interests in real property, as necessary to 318
cure title clouds reflected in public records, including those 319
resulting from boundary disputes, ingress or egress issues, 320
title transfers precipitated through retirement of bond 321
requirements, and the retention of fractional interests in real 322
estate otherwise disposed of in previous title transfers. 323

(18) (a) To, with controlling board approval, sell state- 324
owned real property that is not held for the benefit of an 325
institution of higher education and is appraised at not more 326
than one hundred thousand dollars by an independent third-party 327
appraiser. 328

(b) To sell state-owned real property that is held for the 329
benefit of an institution of higher education, provided all of 330
the following are true: 331

(i) The board of trustees of the institution of higher 332
education, or, in the case of a university branch district, any 333
other managing authority, adopts a resolution approving the 334
sale; 335

(ii) The real property is appraised at not more than ten 336
million dollars by an independent third-party appraiser; 337

(iii) The controlling board approves the sale. 338

Notwithstanding any provision of law to the contrary, net 339
proceeds from any disposition of real property made pursuant to 340
division (A) (18) of this section shall, at the direction of the 341
director of budget and management, be credited to a fund or 342
funds in the state treasury, or to accounts held by ~~a state~~ an 343
institution of higher education for purposes to be determined by 344
the institution. 345

As used in division (A) (18) of this section, "institution 346
of higher education" has the same meaning as in section 3345.12 347
of the Revised Code. 348

(B) This section and section 125.02 of the Revised Code 349
shall not interfere with any of the following: 350

(1) The power of the adjutant general to purchase military 351
supplies, or with the custody of the adjutant general of 352
property leased, purchased, or constructed by the state and used 353
for military purposes, or with the functions of the adjutant 354
general as director of state armories; 355

(2) The power of the director of transportation in 356
acquiring rights-of-way for the state highway system, or the 357
leasing of lands for division or resident district offices, or 358
the leasing of lands or buildings required in the maintenance 359
operations of the department of transportation, or the purchase 360
of real property for garage sites or division or resident 361
district offices, or in preparing plans and specifications for 362
and constructing such buildings as the director may require in 363
the administration of the department; 364

(3) The power of the director of public safety and the 365
registrar of motor vehicles to purchase or lease real property 366
and buildings to be used solely as locations to which a deputy 367

registrar is assigned pursuant to division (B) of section 368
4507.011 of the Revised Code and from which the deputy registrar 369
is to conduct the deputy registrar's business, the power of the 370
director of public safety to purchase or lease real property and 371
buildings to be used as locations for division or district 372
offices as required in the maintenance of operations of the 373
department of public safety, and the power of the superintendent 374
of the state highway patrol in the purchase or leasing of real 375
property and buildings needed by the patrol, to negotiate the 376
sale of real property owned by the patrol, to rent or lease real 377
property owned or leased by the patrol, and to make or cause to 378
be made repairs to all property owned or under the control of 379
the patrol; 380

(4) The power of the division of liquor control in the 381
leasing or purchasing of retail outlets and warehouse facilities 382
for the use of the division; 383

(5) The power of the director of development to enter into 384
leases of real property, buildings, and office space to be used 385
solely as locations for the state's foreign offices to carry out 386
the purposes of section 122.05 of the Revised Code; 387

(6) The power of the director of environmental protection 388
to enter into environmental covenants, to grant and accept 389
easements, or to sell property pursuant to division (G) of 390
section 3745.01 of the Revised Code; 391

(7) The power of the department of public safety under 392
section 5502.01 of the Revised Code to direct security measures 393
and operations for the Vern Riffe center and the James A. Rhodes 394
state office tower. The department of administrative services 395
shall implement all security measures and operations at the Vern 396
Riffe center and the James A. Rhodes state office tower as 397

directed by the department of public safety. 398

(C) Purchases for, and the custody and repair of, 399
buildings under the management and control of the capitol square 400
review and advisory board, the opportunities for Ohioans with 401
disabilities agency, the bureau of workers' compensation, or the 402
departments of public safety, job and family services, mental 403
health and addiction services, developmental disabilities, and 404
rehabilitation and correction; buildings of educational and 405
benevolent institutions under the management and control of 406
boards of trustees; and purchases or leases for, and the custody 407
and repair of, office space used for the purposes of any agency 408
of the legislative branch of state government are not subject to 409
the control and jurisdiction of the department of administrative 410
services. 411

An agency of the legislative branch of state government 412
that uses office space in a building under the management and 413
control of the department of administrative services may 414
exercise the agency's authority to improve the agency's office 415
space as authorized under this division only if, upon review, 416
the department of administrative services concludes the proposed 417
improvements do not adversely impact the structural integrity of 418
the building. 419

If an agency of the legislative branch of state 420
government, except the capitol square review and advisory board, 421
so requests, the agency and the director of administrative 422
services may enter into a contract under which the department of 423
administrative services agrees to perform any services requested 424
by the agency that the department is authorized under this 425
section to perform. In performing such services, the department 426
shall not use competitive selection. As used in this division, 427

"competitive selection" has the meaning defined in section 428
125.01 of the Revised Code and includes any other type of 429
competitive process for the selection of persons producing or 430
dealing in the services to be provided. 431

(D) Any instrument by which real property is acquired 432
pursuant to this section shall identify the agency of the state 433
that has the use and benefit of the real property as specified 434
in section 5301.012 of the Revised Code. 435

Sec. 3313.6020. (A) (1) Beginning in the 2015-2016 school 436
year, the board of education of each city, local, exempted 437
village, and joint vocational school district shall adopt a 438
policy on career advising that complies with this section. 439
Thereafter, the policy shall be updated at least once every two 440
years. 441

(2) The board shall make the policy publicly available to 442
students, parents, guardians, or custodians, local post- 443
secondary institutions, and residents of the district. The 444
district shall post the policy in a prominent location on its 445
web site, if it has one. 446

(B) The policy on career advising shall specify how the 447
district will do all of the following: 448

(1) Provide students with grade-level examples that link 449
their schoolwork to one or more career fields. A district may 450
use career connections developed under division (B) (2) of 451
section 3301.079 of the Revised Code for this purpose. 452

(2) Create a plan to provide career advising to students 453
in grades six through twelve; 454

(3) Beginning in the 2015-2016 school year, provide 455
additional interventions and career advising for students who 456

are identified as at risk of dropping out of school in 457
accordance with division (C) of this section; 458

(4) Train its employees on how to advise students on 459
career pathways, including training on advising students using 460
online tools; 461

(5) Develop multiple, clear academic pathways through high 462
school that students may choose in order to earn a high school 463
diploma; 464

(6) Identify and publicize courses that can award students 465
both traditional academic and career-technical credit; 466

(7) Document the career advising provided to each student 467
for review by the student, the student's parent, guardian, or 468
custodian, and future schools that the student may attend. A 469
district shall not otherwise release this information without 470
the written consent of the student's parent, guardian, or 471
custodian, if the student is less than eighteen years old, or 472
the written consent of the student, if the student is at least 473
eighteen years old. 474

(8) Prepare students for their transition from high school 475
to their post-secondary destinations, including any special 476
interventions that are necessary for students in need of 477
remediation in mathematics or English language arts; 478

(9) Include information regarding career fields that 479
require an industry-recognized credential, certificate, 480
associate's degree, bachelor's degree, graduate degree, or 481
professional degree; 482

(10) Provide students with information about ways a 483
student may offset the costs of a post-secondary education, 484
including programs such as all of the following: 485

<u>(a) The reserve officer training corps;</u>	486
<u>(b) The college credit plus program established under Chapter 3365. of the Revised Code;</u>	487 488
<u>(c) The Ohio guaranteed transfer pathways initiative established under section 3333.168 of the Revised Code;</u>	489 490
<u>(d) Joint academic programming or dual enrollment opportunities required under section 3333.168 of the Revised Code.</u>	491 492 493
<u>The chancellor of higher education shall develop informational materials that illustrate cost saving estimates for each of the options listed under division (B)(10) of this section. The chancellor shall develop a list of individual college courses that are transferable under section 3333.16 of the Revised Code.</u>	494 495 496 497 498 499
(C) (1) Beginning in the 2015-2016 school year, each district shall identify students who are at risk of dropping out of school using a method that is both research-based and locally-based and that is developed with input from the district's classroom teachers and guidance counselors. If a student is identified as at risk of dropping out of school, the district shall develop a student success plan that addresses the student's academic pathway to a successful graduation and the role of career-technical education, competency-based education, and experiential learning, as appropriate, in that pathway.	500 501 502 503 504 505 506 507 508 509
(2) Prior to developing a student success plan for a student, the district shall invite the student's parent, guardian, or custodian to assist in developing the plan. If the student's parent, guardian, or custodian does not participate in the development of the plan, the district shall provide to the	510 511 512 513 514

parent, guardian, or custodian a copy of the student's success 515
plan and a statement of the importance of a high school diploma 516
and the academic pathways available to the student in order to 517
successfully graduate. 518

(3) Following the development of a student success plan 519
for a student, the district shall provide career advising to the 520
student that is aligned with the plan and, beginning in the 521
2015-2016 school year, the district's plan to provide career 522
advising created under division (B) (2) of this section. 523

(D) (1) Not later than December 1, 2014, the department of 524
education shall develop and post on its web site model policies 525
on career advising and model student success plans. 526

(2) Not later than July 1, 2015, the department shall 527
create an online clearinghouse of research related to proven 528
practices for policies on career advising and student success 529
plans that districts may access when fulfilling the requirements 530
of this section. 531

Sec. 3333.04. The chancellor of higher education shall: 532

(A) Make studies of state policy in the field of higher 533
education and formulate a master plan for higher education for 534
the state, considering the needs of the people, the needs of the 535
state, and the role of individual public and private 536
institutions within the state in fulfilling these needs; 537

(B) (1) Report annually to the governor and the general 538
assembly on the findings from the chancellor's studies and the 539
master plan for higher education for the state; 540

(2) Report at least semiannually to the general assembly 541
and the governor the enrollment numbers at each state-assisted 542
institution of higher education. 543

(C) Approve or disapprove the establishment of new	544
branches or academic centers of state colleges and universities;	545
(D) Approve or disapprove the establishment of state	546
technical colleges or any other state institution of higher	547
education;	548
(E) Recommend the nature of the programs, undergraduate,	549
graduate, professional, state-financed research, and public	550
services which should be offered by the state colleges,	551
universities, and other state-assisted institutions of higher	552
education in order to utilize to the best advantage their	553
facilities and personnel;	554
(F) Recommend to the state colleges, universities, and	555
other state-assisted institutions of higher education graduate	556
or professional programs, including, but not limited to, doctor	557
of philosophy, doctor of education, and juris doctor programs,	558
that could be eliminated because they constitute unnecessary	559
duplication, as shall be determined using the process developed	560
pursuant to this division, or for other good and sufficient	561
cause. Prior to recommending a program for elimination, the	562
chancellor shall request the board of regents to hold at least	563
one public hearing on the matter and advise the chancellor on	564
whether the program should be recommended for elimination. The	565
board shall provide notice of each hearing within a reasonable	566
amount of time prior to its scheduled date. Following the	567
hearing, the board shall issue a recommendation to the	568
chancellor. The chancellor shall consider the board's	569
recommendation but shall not be required to accept it.	570
For purposes of determining the amounts of any state	571
instructional subsidies paid to state colleges, universities,	572
and other state-assisted institutions of higher education, the	573

chancellor may exclude students enrolled in any program that the 574
chancellor has recommended for elimination pursuant to this 575
division except that the chancellor shall not exclude any such 576
student who enrolled in the program prior to the date on which 577
the chancellor initially commences to exclude students under 578
this division. 579

The chancellor and state colleges, universities, and other 580
state-assisted institutions of higher education shall jointly 581
develop a process for determining which existing graduate or 582
professional programs constitute unnecessary duplication. 583

(G) Recommend to the state colleges, universities, and 584
other state-assisted institutions of higher education programs 585
which should be added to their present programs; 586

(H) Conduct studies for the state colleges, universities, 587
and other state-assisted institutions of higher education to 588
assist them in making the best and most efficient use of their 589
existing facilities and personnel; 590

(I) Make recommendations to the governor and general 591
assembly concerning the development of state-financed capital 592
plans for higher education; the establishment of new state 593
colleges, universities, and other state-assisted institutions of 594
higher education; and the establishment of new programs at the 595
existing state colleges, universities, and other institutions of 596
higher education; 597

(J) Review the appropriation requests of the public 598
community colleges and the state colleges and universities and 599
submit to the office of budget and management and to the 600
chairpersons of the finance committees of the house of 601
representatives and of the senate the chancellor's 602

recommendations in regard to the biennial higher education 603
appropriation for the state, including appropriations for the 604
individual state colleges and universities and public community 605
colleges. For the purpose of determining the amounts of 606
instructional subsidies to be paid to state-assisted colleges 607
and universities, the chancellor shall define "full-time 608
equivalent student" by program per academic year. The definition 609
may take into account the establishment of minimum enrollment 610
levels in technical education programs below which support 611
allowances will not be paid. Except as otherwise provided in 612
this section, the chancellor shall make no change in the 613
definition of "full-time equivalent student" in effect on 614
November 15, 1981, which would increase or decrease the number 615
of subsidy-eligible full-time equivalent students, without first 616
submitting a fiscal impact statement to the president of the 617
senate, the speaker of the house of representatives, the 618
legislative service commission, and the director of budget and 619
management. The chancellor shall work in close cooperation with 620
the director of budget and management in this respect and in all 621
other matters concerning the expenditures of appropriated funds 622
by state colleges, universities, and other institutions of 623
higher education. 624

(K) Seek the cooperation and advice of the officers and 625
trustees of both public and private colleges, universities, and 626
other institutions of higher education in the state in 627
performing the chancellor's duties and making the chancellor's 628
plans, studies, and recommendations; 629

(L) Appoint advisory committees consisting of persons 630
associated with public or private secondary schools, members of 631
the state board of education, or personnel of the state 632
department of education; 633

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

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

When considering approval of a new degree or degree program for a state institution of higher education, as defined in section 3345.011 of the Revised Code, the chancellor shall take into account the extent to which the degree or degree program aligns with the state's workforce development priorities.

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

(1) Provision for public notice of the proposed action;

(2) An opportunity for public comment on the proposed	663
action, which may include a public hearing on the action by the	664
board of regents;	665
(3) Methods for parties that may be affected by the	666
proposed action to submit comments during the public comment	667
period;	668
(4) Submission of recommendations from the board of	669
regents regarding the proposed action, at the request of the	670
chancellor;	671
(5) Written publication of the final action taken by the	672
chancellor and the chancellor's rationale for the action;	673
(6) A timeline for the process described in divisions (O)	674
(1) to (5) of this section.	675
(P) Make recommendations to the governor and the general	676
assembly regarding the design and funding of the student	677
financial aid programs specified in sections 3333.12, 3333.122,	678
3333.21 to 3333.26, and 5910.02 of the Revised Code;	679
(Q) Participate in education-related state or federal	680
programs on behalf of the state and assume responsibility for	681
the administration of such programs in accordance with	682
applicable state or federal law;	683
(R) Adopt rules for student financial aid programs as	684
required by sections 3333.12, 3333.122, 3333.21 to 3333.26,	685
3333.28, and 5910.02 of the Revised Code, and perform any other	686
administrative functions assigned to the chancellor by those	687
sections;	688
(S) Conduct enrollment audits of state-supported	689
institutions of higher education;	690

(T) Appoint consortia of college and university personnel 691
to advise or participate in the development and operation of 692
statewide collaborative efforts, including the Ohio 693
supercomputer center, the Ohio academic resources network, 694
OhioLink, and the Ohio learning network. For each consortium, 695
the chancellor shall designate a college or university to serve 696
as that consortium's fiscal agent, financial officer, and 697
employer. Any funds appropriated for the consortia shall be 698
distributed to the fiscal agents for the operation of the 699
consortia. A consortium shall follow the rules of the college or 700
university that serves as its fiscal agent. The chancellor may 701
restructure existing consortia, appointed under this division, 702
in accordance with procedures adopted under divisions (O) (1) to 703
(6) of this section. 704

(U) Adopt rules establishing advisory duties and 705
responsibilities of the board of regents not otherwise 706
prescribed by law; 707

(V) Respond to requests for information about higher 708
education from members of the general assembly and direct staff 709
to conduct research or analysis as needed for this purpose. 710

Sec. 3333.0418. (A) As used in this section, "state 711
institution of higher education" has the same meaning as in 712
section 3345.011 of the Revised Code. 713

(B) The chancellor of higher education annually shall 714
issue, to the extent practicable, a report about the mental 715
health and wellness services and initiatives of state 716
institutions of higher education. The report shall include all 717
of the following: 718

(1) A description of each state institution of higher 719

<u>education's mental health and wellness services and initiatives;</u>	720
<u>(2) A summary of how much funding each state institution</u>	721
<u>of higher education dedicates to mental health and wellness</u>	722
<u>services and initiatives, including the percentage of that</u>	723
<u>funding that is used for administrative costs;</u>	724
<u>(3) Any other information the chancellor determines</u>	725
<u>appropriate.</u>	726
<u>(C) Each state institution of higher education shall</u>	727
<u>submit to the chancellor, in a form and manner prescribed by the</u>	728
<u>chancellor, any information or data the chancellor requires to</u>	729
<u>issue the report prescribed under this section.</u>	730
<u>(D) The chancellor shall submit the report prescribed</u>	731
<u>under this section to the general assembly in accordance with</u>	732
<u>section 101.68 of the Revised Code.</u>	733
<u>(E) The chancellor may adopt rules to implement this</u>	734
<u>section.</u>	735
<u>Sec. 3333.073. The chancellor of higher education may</u>	736
<u>require a state institution of higher education, as defined in</u>	737
<u>section 3345.011 of the Revised Code, to conduct a viability</u>	738
<u>analysis of any program offered at that institution and submit</u>	739
<u>the findings of the analysis to the chancellor, if the</u>	740
<u>chancellor determines that the program has a low completion</u>	741
<u>rate, low enrollment rate, or meets other criteria determined</u>	742
<u>relevant by the chancellor. The chancellor may adopt rules to</u>	743
<u>implement this section.</u>	744
<u>Sec. 3333.122. (A) The chancellor of higher education</u>	745
<u>shall adopt rules to carry out this section and as authorized</u>	746
<u>under section 3333.123 of the Revised Code. The rules shall</u>	747
<u>include definitions of the terms "resident," "expected family</u>	748

contribution," "full-time student," "three-quarters-time student," "half-time student," "one-quarter-time student," "state cost of attendance," and "accredited" for the purpose of those sections.

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

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

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

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

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

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

(d) A comprehensive transition and postsecondary program 778
that is certified by the United States department of education. 779
For purposes of this section, a "comprehensive transition and 780
postsecondary program" means a degree, certificate, or non- 781
degree program that is designed to support persons with 782
intellectual disabilities who are receiving academic, career, 783
technical, and independent living instruction at an institution 784
of higher education in order to prepare for gainful employment 785
as defined in 20 U.S.C. 1140. 786

(C) (1) The chancellor shall establish and administer a 787
needs-based financial aid grants program based on the United 788
States department of education's method of determining financial 789
need. The program shall be known as the Ohio college opportunity 790
grant program. The general assembly shall support the needs- 791
based financial aid program by such sums and in such manner as 792
it may provide, but the chancellor also may receive funds from 793
other sources to support the program. If, for any academic year, 794
the amounts available for support of the program are inadequate 795
to provide grants to all eligible students, the chancellor shall 796
do one of the following: 797

(a) Give preference in the payment of grants based upon 798
expected family contribution, beginning with the lowest expected 799
family contribution category and proceeding upward by category 800
to the highest expected family contribution category; 801

(b) Proportionately reduce the amount of each grant to be 802
awarded for the academic year under this section; 803

(c) Use an alternate formula for such grants that 804
addresses the shortage of available funds and has been submitted 805
to and approved by the controlling board. 806

(2) The needs-based financial aid grant shall be paid to 807
the eligible student through the institution in which the 808
student is enrolled, except that no needs-based financial aid 809
grant shall be paid to any person serving a term of 810
imprisonment. Applications for the grants shall be made as 811
prescribed by the chancellor, and such applications may be made 812
in conjunction with and upon the basis of information provided 813
in conjunction with student assistance programs funded by 814
agencies of the United States government or from financial 815
resources of the institution of higher education. The 816
institution shall certify that the student applicant meets the 817
requirements set forth in division (B) of this section. Needs- 818
based financial aid grants shall be provided to an eligible 819
student only as long as the student is making appropriate 820
progress toward a nursing diploma, an associate or bachelor's 821
degree, or completion of a comprehensive transition and 822
postsecondary program. No student shall be eligible to receive a 823
grant for more than ten semesters, fifteen quarters, or the 824
equivalent of five academic years. A grant made to an eligible 825
student on the basis of less than full-time enrollment shall be 826
based on the number of credit hours for which the student is 827
enrolled and shall be computed in accordance with a formula 828
adopted by rule issued by the chancellor. No student shall 829
receive more than one grant on the basis of less than full-time 830
enrollment. 831

(D) (1) Except as provided in divisions (D) (4) and (5) of 832
this section, no grant awarded under this section shall exceed 833
the total state cost of attendance. 834

(2) Subject to divisions (D) (1), (3), (4), and (5) of this 835
section, the chancellor shall determine the maximum per student 836
award amount for each institutional sector by subtracting the 837

sum of the maximum Pell grant and maximum expected family 838
contribution amounts, as determined by the chancellor, from the 839
average instructional and general fees charged by the 840
institutional sector. The department of higher education shall 841
publish on its web site an annual Ohio college opportunity award 842
table. ~~In~~ Except as provided for in section 3333.126 of the 843
Revised Code, in no case, shall the grant amount for such a 844
student exceed any maximum that the chancellor may set by rule. 845

(3) For a student enrolled for a semester or quarter in 846
addition to the portion of the academic year covered by a grant 847
under this section, the maximum grant amount shall be a 848
percentage of the maximum specified in any table established in 849
rules adopted by the chancellor as provided in division (A) of 850
this section. The maximum grant for a fourth quarter shall be 851
one-third of the maximum amount so prescribed. The maximum grant 852
for a third semester shall be one-half of the maximum amount so 853
prescribed. 854

(4) If a student is enrolled in a two-year institution of 855
higher education and is eligible for an education and training 856
voucher through the Ohio education and training voucher program 857
that receives federal funding under the John H. Chafee foster 858
care independence program, 42 U.S.C. 677, the amount of a grant 859
awarded under this section may exceed the total state cost of 860
attendance to additionally cover housing costs. 861

(5) For a student who is receiving federal veterans' 862
benefits under the "All-Volunteer Force Educational Assistance 863
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 864
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 865
successor program, the amount of a grant awarded under this 866
section shall be applied toward the total state cost of 867

attendance and the student's housing costs and living expenses. 868
Living expenses shall include reasonable costs for room and 869
board. 870

(E) No grant shall be made to any student in a course of 871
study in theology, religion, or other field of preparation for a 872
religious profession unless such course of study leads to an 873
accredited bachelor of arts, bachelor of science, associate of 874
arts, or associate of science degree. 875

(F) (1) Except as provided in division (F) (2) of this 876
section, no grant shall be made to any student for enrollment 877
during a fiscal year in an institution with a cohort default 878
rate determined by the United States secretary of education 879
pursuant to the "Higher Education Amendments of 1986," 100 Stat. 880
1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth 881
day of June preceding the fiscal year, equal to or greater than 882
thirty per cent for each of the preceding two fiscal years. 883

(2) Division (F) (1) of this section does not apply in the 884
case of either of the following: 885

(a) The institution pursuant to federal law appeals its 886
loss of eligibility for federal financial aid and the United 887
States secretary of education determines its cohort default rate 888
after recalculation is lower than the rate specified in division 889
(F) (1) of this section or the secretary determines due to 890
mitigating circumstances that the institution may continue to 891
participate in federal financial aid programs. The chancellor 892
shall adopt rules requiring any such appellant to provide 893
information to the chancellor regarding an appeal. 894

(b) Any student who has previously received a grant 895
pursuant to any provision of this section, including prior to 896

the section's amendment by H.B. 1 of the 128th general assembly, 897
effective July 17, 2009, and who meets all other eligibility 898
requirements of this section. 899

(3) The chancellor shall adopt rules for the notification 900
of all institutions whose students will be ineligible to 901
participate in the grant program pursuant to division (F)(1) of 902
this section. 903

(4) A student's attendance at any institution whose 904
students are ineligible for grants due to division (F)(1) of 905
this section shall not affect that student's eligibility to 906
receive a grant when enrolled in another institution. 907

(G) Institutions of higher education that enroll students 908
receiving needs-based financial aid grants under this section 909
shall report to the chancellor all students who have received 910
such needs-based financial aid grants but are no longer eligible 911
for all or part of those grants and shall refund any moneys due 912
the state within thirty days after the beginning of the quarter 913
or term immediately following the quarter or term in which the 914
student was no longer eligible to receive all or part of the 915
student's grant. There shall be an interest charge of one per 916
cent per month on all moneys due and payable after such thirty- 917
day period. The chancellor shall immediately notify the office 918
of budget and management and the legislative service commission 919
of all refunds so received. 920

Sec. 3333.126. (A) As used in this section, "eligible 921
student" means a student to whom all of the following apply: 922

(1) The student receives an Ohio college opportunity grant 923
under section 3333.122 of the Revised Code. 924

(2) The student has completed at least two years of a 925

<u>bachelor's degree program.</u>	926
<u>(3) The student is making progress toward completing the student's bachelor's degree program.</u>	927
<u>(B) In addition to the Ohio college opportunity grant a student is awarded under section 3333.122 of the Revised Code, the chancellor shall award an eligible student with a supplemental grant. Funding for this supplemental grant shall be paid for from funds appropriated for grants awarded under section 3333.122 of the Revised Code. Supplemental grants awarded under this section shall be subject to the same requirements as a grant awarded under section 3333.122 of the Revised Code, including divisions (D)(1) and (E) of that section.</u>	929
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<u>The chancellor shall award supplemental grants under this section only if the chancellor determines that sufficient funds remain for that purpose after the chancellor awards grants under section 3333.122 of the Revised Code.</u>	939
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<u>(C) The chancellor shall adopt rules to implement this section. The rules shall include a method to calculate supplemental grant amounts.</u>	943
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<u>Sec. 3333.127. (A) As used in this section:</u>	946
<u>(1) "Cost of attendance" has the same meaning as in 20 U.S.C. 108711.</u>	947
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<u>(2) "Eligible student" means a student to whom all of the following apply:</u>	949
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<u>(a) The student is a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code.</u>	951
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(b) The student has not attained a bachelor's degree from a qualifying institution or an institution of higher education in another state prior to applying for a grant under this section. 954
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(c) The student, while in good standing, disenrolled from a qualifying institution and did not transfer to a qualifying institution or an institution of higher education in another state in the two semesters immediately following the student's disenrollment. For the purposes of this division, "good standing" includes being in good academic standing and not having a record of disciplinary issues, including being suspended or expelled from the qualifying institution. 958
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(d) Subject to division (A) (2) (c) of this section, the student enrolls in a qualifying institution within five years of disenrolling from the qualifying institution. 966
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(e) The student is not enrolled in the college credit plus program established under Chapter 3365. of the Revised Code. 969
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(f) The student meets any other eligibility criteria determined necessary by the chancellor. 971
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(3) "Qualifying institution" means any of the following: 973

(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code; 974
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(b) A private nonprofit institution of higher education that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code; 976
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(c) An institution with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code; 979
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(d) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code; 982
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(e) An Ohio technical center, as defined in section 3333.94 of the Revised Code. 985
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(B) The chancellor shall establish the second chance grant program. Under the program, the chancellor shall award a one-time grant of not more than two thousand dollars to each eligible student approved to participate in the program. 987
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(C) Eligible students shall apply to participate in the program in a form and manner prescribed by the chancellor. The chancellor shall approve each applicant who is enrolled in a qualifying institution and who has a cost of attendance remaining for the academic year in which the application is approved after all other financial aid for which that applicant qualifies has been applied to the applicant's account at the institution. The chancellor shall approve applications in the order in which they are received. 991
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(D) The chancellor shall pay grants to the qualifying institution in which a participant is enrolled in the academic year in which the participant's application is approved. The qualifying institution shall apply the grant to a participant's cost of attendance for that academic year. If any amount of the grant remains after it is applied to the participant's cost of attendance for that year, the qualifying institution shall apply that remaining amount to the participant's cost of attendance for any other academic year in which the student is enrolled in the institution. The qualifying institution shall return to the chancellor any grant amount remaining after a participant graduates or disenrolls from the institution. 1000
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(E) In each academic year, the chancellor shall submit to the general assembly, in accordance with section 101.68 of the Revised Code, a report that contains all of the following: 1012
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(1) The number of eligible students participating in the program who received a grant in that academic year; 1015
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(2) The qualifying institutions from which the participants disenrolled, as described in division (A) (2) (c) of this section; 1017
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(3) The types of academic programs in which the participants were enrolled prior to disenrolling from qualifying institutions; 1020
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(4) The types of academic programs in which participants were enrolled when they received grants under the program; 1023
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(5) Information regarding how the grants were used; 1025

(6) If the participant completed a degree program with the grant. 1026
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(F) The second chance grant program fund is hereby created in the state treasury, to consist of such amounts designated for the purposes of the fund by the general assembly. The fund shall be administered by the chancellor and shall be used to pay grants under the program established under this section. The fund also may be used by the chancellor to implement and administer the second chance grant program. 1028
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(G) The chancellor shall adopt rules to administer the program. 1035
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Sec. 3333.168. (A) As used in this section: 1037

(1) "Community college" means a community college 1038

established under Chapter 3354., a technical college established 1039
under Chapter 3357., or a state community college established 1040
under Chapter 3358. of the Revised Code. 1041

(2) "Dual enrollment" means concurrent enrollment by an 1042
individual at both a state university and a community college. 1043

(3) "Guaranteed pathway" means an articulation or transfer 1044
agreement included in the initiative established under this 1045
section that a state university and community college enter into 1046
in accordance with the policies and procedures adopted under 1047
section 3333.16 of the Revised Code. 1048

(4) "Joint academic programming" means a structured 1049
pathway curriculum agreement that permits an individual to 1050
attain a specific degree that has been jointly developed by at 1051
least one community college and at least one state university. 1052

(5) "State university" has the same meaning as in section 1053
3345.011 of the Revised Code. 1054

(B) Pursuant to section 3333.16 of the Revised Code, the 1055
chancellor of higher education shall establish the Ohio 1056
guaranteed transfer pathways initiative. Each state university 1057
shall participate in the initiative. Under the initiative, a 1058
student shall be permitted to do both of the following: 1059

(1) Complete an associate's degree at a community college 1060
and transfer those credits to a state university to continue 1061
making progress toward a bachelor's degree; 1062

(2) Transfer credits from a community college to a state 1063
university, regardless of the geographic proximity between the 1064
college and university. 1065

(C) Each state university shall enter into agreements with 1066

multiple community colleges to establish both joint academic 1067
programming and dual enrollment opportunities to assist students 1068
in completing their degrees in a timely and cost-effective 1069
manner. 1070

(D) Each community college and state university annually 1071
shall report to the Ohio articulation and transfer network 1072
oversight board established by the chancellor the number of 1073
guaranteed pathways and joint academic programming or dual 1074
enrollment opportunities the college or university offers. The 1075
oversight board shall compile that reported information and 1076
provide a summary of it to the chancellor. That summary shall 1077
include both of the following: 1078

(1) Confirmation that each community college and state 1079
university is in compliance with the requirements prescribed 1080
under this section; 1081

(2) Any recommendations necessary to enhance and 1082
strengthen the guaranteed pathways and joint academic 1083
programming or dual enrollment opportunities offered by 1084
community colleges and state universities. 1085

(E) The chancellor shall adopt rules to implement this 1086
section. 1087

Sec. 3345.024. (A) Beginning in the academic year that 1088
follows the effective date of this section, each state 1089
institution of higher education, as defined in section 3345.011 1090
of the Revised Code, annually shall prepare and post on its 1091
publicly accessible web site a report that includes at least all 1092
of the following information, to the extent practicable: 1093

(1) An itemized list of the estimated or actual charges of 1094
the instructional fees, general fees, special purpose fees, 1095

service charges, fines, and other fees or surcharges applicable 1096
to enrolled students; 1097

(2) The estimated or actual average cost of attendance; 1098

(3) Student degree completion rates; 1099

(4) Post-graduation student debt rates; 1100

(5) Post-graduation student loan default rates; 1101

(6) Post-graduation employment rates of students. 1102

(B) Each state institution of higher education annually 1103
shall submit to the chancellor of higher education, in a form 1104
and manner prescribed by the chancellor, the report prescribed 1105
under division (A) of this section. The chancellor shall post 1106
each report on the chancellor's web site. 1107

(C) The chancellor may adopt rules to implement this 1108
section. 1109

Sec. 3345.028. No state institution of higher education, 1110
as defined in section 3345.011 of the Revised Code, shall charge 1111
an additional fee to a student for an employee of the 1112
university, or an entity contracting with the institution, to 1113
complete any academic activity associated with regular 1114
coursework, including grading student assignments. 1115

Sec. 3345.0212. (A) Except as permitted by this section 1116
and sections 3345.0213 and 3345.12 of the Revised Code, no state 1117
institution of higher education, or any of its administrators 1118
acting in their official capacity, shall prohibit any individual 1119
from engaging in noncommercial expressive activity on campus, so 1120
long as the individual's conduct is lawful and does not 1121
materially and substantially disrupt the functioning of the 1122
institution. 1123

(B) No state institution of higher education shall charge 1124
security fees to a student or a student group based on the 1125
content of their expression, the content of the expression of 1126
their invited guest, or the anticipated reaction to an invited 1127
guest's expression. 1128

(C) Each state institution of higher education shall do 1129
all of the following: 1130

(1) Adopt a policy on harassment that is consistent with 1131
and adheres strictly to its definition in section 3345.0211 of 1132
the Revised Code; 1133

(2) Make public in its handbook, on its web site, and in 1134
its orientation programs for students the policies, regulations, 1135
and expectations of students regarding free expression on 1136
campus, including the state institution's policy adopted under 1137
section 3345.0215 of the Revised Code; 1138

(3) Develop and distribute materials, programs, and 1139
procedures to individuals responsible for the education or 1140
discipline of students, such as administrators, campus police 1141
officers, residence life officials, and professors, to inform 1142
them of the policies, regulations, and duties of the institution 1143
regarding free expression on campus. 1144

(D) (1) Nothing in this section shall be interpreted as 1145
preventing state institutions of higher education from 1146
restricting expressive activities that the First Amendment to 1147
the United States Constitution or Article I, Sections 3 and 11 1148
of the Ohio Constitution does not protect. 1149

(2) Nothing in this section shall enable individuals to 1150
engage in conduct that intentionally, materially, and 1151
substantially disrupts another individual's expressive activity 1152

if it occurs in a campus space reserved for exclusive use or 1153
control of a particular individual or group. 1154

Sec. 3345.0215. (A) As used in this section: 1155

(1) "Constitutional time, place, and manner restrictions" 1156
means restrictions on the time, place, and manner of free speech 1157
that do not violate the First Amendment to the United States 1158
Constitution or Article I, Sections 3 and 11 of the Ohio 1159
Constitution that are reasonable, content- and viewpoint- 1160
neutral, narrowly tailored to satisfy a significant 1161
institutional interest, and leave open ample alternative 1162
channels for the communication of the information or message to 1163
its intended audience. 1164

(2) "Faculty" or "faculty member" means any person, 1165
whether or not the person is compensated by a state institution 1166
of higher education, and regardless of political affiliation, 1167
who is tasked with providing scholarship, academic research, or 1168
teaching. For purposes of this part, the term "faculty" includes 1169
tenured and nontenured professors, adjunct professors, visiting 1170
professors, lecturers, graduate student instructors, and those 1171
in comparable positions, however titled. For purposes of this 1172
section, the term "faculty" does not include persons whose 1173
primary responsibilities are administrative or managerial. 1174

(3) "Free speech" means speech, expression, or assemblies 1175
protected by the First Amendment to the United States 1176
Constitution or Article I, Sections 3 and 11 of the Ohio 1177
Constitution, verbal or written, including, but not limited to, 1178
all forms of peaceful assembly, protests, demonstrations, 1179
rallies, vigils, marches, public speaking, distribution of 1180
printed materials, carrying signs, displays, or circulating 1181
petitions. "Free speech" does not include the promotion, sale, 1182

or distribution of any product or service. 1183

(4) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 1184
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(5) "Student" has the same meaning as in section 3345.0211 of the Revised Code, except that "student" also includes "student group." 1186
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(6) "Student group" has the same meaning as in section 3345.0211 of the Revised Code. 1189
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(B) In addition to complying with sections 3345.0212 to 3345.0214 of the Revised Code, each state institution of higher education board of trustees shall adopt a policy that affirms the following principles, which are the public policy of this state: 1191
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(1) Students have a fundamental constitutional right to free speech. 1196
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(2) A state institution of higher education shall be committed to giving students broad latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to division (E) of this section. 1198
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(3) A state institution of higher education shall be committed to maintaining a campus as a marketplace of ideas for all students and all faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of the institution's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed. 1202
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(4) It is for a state institution of higher education's individual students and faculty to make judgments about ideas 1209
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for themselves, and to act on those judgments not by seeking to 1211
suppress free speech, but by openly and vigorously contesting 1212
the ideas that they oppose. 1213

(5) It is not the proper role of a state institution of 1214
higher education to attempt to shield individuals from free 1215
speech, including ideas and opinions they find offensive, 1216
unwise, immoral, indecent, disagreeable, conservative, liberal, 1217
traditional, radical, or wrong-headed. 1218

(6) Although a state institution of higher education 1219
should greatly value civility and mutual respect, concerns about 1220
civility and mutual respect shall never be used by an 1221
institution as a justification for closing off the discussion of 1222
ideas, however offensive, unwise, immoral, indecent, 1223
disagreeable, conservative, liberal, traditional, radical, or 1224
wrong-headed those ideas may be to some students or faculty. 1225

(7) Although all students and all faculty are free to 1226
state their own views about and contest the views expressed on 1227
campus, and to state their own views about and contest speakers 1228
who are invited to express their views on the campus of a state 1229
institution of higher education, they may not substantially 1230
obstruct or otherwise substantially interfere with the freedom 1231
of others to express views they reject or even loathe. To this 1232
end, a state institution of higher education has a 1233
responsibility to promote a lively and fearless freedom of 1234
debate and deliberation and protect that freedom. 1235

(8) A state institution of higher education shall be 1236
committed to providing an atmosphere that is most conducive to 1237
speculation, experimentation, and creation by all students and 1238
all faculty, who shall always remain free to inquire, to study 1239
and to evaluate, and to gain new understanding. 1240

(9) The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence. 1241
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(C) Each board of trustees shall establish a process under which a student, student group, or faculty member may submit a complaint about an alleged violation by an employee of the state institution of higher education of the policy established under this section, including any penalty imposed on a student's grade for an assignment or coursework that is unrelated to ordinary academic standards of substance and relevance, including any legitimate pedagogical concerns, and is instead based on the contents of student's free speech. The process shall comply with standards adopted by the chancellor of higher education. 1245
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Under the process, the state institution of higher education shall investigate the alleged violation and conduct a fair and impartial hearing regarding the alleged violation. If the hearing determines the state institution of higher education's policy was violated, the board of trustees shall determine a resolution to address the violation and prevent any further violation of the state institution of higher education's policy. 1255
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(D) Each state institution of higher education annually shall report to the chancellor, in a form and manner prescribed by the chancellor, both of the following regarding complaints submitted in the academic year under the process prescribed under division (C) of this section: 1263
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(1) The total number of submitted complaints; 1268

(2) For each submitted complaint, a description of all of 1269

<u>the following:</u>	1270
<u>(a) The state institution's investigation regarding the complaint;</u>	1271 1272
<u>(b) The outcome of the hearing conducted by the state institution regarding the complaint;</u>	1273 1274
<u>(c) If the hearing determines the state institution's policy was violated, the resolution determined by the board of trustees to address that violation.</u>	1275 1276 1277
<u>(E) Nothing contained in this section shall be construed as prohibiting a state institution of higher education from imposing measures that do not violate the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution such as:</u>	1278 1279 1280 1281 1282
<u>(1) Constitutional time, place, and manner restrictions;</u>	1283
<u>(2) Reasonable and viewpoint-neutral restrictions in nonpublic forums;</u>	1284 1285
<u>(3) Restricting the use of the state institution's property to protect the free speech rights of students and teachers and preserve the use of the property for the advancement of the institution's mission;</u>	1286 1287 1288 1289
<u>(4) Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution;</u>	1290 1291 1292 1293
<u>(5) Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by teachers.</u>	1294 1295 1296

(F) Nothing in this section shall be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum. 1297
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Sec. 3345.064. (A) As used in this section: 1300

(1) "Ohio resident" means a resident of this state under rules adopted by the chancellor of higher education under section 3333.31 of the Revised Code. 1301
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(2) "State university" has the same meaning as in section 3345.011 of the Revised Code. 1304
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(B) Each state university shall endeavor to avoid prioritizing the admission of an applicant who is not an Ohio resident over an applicant who is an Ohio resident if both applicants apply in the same general timeframe, as determined by the university, and have substantially similar qualifications that satisfy the university's admissions criteria. To the extent practicable, a state university shall ensure that Ohio resident applicants are given ample and sufficient opportunity to be admitted, as compared to applicants who are not Ohio residents, if the Ohio resident applicants satisfy the university's admissions criteria. 1306
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Sec. 3345.21. The board of trustees of any college or university which receives any state funds in support thereof, shall regulate the use of the grounds, buildings, equipment, and facilities of such college or university and the conduct of the students, staff, faculty, and visitors to the campus so that law and order are maintained and the college or university may pursue its educational objectives and programs in an orderly manner. 1317
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The board of trustees of each such college or university 1325

shall adopt rules for the conduct of the students, faculty, 1326
visitors, and staff, and may provide for the ejection from 1327
college or university property, suspension or expulsion of a 1328
person who violates such regulations. All such rules shall be 1329
published in a manner reasonably designed to come to the 1330
attention of, and be available to, all faculty, staff, visitors, 1331
and students. 1332

The board of trustees shall provide for the administration 1333
and enforcement of its rules and may authorize the use of state 1334
university law enforcement officers provided for in section 1335
3345.04 of the Revised Code to assist in enforcing the rules and 1336
the law on the campus of the college or university. The board of 1337
trustees, or appropriate officials of such college or university 1338
when the authority to do so has been delegated by the board of 1339
trustees, may seek the assistance of other appropriate law 1340
enforcement officers to enforce the rules and to enforce laws 1341
for the preservation of good order on the campus, and to prevent 1342
the disruption of the educational functions of the college or 1343
university. 1344

In accordance with ~~section~~ sections 3345.0213 and 1345
3345.0215 of the Revised Code, the rules of the board of 1346
trustees shall not restrict freedom of speech nor the right of 1347
persons on the campus to assemble peacefully. 1348

Sec. 3345.241. Except as provided in sections 3345.22 to 1349
3345.24 of the Revised Code, a state university, as defined in 1350
section 3345.011 of the Revised Code, shall provide a student 1351
who is subject to a disciplinary action by the university with a 1352
notice of the disciplinary action, the reasons for that 1353
disciplinary action, and the student's right to appeal the 1354
disciplinary action under this section. If the student elects to 1355

appeal the disciplinary action, the state university shall 1356
afford the student with a fair and impartial hearing within a 1357
reasonable time thereafter under regular procedures of the state 1358
university. 1359

Sec. 3345.35. Not later than ~~December 31, 2017~~ September 1360
1, 2022, and by the first day of September of every ~~fifth~~ third 1361
year thereafter, the board of trustees of each state institution 1362
of higher education, as defined in section 3345.011 of the 1363
Revised Code, shall evaluate all courses and programs the 1364
institution offers based on enrollment and duplication of its 1365
courses and programs with those of other state institutions of 1366
higher education within a geographic region, as determined by 1367
the chancellor of higher education. For courses and programs 1368
with low enrollment, as defined by the chancellor, the board of 1369
trustees shall provide a summary of recommended actions, 1370
including consideration of collaboration with other state 1371
institutions of higher education. For duplicative programs, as 1372
defined by the chancellor, the board of trustees shall evaluate 1373
the benefits of collaboration with other institutions of higher 1374
education to deliver the program. 1375

Each board of trustees shall submit its findings under 1376
this section to the chancellor not later than thirty days after 1377
the completion of the evaluations or as part of submitting the 1378
annual efficiency report required pursuant to section 3333.95 of 1379
the Revised Code. ~~For the findings required to be submitted by~~ 1380
~~December 31, 2017, a board of trustees may submit the additional~~ 1381
~~information required under this section as amended by this act,~~ 1382
~~as an addendum to the findings the board submitted prior to~~ 1383
~~January 1, 2016, under former law.~~ 1384

Sec. 3345.381. A state institution of higher education, as 1385

defined in section 3345.011 of the Revised Code, shall accept 1386
and provide credit for coursework in the same manner across all 1387
instructional models, except in the case of courses that require 1388
in-person observations and experiences, such as laboratories and 1389
clinicals, which may necessitate instruction through an in- 1390
person component rather than online instruction. 1391

Sec. 3345.461. A state institution of higher education, as 1392
defined in section 3345.011 of the Revised Code, shall not 1393
charge more in general and instructional fees for an online 1394
course than for a course taught in an in-person, classroom 1395
setting. Special fees charged for an online course at a state 1396
institution of higher education, if applicable, shall be based 1397
on the actual demonstrated cost incurred by the institution to 1398
provide those courses. 1399

Sec. 3345.481. (A) As used in this section: 1400

(1) "Eligible student" means an undergraduate student 1401
enrolled in a bachelor's degree program at a state institution 1402
of higher education. 1403

(2) "~~Final-year~~ two academic years" means the last two 1404
academic year-years of full-time study that a bachelor's degree 1405
program is typically designed to require, as determined by the 1406
chancellor of higher education. 1407

(3) "Requisite course" means a course that is necessary to 1408
complete an eligible student's bachelor's degree program, but 1409
that is not a general elective. 1410

~~(3)~~ (4) "State institution of higher education" has the 1411
same meaning as in section 3345.011 of the Revised Code. 1412

(B) The board of trustees of a state institution of higher 1413
education shall ~~waive an eligible student's general and~~ 1414

~~instructional fees for a course necessary to complete the~~ 1415
~~student's bachelor's degree program if provide an eligible~~ 1416
~~student with an accommodation prescribed under division (C) of~~ 1417
~~this section if that student was unable to register for a~~ 1418
~~requisite course in one of the student's final two academic~~ 1419
~~years and all of the following apply:~~ 1420

(1) ~~The necessary course is not a general elective~~ 1421
~~eligible student has not completed the requisite course prior to~~ 1422
~~that academic year.~~ 1423

(2) The eligible student was enrolled full time, as 1424
defined by the chancellor, in ~~the student's final year~~that 1425
academic year. 1426

(3) The eligible student was unable to register for the 1427
~~necessary requisite course in the student's final that academic~~ 1428
year because of either of the following: 1429

(a) The course was not offered by the state institution of 1430
higher education ~~in the eligible student's final year.~~ 1431

(b) Circumstances beyond the eligible student's control 1432
made registration for the ~~necessary~~ course unfeasible, as 1433
determined by the chancellor. 1434

(4) The eligible student successfully paid all general and 1435
instructional fees and did not receive a refund for the courses 1436
for which the student registered in ~~the student's final that~~ 1437
academic year at the start of that year. 1438

(5) ~~The eligible student successfully registers for the~~ 1439
~~necessary course in the next academic year in which the course~~ 1440
~~is offered.~~ 1441

~~(6)~~The eligible student did not enroll in the maximum 1442

amount of credit hours in ~~the student's final~~ that academic 1443
year, as determined by the state institution of higher 1444
education. 1445

(C) ~~Qualifying for~~ A board of trustees shall offer an 1446
eligible student described in division (B) of this section one 1447
of the following accommodations: 1448

(1) The board of trustees shall waive the eligible 1449
student's general and instructional fees for the requisite 1450
course if the student successfully registers for that course in 1451
the next academic year in which the course is offered. However, 1452
a waiver of fees ~~under division (B) of this section~~ shall not 1453
grant an eligible student guaranteed or priority registration 1454
for ~~the necessary~~ that course described in that division. 1455

(2) The board of trustees shall reimburse the eligible 1456
student for any general and instructional fees the student paid 1457
in order to register for a course equivalent to the requisite 1458
course that is offered by an institution of higher education 1459
with a similar accreditation. To qualify for a reimbursement, 1460
the student must have registered for the equivalent course in 1461
the academic year in which the student was unable to register 1462
for the requisite course. 1463

(3) The board of trustees shall permit the eligible 1464
student to complete an independent study that meets specified 1465
guidelines in lieu of the requisite course in order to meet the 1466
requirements of the student's bachelor's degree program. 1467

(D) The chancellor shall establish rules to implement this 1468
section. 1469

Sec. 5727.75. (A) For purposes of this section: 1470

(1) "Qualified energy project" means an energy project 1471

certified by the director of development pursuant to this 1472
section. 1473

(2) "Energy project" means a project to provide electric 1474
power through the construction, installation, and use of an 1475
energy facility. 1476

(3) "Alternative energy zone" means a county declared as 1477
such by the board of county commissioners under division (E) (1) 1478
(b) or (c) of this section. 1479

(4) "Full-time equivalent employee" means the total number 1480
of employee-hours for which compensation was paid to individuals 1481
employed at a qualified energy project for services performed at 1482
the project during the calendar year divided by two thousand 1483
eighty hours. 1484

(5) "Solar energy project" means an energy project 1485
composed of an energy facility using solar panels to generate 1486
electricity. 1487

(6) "Internet identifier of record" has the same meaning 1488
as in section 9.312 of the Revised Code. 1489

(B) (1) Tangible personal property of a qualified energy 1490
project using renewable energy resources is exempt from taxation 1491
for tax years 2011 through 2025 if all of the following 1492
conditions are satisfied: 1493

(a) On or before December 31, 2024, the owner or a lessee 1494
pursuant to a sale and leaseback transaction of the project 1495
submits an application to the power siting board for a 1496
certificate under section 4906.20 of the Revised Code, or if 1497
that section does not apply, submits an application for any 1498
approval, consent, permit, or certificate or satisfies any 1499
condition required by a public agency or political subdivision 1500

of this state for the construction or initial operation of an 1501
energy project. 1502

(b) Construction or installation of the energy facility 1503
begins on or after January 1, 2009, and before January 1, 2025. 1504
For the purposes of this division, construction begins on the 1505
earlier of the date of application for a certificate or other 1506
approval or permit described in division (B) (1) (a) of this 1507
section, or the date the contract for the construction or 1508
installation of the energy facility is entered into. 1509

(c) For a qualified energy project with a nameplate 1510
capacity of twenty megawatts or greater, a board of county 1511
commissioners of a county in which property of the project is 1512
located has adopted a resolution under division (E) (1) (b) or (c) 1513
of this section to approve the application submitted under 1514
division (E) of this section to exempt the property located in 1515
that county from taxation. A board's adoption of a resolution 1516
rejecting an application or its failure to adopt a resolution 1517
approving the application does not affect the tax-exempt status 1518
of the qualified energy project's property that is located in 1519
another county. 1520

(2) If tangible personal property of a qualified energy 1521
project using renewable energy resources was exempt from 1522
taxation under this section beginning in any of tax years 2011 1523
through 2025, and the certification under division (E) (2) of 1524
this section has not been revoked, the tangible personal 1525
property of the qualified energy project is exempt from taxation 1526
for tax year 2026 and all ensuing tax years if the property was 1527
placed into service before January 1, 2026, as certified in the 1528
construction progress report required under division (F) (2) of 1529
this section. Tangible personal property that has not been 1530

placed into service before that date is taxable property subject 1531
to taxation. An energy project for which certification has been 1532
revoked is ineligible for further exemption under this section. 1533
Revocation does not affect the tax-exempt status of the 1534
project's tangible personal property for the tax year in which 1535
revocation occurs or any prior tax year. 1536

(C) Tangible personal property of a qualified energy 1537
project using clean coal technology, advanced nuclear 1538
technology, or cogeneration technology is exempt from taxation 1539
for the first tax year that the property would be listed for 1540
taxation and all subsequent years if all of the following 1541
circumstances are met: 1542

(1) The property was placed into service before January 1, 1543
2021. Tangible personal property that has not been placed into 1544
service before that date is taxable property subject to 1545
taxation. 1546

(2) For such a qualified energy project with a nameplate 1547
capacity of twenty megawatts or greater, a board of county 1548
commissioners of a county in which property of the qualified 1549
energy project is located has adopted a resolution under 1550
division (E) (1) (b) or (c) of this section to approve the 1551
application submitted under division (E) of this section to 1552
exempt the property located in that county from taxation. A 1553
board's adoption of a resolution rejecting the application or 1554
its failure to adopt a resolution approving the application does 1555
not affect the tax-exempt status of the qualified energy 1556
project's property that is located in another county. 1557

(3) The certification for the qualified energy project 1558
issued under division (E) (2) of this section has not been 1559
revoked. An energy project for which certification has been 1560

revoked is ineligible for exemption under this section. 1561
Revocation does not affect the tax-exempt status of the 1562
project's tangible personal property for the tax year in which 1563
revocation occurs or any prior tax year. 1564

(D) Except as otherwise provided in this section, real 1565
property of a qualified energy project is exempt from taxation 1566
for any tax year for which the tangible personal property of the 1567
qualified energy project is exempted under this section. 1568

(E) (1) (a) A person may apply to the director of 1569
development for certification of an energy project as a 1570
qualified energy project on or before the following dates: 1571

(i) December 31, 2024, for an energy project using 1572
renewable energy resources; 1573

(ii) December 31, 2017, for an energy project using clean 1574
coal technology, advanced nuclear technology, or cogeneration 1575
technology. 1576

(b) The director shall forward a copy of each application 1577
for certification of an energy project with a nameplate capacity 1578
of twenty megawatts or greater to the board of county 1579
commissioners of each county in which the project is located and 1580
to each taxing unit with territory located in each of the 1581
affected counties. Any board that receives from the director a 1582
copy of an application submitted under this division shall adopt 1583
a resolution approving or rejecting the application unless it 1584
has adopted a resolution under division (E) (1) (c) of this 1585
section. A resolution adopted under division (E) (1) (b) or (c) of 1586
this section may require an annual service payment to be made in 1587
addition to the service payment required under division (G) of 1588
this section. The sum of the service payment required in the 1589

resolution and the service payment required under division (G) 1590
of this section shall not exceed nine thousand dollars per 1591
megawatt of nameplate capacity located in the county. The 1592
resolution shall specify the time and manner in which the 1593
payments required by the resolution shall be paid to the county 1594
treasurer. The county treasurer shall deposit the payment to the 1595
credit of the county's general fund to be used for any purpose 1596
for which money credited to that fund may be used. 1597

The board shall send copies of the resolution to the owner 1598
of the facility and the director by certified mail or, if the 1599
board has record of an internet identifier of record associated 1600
with the owner or director, by ordinary mail and by that 1601
internet identifier of record. The board shall send such notice 1602
within thirty days after receipt of the application, or a longer 1603
period of time if authorized by the director. 1604

(c) A board of county commissioners may adopt a resolution 1605
declaring the county to be an alternative energy zone and 1606
declaring all applications submitted to the director of 1607
development under this division after the adoption of the 1608
resolution, and prior to its repeal, to be approved by the 1609
board. 1610

All tangible personal property and real property of an 1611
energy project with a nameplate capacity of twenty megawatts or 1612
greater is taxable if it is located in a county in which the 1613
board of county commissioners adopted a resolution rejecting the 1614
application submitted under this division or failed to adopt a 1615
resolution approving the application under division (E) (1) (b) or 1616
(c) of this section. 1617

(2) The director shall certify an energy project if all of 1618
the following circumstances exist: 1619

- (a) The application was timely submitted. 1620
- (b) For an energy project with a nameplate capacity of 1621
twenty megawatts or greater, a board of county commissioners of 1622
at least one county in which the project is located has adopted 1623
a resolution approving the application under division (E) (1) (b) 1624
or (c) of this section. 1625
- (c) No portion of the project's facility was used to 1626
supply electricity before December 31, 2009. 1627
- (3) The director shall deny a certification application if 1628
the director determines the person has failed to comply with any 1629
requirement under this section. The director may revoke a 1630
certification if the director determines the person, or 1631
subsequent owner or lessee pursuant to a sale and leaseback 1632
transaction of the qualified energy project, has failed to 1633
comply with any requirement under this section. Upon 1634
certification or revocation, the director shall notify the 1635
person, owner, or lessee, the tax commissioner, and the county 1636
auditor of a county in which the project is located of the 1637
certification or revocation. Notice shall be provided in a 1638
manner convenient to the director. 1639
- (F) The owner or a lessee pursuant to a sale and leaseback 1640
transaction of a qualified energy project shall do each of the 1641
following: 1642
- (1) Comply with all applicable regulations; 1643
- (2) File with the director of development a certified 1644
construction progress report before the first day of March of 1645
each year during the energy facility's construction or 1646
installation indicating the percentage of the project completed, 1647
and the project's nameplate capacity, as of the preceding 1648

thirty-first day of December. Unless otherwise instructed by the 1649
director of development, the owner or lessee of an energy 1650
project shall file a report with the director on or before the 1651
first day of March each year after completion of the energy 1652
facility's construction or installation indicating the project's 1653
nameplate capacity as of the preceding thirty-first day of 1654
December. Not later than sixty days after June 17, 2010, the 1655
owner or lessee of an energy project, the construction of which 1656
was completed before June 17, 2010, shall file a certificate 1657
indicating the project's nameplate capacity. 1658

(3) File with the director of development, in a manner 1659
prescribed by the director, a report of the total number of 1660
full-time equivalent employees, and the total number of full- 1661
time equivalent employees domiciled in Ohio, who are employed in 1662
the construction or installation of the energy facility; 1663

(4) For energy projects with a nameplate capacity of 1664
twenty megawatts or greater, repair all roads, bridges, and 1665
culverts affected by construction as reasonably required to 1666
restore them to their preconstruction condition, as determined 1667
by the county engineer in consultation with the local 1668
jurisdiction responsible for the roads, bridges, and culverts. 1669
In the event that the county engineer deems any road, bridge, or 1670
culvert to be inadequate to support the construction or 1671
decommissioning of the energy facility, the road, bridge, or 1672
culvert shall be rebuilt or reinforced to the specifications 1673
established by the county engineer prior to the construction or 1674
decommissioning of the facility. The owner or lessee of the 1675
facility shall post a bond in an amount established by the 1676
county engineer and to be held by the board of county 1677
commissioners to ensure funding for repairs of roads, bridges, 1678
and culverts affected during the construction. The bond shall be 1679

released by the board not later than one year after the date the 1680
repairs are completed. The energy facility owner or lessee 1681
pursuant to a sale and leaseback transaction shall post a bond, 1682
as may be required by the Ohio power siting board in the 1683
certificate authorizing commencement of construction issued 1684
pursuant to section 4906.10 of the Revised Code, to ensure 1685
funding for repairs to roads, bridges, and culverts resulting 1686
from decommissioning of the facility. The energy facility owner 1687
or lessee and the county engineer may enter into an agreement 1688
regarding specific transportation plans, reinforcements, 1689
modifications, use and repair of roads, financial security to be 1690
provided, and any other relevant issue. 1691

(5) Provide or facilitate training for fire and emergency 1692
responders for response to emergency situations related to the 1693
energy project and, for energy projects with a nameplate 1694
capacity of twenty megawatts or greater, at the person's 1695
expense, equip the fire and emergency responders with proper 1696
equipment as reasonably required to enable them to respond to 1697
such emergency situations; 1698

(6) Maintain a ratio of Ohio-domiciled full-time 1699
equivalent employees employed in the construction or 1700
installation of the energy project to total full-time equivalent 1701
employees employed in the construction or installation of the 1702
energy project of not less than eighty per cent in the case of a 1703
solar energy project, and not less than fifty per cent in the 1704
case of any other energy project. In the case of an energy 1705
project for which certification from the power siting board is 1706
required under section 4906.20 of the Revised Code, the number 1707
of full-time equivalent employees employed in the construction 1708
or installation of the energy project equals the number actually 1709
employed or the number projected to be employed in the 1710

certificate application, if such projection is required under 1711
regulations adopted pursuant to section 4906.03 of the Revised 1712
Code, whichever is greater. For all other energy projects, the 1713
number of full-time equivalent employees employed in the 1714
construction or installation of the energy project equals the 1715
number actually employed or the number projected to be employed 1716
by the director of development, whichever is greater. To 1717
estimate the number of employees to be employed in the 1718
construction or installation of an energy project, the director 1719
shall use a generally accepted job-estimating model in use for 1720
renewable energy projects, including but not limited to the job 1721
and economic development impact model. The director may adjust 1722
an estimate produced by a model to account for variables not 1723
accounted for by the model. 1724

(7) For energy projects with a nameplate capacity in 1725
excess of twenty megawatts, establish a relationship with ~~a~~ 1726
~~member of the university system of Ohio as defined in section~~ 1727
~~3345.011 of the Revised Code or with a person offering an~~ 1728
~~apprenticeship program registered with the employment and~~ 1729
~~training administration within the United States department of~~ 1730
~~labor or with the apprenticeship council created by section~~ 1731
~~4139.02 of the Revised Code, any of the following to educate and 1732
train individuals for careers in the wind or solar energy 1733
industry. ~~The:~~ 1734~~

(a) A member of the university system of Ohio as defined 1735
in section 3345.011 of the Revised Code; 1736

(b) A person offering an apprenticeship program registered 1737
with the employment and training administration within the 1738
United States department of labor or with the apprenticeship 1739
council created by section 4139.02 of the Revised Code; 1740

(c) A career-technical center, joint vocational school 1741
district, comprehensive career-technical center, or compact 1742
career-technical center; 1743

(d) A training center operated by a labor organization, or 1744
with a training center operated by a for-profit or nonprofit 1745
organization. 1746

The relationship may include endowments, cooperative 1747
programs, internships, apprenticeships, research and development 1748
projects, and curriculum development. 1749

(8) Offer to sell power or renewable energy credits from 1750
the energy project to electric distribution utilities or 1751
electric service companies subject to renewable energy resource 1752
requirements under section 4928.64 of the Revised Code that have 1753
issued requests for proposal for such power or renewable energy 1754
credits. If no electric distribution utility or electric service 1755
company issues a request for proposal on or before December 31,
2010, or accepts an offer for power or renewable energy credits 1757
within forty-five days after the offer is submitted, power or 1758
renewable energy credits from the energy project may be sold to 1759
other persons. Division (F)(8) of this section does not apply 1760
if: 1761

(a) The owner or lessee is a rural electric company or a 1762
municipal power agency as defined in section 3734.058 of the 1763
Revised Code. 1764

(b) The owner or lessee is a person that, before 1765
completion of the energy project, contracted for the sale of 1766
power or renewable energy credits with a rural electric company 1767
or a municipal power agency. 1768

(c) The owner or lessee contracts for the sale of power or 1769

renewable energy credits from the energy project before June 17, 1770
2010. 1771

(9) Make annual service payments as required by division 1772
(G) of this section and as may be required in a resolution 1773
adopted by a board of county commissioners under division (E) of 1774
this section. 1775

(G) The owner or a lessee pursuant to a sale and leaseback 1776
transaction of a qualified energy project shall make annual 1777
service payments in lieu of taxes to the county treasurer on or 1778
before the final dates for payments of taxes on public utility 1779
personal property on the real and public utility personal 1780
property tax list for each tax year for which property of the 1781
energy project is exempt from taxation under this section. The 1782
county treasurer shall allocate the payment on the basis of the 1783
project's physical location. Upon receipt of a payment, or if 1784
timely payment has not been received, the county treasurer shall 1785
certify such receipt or non-receipt to the director of 1786
development and tax commissioner in a form determined by the 1787
director and commissioner, respectively. Each payment shall be 1788
in the following amount: 1789

(1) In the case of a solar energy project, seven thousand 1790
dollars per megawatt of nameplate capacity located in the county 1791
as of the thirty-first-day of December of the preceding tax 1792
year; 1793

(2) In the case of any other energy project using 1794
renewable energy resources, the following: 1795

(a) If the project maintains during the construction or 1796
installation of the energy facility a ratio of Ohio-domiciled 1797
full-time equivalent employees to total full-time equivalent 1798

employees of not less than seventy-five per cent, six thousand 1799
dollars per megawatt of nameplate capacity located in the county 1800
as of the thirty-first day of December of the preceding tax 1801
year; 1802

(b) If the project maintains during the construction or 1803
installation of the energy facility a ratio of Ohio-domiciled 1804
full-time equivalent employees to total full-time equivalent 1805
employees of less than seventy-five per cent but not less than 1806
sixty per cent, seven thousand dollars per megawatt of nameplate 1807
capacity located in the county as of the thirty-first day of 1808
December of the preceding tax year; 1809

(c) If the project maintains during the construction or 1810
installation of the energy facility a ratio of Ohio-domiciled 1811
full-time equivalent employees to total full-time equivalent 1812
employees of less than sixty per cent but not less than fifty 1813
per cent, eight thousand dollars per megawatt of nameplate 1814
capacity located in the county as of the thirty-first day of 1815
December of the preceding tax year. 1816

(3) In the case of an energy project using clean coal 1817
technology, advanced nuclear technology, or cogeneration 1818
technology, the following: 1819

(a) If the project maintains during the construction or 1820
installation of the energy facility a ratio of Ohio-domiciled 1821
full-time equivalent employees to total full-time equivalent 1822
employees of not less than seventy-five per cent, six thousand 1823
dollars per megawatt of nameplate capacity located in the county 1824
as of the thirty-first day of December of the preceding tax 1825
year; 1826

(b) If the project maintains during the construction or 1827

installation of the energy facility a ratio of Ohio-domiciled 1828
full-time equivalent employees to total full-time equivalent 1829
employees of less than seventy-five per cent but not less than 1830
sixty per cent, seven thousand dollars per megawatt of nameplate 1831
capacity located in the county as of the thirty-first day of 1832
December of the preceding tax year; 1833

(c) If the project maintains during the construction or 1834
installation of the energy facility a ratio of Ohio-domiciled 1835
full-time equivalent employees to total full-time equivalent 1836
employees of less than sixty per cent but not less than fifty 1837
per cent, eight thousand dollars per megawatt of nameplate 1838
capacity located in the county as of the thirty-first day of 1839
December of the preceding tax year. 1840

(H) The director of development in consultation with the 1841
tax commissioner shall adopt rules pursuant to Chapter 119. of 1842
the Revised Code to implement and enforce this section. 1843

Section 2. That existing sections 9.76, 123.01, 3313.6020, 1844
3333.04, 3333.122, 3345.0212, 3345.21, 3345.35, 3345.481, and 1845
5727.75 of the Revised Code are hereby repealed. 1846

Section 3. (A) As used in this section, "qualifying 1847
apprenticeship" means either of the following: 1848

(1) Any apprenticeship program that is certified or 1849
registered by the United States Department of Labor; 1850

(2) Any pre-apprenticeship aligned with section 3313.904 1851
of the Revised Code. 1852

(B) The Superintendent of Public Instruction, in 1853
consultation with the Chancellor of Higher Education and the 1854
Director of Job and Family Services, shall develop a proposal to 1855
implement a statewide apprenticeship program for high school 1856

students on a pathway to either employment upon graduation or 1857
enrollment in a postsecondary educational institution. 1858

The state Superintendent, in consultation with the 1859
Chancellor and the Director, shall include appropriate 1860
stakeholders in the development of the proposal. 1861

(C) The state Superintendent, the Chancellor, the 1862
Director, and any other participating stakeholders shall 1863
consider at least all of the following in developing the 1864
proposal: 1865

(1) Eligibility requirements for a student to participate 1866
in an apprenticeship, including a minimum grade point average or 1867
its equivalent; 1868

(2) A process by which a student may secure an 1869
apprenticeship; 1870

(3) A process for approval of each student's 1871
apprenticeship, including a method for evaluating the 1872
educational benefits of an apprenticeship, and giving 1873
consideration to qualifying apprenticeships offered in this 1874
state; 1875

(4) A limitation on the number of hours per week a student 1876
may work in an apprenticeship; 1877

(5) A method for determining actual costs to a business 1878
participating in an apprenticeship, including workers' 1879
compensation and other insurance costs and training costs; 1880

(6) A funding formula for students enrolled in a public 1881
high school, including a maximum amount, to pay businesses for 1882
costs associated with employing students under an 1883
apprenticeship; 1884

(7) A funding formula for students enrolled in a chartered 1885
nonpublic high school, including a maximum amount, to pay 1886
businesses for costs associated with employing students under an 1887
apprenticeship; 1888

(8) A method for making payments to participating 1889
businesses; 1890

(9) A method by which any college credit for a certificate 1891
or certificates earned in an apprenticeship may transfer to an 1892
institution of higher education. Under the method, each 1893
institution shall determine whether to accept work after 1894
completing an apprenticeship as eligible college credit for 1895
admission purposes. 1896

(D) Not later than June 1, 2023, the state Superintendent, 1897
the Chancellor, and the Director shall submit the proposal to 1898
the Governor and the General Assembly, in accordance with 1899
section 101.68 of the Revised Code, for consideration. 1900

Section 4. That Sections 381.10 and 381.480 of H.B. 110 of 1901
the 134th General Assembly be amended to read as follows: 1902

Sec. 381.10. 1903

1904

1	2	3	4	5
A	BOR DEPARTMENT OF HIGHER EDUCATION			
B	GENERAL REVENUE FUND			
C	GRF 235321	Operating Expenses	\$5,742,147	\$5,914,411

D	GRF	235402	Sea Grants	\$299,250	\$299,250
E	GRF	235406	Articulation and Transfer	\$1,818,947	\$1,873,515
F	GRF	235408	Midwest Higher Education Compact	\$116,725	\$118,476
G	GRF	235414	Grants and Scholarship Administration	\$850,729	\$876,251
H	GRF	235417	Technology Maintenance and Operations	\$3,530,641	\$3,636,561
I	GRF	235428	Appalachian New Economy Workforce Partnership	\$4,041,600	\$4,041,600
J	GRF	235438	Choose Ohio First Scholarship	\$25,000,000	\$28,000,000
K	GRF	235443	Adult Basic and Literacy Education - State	\$7,083,344	\$7,083,344
L	GRF	235444	Ohio Technical Centers	\$21,310,120	\$21,810,120
M	GRF	235474	Area Health Education Centers Program Support	\$873,000	\$873,000
N	GRF	235492	Campus Safety and Training	\$612,000	\$630,360
O	GRF	235495	Northeast Ohio Medical University Dental School	\$0	\$1,000,000
P	GRF	235501	State Share of	\$2,056,678,116	\$2,075,761,402

			Instruction		
Q	GRF	235504	War Orphans and Severely Disabled Veterans' Children Scholarships	\$14,000,000	\$15,500,000
R	GRF	235507	OhioLINK	\$5,654,164	\$5,752,427
S	GRF	235508	Air Force Institute of Technology	\$1,824,219	\$1,863,387
T	GRF	235510	Ohio Supercomputer Center	\$4,294,160	\$4,422,984
U	GRF	235511	The Ohio State University Extension Service	\$24,563,453	\$24,761,619
V	GRF	235514	Central State Supplement	\$11,551,202	\$11,685,515
W	GRF	235515	Case Western Reserve University School of Medicine	\$2,038,940	\$2,038,940
X	GRF	235519	Family Practice	\$3,007,876	\$3,007,876
Y	GRF	235520	Shawnee State Supplement	\$4,636,500	\$5,409,250
Z	GRF	235525	Geriatric Medicine	\$496,043	\$496,043
AA	GRF	235526	Primary Care Residencies	\$1,425,000	\$1,425,000
AB	GRF	235533	Program and Project Support	\$1,540,925	\$853,000
AC	GRF	235535	Ohio Agricultural Research and Development	\$35,785,072	\$36,086,454

		Center			
AD	GRF	235536	The Ohio State University Clinical Teaching	\$9,185,494	\$9,185,494
AE	GRF	235537	University of Cincinnati Clinical Teaching	\$8,334,944	\$8,334,944
AF	GRF	235538	University of Toledo Clinical Teaching	\$5,888,670	\$5,888,670
AG	GRF	235539	Wright State University Clinical Teaching	\$2,860,830	\$2,860,830
AH	GRF	235540	Ohio University Clinical Teaching	\$2,765,651	\$2,765,651
AI	GRF	235541	Northeast Ohio Medical University Clinical Teaching	\$2,844,469	\$2,844,469
AJ	GRF	235543	Kent State University College of Podiatric Medicine Clinic Subsidy	\$450,000	\$500,000
AK	GRF	235546	Central State Agricultural Research and Development	\$4,883,340	\$4,883,340
AL	GRF	235548	Central State Cooperative Extension Services	\$5,084,568	\$5,084,568
AM	GRF	235552	Capital Component	\$1,584,491	\$1,584,491

AN	GRF	235555	Library Depositories	\$1,310,702	\$1,326,762
AO	GRF	235556	Ohio Academic Resources Network	\$2,915,605	\$2,978,512
AP	GRF	235558	Long-term Care Research	\$309,035	\$309,035
AQ	GRF	235563	Ohio College Opportunity Grant	\$106,756,352	\$112,500,000
AR	GRF	235569	The Ohio State University College of Veterinary Medicine Supplement	\$4,000,000	\$5,000,000
AS	GRF	235572	The Ohio State University Clinic Support	\$728,206	\$728,206
AT	GRF	235578	Federal Research Network	\$4,950,000	\$4,950,000
AU	GRF	235591	Co-Op Internship Program	\$890,000	\$890,000
AV	GRF	235595	Commercial Truck Driver Student Aid Program	\$2,500,000	\$2,500,000
AW	GRF	235598	Rural University Program	\$400,000	\$400,000
AX	GRF	235599	National Guard Scholarship Program	\$19,000,000	\$19,000,000
AY	GRF	235909	Higher Education General Obligation Bond Debt Service	\$331,000,000	\$301,000,000
AZ	TOTAL	GRF	General Revenue Fund	\$2,757,416,530	\$2,760,735,757

BA	Dedicated Purpose Fund Group		
BB	2200 235614 Program Approval and Reauthorization	\$800,485	\$825,000
BC	4560 235603 Sales and Services	\$199,250	\$199,250
BD	4E80 235602 Higher Educational Facility Commission Administration	\$63,000	\$65,000
BE	5D40 235675 Conference/Special Purposes	\$1,000,000	\$1,000,000
BF	5FR0 235650 State and Non-Federal Grants and Award	\$1,402,150	\$1,402,150
BG	5JC0 235649 MAGNET Apprenticeship Program	\$200,000	\$200,000
BH	5NH0 235517 Short-Term Certificates	\$3,500,000	\$3,500,000
BI	5P30 235663 Variable Savings Plan	\$8,049,501	\$8,159,165
BJ	5RA0 235616 Workforce and Higher Education Programs	\$1,000,000	\$1,000,000
BK	5UK0 235594 OhioCorps Program	\$150,000	\$0
BL	5YD0 235494 Second Chance Grant Pilot Program	\$3,000,000	\$0
BM	6450 235664 Guaranteed Savings Plan	\$1,035,116	\$1,047,209
BN	6820 235606 Nursing Loan Program	\$1,116,842	\$1,116,842

BO	TOTAL DPF Dedicated Purpose Fund Group	\$21,516,344	\$18,514,616
BP	Bond Research and Development Fund Group		
BQ	7011 235634 Research Incentive Third Frontier	\$5,000,000	\$5,000,000
BR	7014 235639 Research Incentive Third Frontier - Tax	\$3,000,000	\$3,000,000
BS	TOTAL BRD Bond Research and Development Fund Group	\$8,000,000	\$8,000,000
BT	Federal Fund Group		
BU	3120 235577 Education, Research, Development, and Dissemination	\$25,691	\$25,691
BV	3120 235611 Gear-up Grant	\$2,000,000	\$2,000,000
BW	3120 235612 Carl D. Perkins Grant/Plan Administration	\$1,350,000	\$1,350,000
BX	3120 235641 Adult Basic and Literacy Education - Federal	\$17,600,000	\$17,600,000
BY	3BG0 235651 Gear Up Grant Scholarships	\$1,750,000	\$1,750,000
BZ	3N60 235658 John R. Justice Student Loan Repayment Program	\$70,000	\$70,000
CA	TOTAL FED Federal Fund Group	\$22,795,691	\$22,795,691

CB TOTAL ALL BUDGET FUND GROUPS \$2,809,728,565 \$2,810,046,064

Sec. 381.480. SECOND CHANCE GRANT ~~PILOT~~-PROGRAM 1905

The foregoing appropriation item 235494, Second Chance 1906
Grant ~~Pilot~~-Program, shall be distributed by the Chancellor of 1907
Higher Education to qualifying institutions of higher education 1908
and Ohio Technical Centers to provide grants to eligible 1909
students under the Second Chance Grant ~~Pilot~~-Program established 1910
in section 3333.127 of the Revised Code. 1911

On July 1, 2022, or as soon as possible thereafter, the 1912
Chancellor of Higher Education shall certify to the Director of 1913
Budget and Management an amount up to the unexpended, 1914
unencumbered balance of the foregoing appropriation item 235494, 1915
Second Chance Grant Program, at the end of fiscal year 2022 to 1916
be reappropriated to fiscal year 2023. The amount certified is 1917
hereby reappropriated to the same appropriation item for fiscal 1918
year 2023. 1919

NURSING LOAN PROGRAM 1920

The foregoing appropriation item 235606, Nursing Loan 1921
Program, shall be used to administer the nurse education 1922
assistance program. 1923

Section 5. That existing Sections 381.10 and 381.480 of 1924
H.B. 110 of the 134th General Assembly are hereby repealed. 1925