As Passed by the Senate

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

A BILL

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

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

Section 1. That sections 9.76, 1715.51, 1715.53, 3313.6020, 3314.03, 3326.11, 3328.24, 3333.04, 3333.051, 3333.122, 3345.0212, 3345.21, 3345.481, 3354.01, 3357.09, and 3358.01 be amended and sections 1715.551, 3320.04, 3333.0418, 3333.0419, 3333.073, 3333.125, 3333.126, 3333.168, 3345.024, 3345.027, 3345.028, 3345.0215, 3345.063, 3345.241, 3345.381, 3345.461, 3345.52, and 3365.16 of the Revised Code regarding the operation of state institutions of higher education and regarding free speech in public universities, colleges, and schools.
3345.027, 3345.028, 3345.0215, 3345.063, 3345.241, 3345.381, 3345.461, 3345.52, and 3365.16 of the Revised Code be enacted to read as follows:

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

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

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

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

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

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

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

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

(4) "Jurisdiction with whom this state can enjoy open trade" means any world trade organization member and any jurisdiction with which the United States has free trade or other agreements aimed at ensuring open and nondiscriminatory trade relations.
(5) "State agency" means an organized body, office, agency, institution, or other entity established by the laws of the state for the exercise of a function of state government, and includes a "state institution of higher education" as defined in section 3345.011 of the Revised Code.

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

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

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

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

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

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

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

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

(1) Program-related assets;
(2) A fund held for an institution by a trustee that is not an institution;

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

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

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

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

(G) "Legal representative" means:

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

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

(c) A person designated in an endowment agreement, whether or not born at the time of such designation, to act in place of
a party to the agreement for all matters expressed in the agreement and all of the actions it contemplates, including without limitation, interpreting, performing, and enforcing the agreement and defending its validity.

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

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

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

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

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

Sec. 1715.53. (A) Subject to the intent of a donor expressed in the gift instrument and to division (D) of this section, an institution may appropriate for expenditure or accumulate so much of an endowment fund as the institution determines is prudent for the uses, benefits, purposes, and duration for which an endowment fund is established. Unless stated otherwise in the gift instrument, the assets in an
endowment fund are donor-restricted assets until appropriated for expenditure by the institution. In making a determination to appropriate or accumulate, the institution shall act in good faith, with the care that an ordinarily prudent person in a like position would exercise under similar circumstances, and shall consider, if relevant, the following factors:

(1) The duration and preservation of the endowment fund;

(2) The purposes of the institution and the endowment fund;

(3) General economic conditions;

(4) The possible effect of inflation or deflation;

(5) The expected total return from income and the appreciation of investments;

(6) Other resources of the institution;

(7) The investment policy of the institution.

(B) To limit the authority to appropriate for expenditure or accumulate under division (A) of this section, a gift instrument shall specifically state the limitation.

(C) Terms in a gift instrument designating a gift as an endowment, or a direction or authorization in the gift instrument to use only "income," "interest," "dividends," or "rents, issues, or profits" or "to preserve the principal intact," or words of similar import, create an endowment fund of permanent duration, unless other language in the gift instrument limits the duration or purpose of the fund, and do not otherwise limit the authority under division (A) of this section to appropriate for expenditure or accumulate.
(D)(1) The appropriation for expenditure in any year of an amount not greater than five per cent of the fair market value of an endowment fund, whether or not the total expenditure from it exceeds five per cent, calculated on the basis of market values that are determined at least quarterly and averaged over a period of not less than three years immediately preceding the year in which the appropriation for expenditure was made, creates an irrebuttable presumption of prudence. With respect to an endowment fund in existence for fewer than three years, the fair market value of the endowment fund shall be calculated for the period the endowment fund has been in existence.

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

(E)(1) For an endowment fund held by a state institution of higher education, the appropriation for expenditure in any year of an amount greater than seven per cent of the fair market value of an endowment fund calculated on the basis of market values that are determined at least quarterly and averaged over a period of not less than three years immediately preceding the year in which the appropriation for expenditure was made, creates a rebuttable presumption of imprudence. With respect to an endowment fund in existence for fewer than three years, the fair market value of the endowment fund shall be calculated for the period the endowment fund has been in existence.
(2) Nothing in division (E)(1) of this section shall be construed to create a presumption of prudence for an appropriation for expenditure of an amount less than or equal to seven per cent of the fair market value of the endowment fund.

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

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

(a) For breach of the endowment agreement; or

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

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

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

(b) It shall not seek a judgment awarding damages to the plaintiff.
(C) The attorney general may enforce the interests of the beneficiaries of an endowment agreement by filing a complaint for breach or to obtain a declaration of rights and duties expressed in the agreement and as to all of the actions it contemplates, including without limitation, the interpretation, performance, and enforcement of the agreement and determination of its validity.

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

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

(1) Name the attorney general as a party;

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

(3) If the attorney general or state institution of higher education files the complaint within fifty years after the effective date of the endowment agreement, name as parties each
person who transferred property under the agreement or the legal representative of each such person if the persons or legal representatives can be located and identified after diligent inquiry.

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

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

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

(1) An accounting;

(2) Declaratory relief;

(3) Restoration of property to the endowment fund;

(4) Restoration of a name required by the endowment agreement, or a change to its name;
(5) Future compliance with a restriction in the endowment agreement;

(6) Measures to preserve the property and value of the endowment fund;

(7) Modification or release of the restriction as allowed under section 1715.55 of the Revised Code;

(8) Reformation or dissolution of the endowment agreement;

(9) The transfer of property from the endowment fund to such other institution as the party, or the party's legal representative, directs in writing;

(10) The transfer of property from the endowment fund to the estate of a person who transferred property under the endowment agreement to be redirected by the estate administrator to an institution for charitable purposes consistent with those expressed in the endowment agreement;

(11) Any other equitable remedy consistent with the charitable purposes expressed in the endowment agreement and consistent with the charitable purpose of the state institution of higher education.

(I) If a court orders the transfer of property from an endowment fund, the court may require that the value of the property to be transferred approximate the value of property lost to the fund due to the breach, based on the value of the lost property when originally received by the fund. The court may increase the amount to be transferred by the approximate value of earnings lost due to the breach. The court, however, shall not order the transfer of property from an endowment fund to the extent that the current value of such property exceeds that of the fund.
(J) A person who transferred property under an endowment agreement, or that person's legal representative, shall file a complaint authorized by this section within six years after discovery of the accrual of the cause of action.

(K) The estate of a decedent who transferred property under an endowment agreement may be reopened for the purpose of appointing an administrator to file complaint authorized by this section if the applicant to reopen is a surviving spouse or one generation below.

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

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

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

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

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

(3) Beginning in the 2015-2016 school year, provide
additional interventions and career advising for students who are identified as at risk of dropping out of school in accordance with division (C) of this section;

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

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

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

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

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

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

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

(a) The reserve officer training corps;

(b) The college credit plus program established under Chapter 3365. of the Revised Code;

(c) The Ohio guaranteed transfer pathways initiative established under section 3333.168 of the Revised Code;

(d) Joint academic programming or dual enrollment opportunities required under section 3333.168 of the Revised Code.

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 based on instructional fees and total cost of attendance, including room and board and other fees. The chancellor shall develop a list of individual college courses that are transferable under section 3333.16 of the Revised Code.

(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.

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

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

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

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

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

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

(1) That the school shall be established as either of the following:
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;

(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and
ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred
twenty hours per school year.

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

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


(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.
(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in division (C) of section 3313.603 of the Revised Code, unless the person qualifies under division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

(g) The school governing authority will submit within four
months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

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

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

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

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

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

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

(l) The school will comply with section 3321.191 of the
Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

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

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

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

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

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

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

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.

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

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

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

(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent
under section 3326.032 of the Revised Code;

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

(28) That the school's attendance and participation
records shall be made available to the department of education,
auditor of state, and school's sponsor to the extent permitted
under and in accordance with the "Family Educational Rights and
and any regulations promulgated under that act, and section
3319.321 of the Revised Code;

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

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

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

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

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

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

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

(g) A description of the professional development
activities that will be offered to teachers.

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

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

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

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

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

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

(2) The management and administration of the school;

(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not
(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;
(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation
within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

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

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

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

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

(3) A school district shall be committed to maintaining its school buildings as a marketplace of ideas for all students and all teachers 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 district's community to be offensive, unwise, immoral, indecent, disagreeable,
conservative, liberal, traditional, radical, or wrong-headed.

(4) It is for a school district's individual students and teachers to make judgments about ideas for themselves, and act on those judgments not by seeking to suppress free speech but by openly and vigorously contesting the ideas that they oppose.

(5) It is not the proper role of a school district to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed.

(6) Although a school district should greatly value civility and mutual respect, concerns about civility and mutual respect shall never be used by a school district as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty.

(7) Although all students and all teachers are free to state their own views about and contest the views expressed on school property, and to state their own views about and contest speakers who are invited to express their views on school property, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or even loathe. To this end, a school district has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom.

(8) A school district shall be committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students and all teachers,
who shall always remain free to inquire, to study and to
evaluate, and to gain new understanding.

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

(C) Each school district board of education shall
establish a process under which a student or teacher may submit
a complaint about an alleged violation by a school district
employee 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
department of education.

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

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

(1) The total number of submitted complaints;

(2) For each submitted complaint, a description of all of
the following:

(a) The school district's investigation regarding the complaint;

(b) The outcome of the hearing conducted by the school district regarding the complaint;

(c) If the hearing determines the complaint included a violation of the state institution's policy, the resolution determined by the district board to address the violation.

(E) Nothing contained in this section shall be construed as prohibiting a school district from imposing measures that do not violate the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution such as:

(1) Constitutional time, place, and manner restrictions;

(2) Reasonable and viewpoint-neutral restrictions in nonpublic forums;

(3) Restricting the use of the school district's property to protect the free speech rights of students and teachers and preserve the use of the property for the advancement of the district's mission;

(4) Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution; or

(5) Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by teachers.
(F) The policy adopted under this section shall be made available to students and teachers annually through one or more of the following methods:

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

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

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

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

(G) 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.

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

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

Sec. 3333.04. The chancellor of higher education shall:

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

(B)(1) Report annually to the governor and the general
assembly on the findings from the chancellor's studies and the
master plan for higher education for the state;
(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted institution of higher education.

(C) Approve or disapprove the establishment of new branches or academic centers of state colleges and universities;

(D) Approve or disapprove the establishment of state technical colleges or any other state institution of higher education;

(E) Recommend the nature of the programs, undergraduate, graduate, professional, state-financed research, and public services which should be offered by the state colleges, universities, and other state-assisted institutions of higher education in order to utilize to the best advantage their facilities and personnel;

(F) Recommend to the state colleges, universities, and other state-assisted institutions of higher education graduate or professional programs, including, but not limited to, doctor of philosophy, doctor of education, and juris doctor programs, that could be eliminated because they constitute unnecessary duplication, as shall be determined using the process developed pursuant to this division, or for other good and sufficient cause. Prior to recommending a program for elimination, the chancellor shall request the board of regents to hold at least one public hearing on the matter and advise the chancellor on whether the program should be recommended for elimination. The board shall provide notice of each hearing within a reasonable amount of time prior to its scheduled date. Following the hearing, the board shall issue a recommendation to the chancellor. The chancellor shall consider the board's recommendation but shall not be required to accept it.
For purposes of determining the amounts of any state instructional subsidies paid to state colleges, universities, and other state-assisted institutions of higher education, the chancellor may exclude students enrolled in any program that the chancellor has recommended for elimination pursuant to this division except that the chancellor shall not exclude any such student who enrolled in the program prior to the date on which the chancellor initially commences to exclude students under this division.

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

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

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

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

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

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

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

(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 in-demand jobs, as defined in section
3333.94 of the Revised Code.

(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 action, which may include a public hearing on the action by the board of regents;

(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;

(4) Submission of recommendations from the board of regents regarding the proposed action, at the request of the chancellor;

(5) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;

(6) A timeline for the process described in divisions (O) (1) to (5) of this section.

(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code;

(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;

(R) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;
(S) Conduct enrollment audits of state-supported institutions of higher education;

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

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

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

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

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

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

(B) Not later than the first day of November of each even-numbered year, the chancellor of higher education shall issue a
report regarding the extent to which degree and certificate attainment at state institutions of higher education align with in-demand jobs in the state.

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

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

(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.

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

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

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

(2) A report regarding the revenue state institutions of higher education received from instructional and general fees during the academic year and how the institutions used such
revenue. The report shall categorize the expenditure of such revenue, including for teaching costs and administrative costs. The report also shall compare student enrollment trends with instructional and general fee revenue trends.

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

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

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

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

(d) Any other information the chancellor determines appropriate.

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

(D) Each state institution of higher education annually shall issue reports similar to those prescribed under divisions (B)(1) and (2) of this section. Each state institution of higher education shall post those reports on its publicly accessible web site.
(E) The chancellor shall submit each report the chancellor issues under this section to the general assembly in accordance with section 101.68 of the Revised Code.

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

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

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

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

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

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

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

(5) Willingness of an industry partner to offer workplace-
based learning and employment opportunities to students enrolled in the proposed program.

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

(C) As used in this section:

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

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

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

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

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

Sec. 3333.073. The chancellor of higher education may suspend or limit enrollment in any degree program offered by a
As passed by the Senate

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

Sec. 3333.122. (A) The chancellor of higher education shall adopt rules to carry out this section and as authorized under section 3333.123 of the Revised Code. The rules shall include definitions of the terms "resident," "expected family 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 that is certified by the United States department of education. For purposes of this section, a "comprehensive transition and postsecondary program" means a degree, certificate, or non-degree program that is designed to support persons with intellectual disabilities who are receiving academic, career, technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment as defined in 20 U.S.C. 1140.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(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.

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

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

(1) "Cost of attendance" has the same meaning as in 20 U.S.C. 1087ll.

(2) "Eligible student" means a student to whom all of the
following apply:

(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.

(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.

(c) The student, while in good standing, disenrolled from a state university and did not transfer to a qualifying institution or an institution of higher education in another state in the three 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 state university.

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

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

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

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

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

(b) A private nonprofit institution of higher education that holds a certificate of authorization pursuant to Chapter
(c) An institution with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code;

(d) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;

(e) An Ohio technical center, as defined in section 3333.94 of the Revised Code.

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

(B) The chancellor shall establish the second chance grant pilot program, which shall operate in the 2021-2022 and 2022-2023 academic years. Under the pilot program, the chancellor shall award a one-time grant of two thousand dollars to each eligible student approved to participate in the program.

(C) Eligible students shall apply to participate in the pilot 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. However, the chancellor shall not approve more than three thousand applicants to participate in the program. The chancellor shall approve applications in the order in which they are received.

(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 and in which the pilot program established under this section operates. The qualifying institution shall return to the chancellor any grant amount remaining after a participant graduates or disenrolls from the institution, or after the pilot program established under this section ceases to operate.

(E) In each academic year in which the pilot program established under this section operates, 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:

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

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

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

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

(5) Information regarding how the grants were used.

(F) The second chance grant pilot 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 pilot program established under
this section. The fund also may be used by the chancellor to
implement and administer the second chance grant pilot program.

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Any recommendations necessary to enhance and strengthen the guaranteed pathways and joint academic programming or dual enrollment opportunities offered by community colleges and state universities.
(E) The chancellor shall adopt rules to implement this section.

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

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

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

(3) Student degree completion rates;

(4) Post-graduation student debt rates;

(5) Post-graduation employment rates of students.

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

(B) Each state institution of higher education shall provide prospective students and their parents or guardians with a copy of the most recent report prepared under division (A) of this section.
(C) Each state institution of higher education shall submit to the chancellor of higher education, in a form and manner prescribed by the chancellor, the data used to prepare a report prescribed under division (A) of this section. The chancellor shall use that data to prepare and issue an annual report that includes the information prescribed under divisions (A)(1) to (5) of this section for all state institutions of higher education. The chancellor shall submit each report the chancellor issues under this section to the general assembly in accordance with section 101.68 of the Revised Code.

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

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

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

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

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

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

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

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

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

(D)(1) Nothing in this section shall be interpreted as preventing state institutions of higher education from restricting expressive activities that the First Amendment to the United States Constitution or Article I, Sections 3 and 11 of the Ohio Constitution does not protect.
(2) Nothing in this section shall enable individuals to engage in conduct that intentionally, materially, and substantially disrupts another individual's expressive activity if it occurs in a campus space reserved for exclusive use or control of a particular individual or group.

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

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

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

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

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

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

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

(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:

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

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

(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.
(4) It is for a state institution of higher education's individual students and faculty to make judgments about ideas for themselves, and to act on those judgments not by seeking to suppress free speech, but by openly and vigorously contesting the ideas that they oppose.

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

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

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

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

(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.

(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.

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.

(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:
(1) The total number of submitted complaints;

(2) For each submitted complaint, a description of all of the following:

(a) The state institution's investigation regarding the complaint;

(b) The outcome of the hearing conducted by the state institution regarding the complaint;

(c) If the hearing determines the state institution's policy was violated, the resolution determined by the board of trustees to address that violation.

(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:

(1) Constitutional time, place, and manner restrictions;

(2) Reasonable and viewpoint-neutral restrictions in nonpublic forums;

(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;

(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;

(5) Content restrictions on speech that are reasonably
related to a legitimate pedagogical purpose, such as classroom rules enacted by teachers.

(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.

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

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

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

(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.

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

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

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

Sec. 3345.241. Except as provided in sections 3345.22 to 3345.24 of the Revised Code, a state university, as defined in section 3345.011 of the Revised Code, shall provide a student who is subject to a disciplinary action by the university with a notice of the disciplinary action, the reasons for that disciplinary action, and the student's right to appeal the
disciplinary action under this section. If the student elects to appeal the disciplinary action, the state university shall afford the student with a fair and impartial hearing within a reasonable time thereafter under regular procedures of the state university.

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

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

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

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

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

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

(3) “State institution of higher education” has the same meaning as in section 3345.011 of the Revised Code.

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

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

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

(3) The eligible student was unable to register for the requisite course in the student's final year because of either of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) "Community college" means a public institution of
education beyond the high school organized for the principal purpose of providing for the people of the community college district wherein such college is situated the instructional programs defined in this section as "arts and sciences" and "technical," or either, and may include the "adult-education" program as defined in this section. Except for applied bachelor's degree programs or nursing bachelor's degree programs approved by the chancellor of higher education under section 3333.051 of the Revised Code, instructional programs shall not exceed two years in duration.

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

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

(1) A curricular program of two years or less duration, provided within a community college, planned and intended to enable students to gain academic credit for courses generally comparable to courses offered in the first two years in accredited colleges and universities in the state, and designed
either to enable students to transfer to such colleges and universities for the purpose of earning baccalaureate degrees or to enable students to terminate academic study after two years with a proportionate recognition of academic achievement.

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

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

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

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

(H) "Operating costs" means all expenses for all purposes of the community college district except expenditures for permanent improvements having an estimated life of usefulness of
five years or more as certified by the fiscal officer of the community college district.

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

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

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

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

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

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

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

(F) Develop and adopt, pursuant to the official plan, any one or more of the curricular programs identified in section 3357.01 of the Revised Code as technical-college programs, or adult-education technical programs, and applied bachelor's degree programs or nursing bachelor's degree programs under section 3333.051 of the Revised Code;
(G) Except as provided in sections 3333.17 and 3333.32 of the Revised Code, establish schedules of fees and tuition for: students who are residents of the district; students who are residents of Ohio but not of the district; students who are nonresidents of Ohio. The establishment of rules governing the determination of residence shall be subject to approval of the chancellor of higher education. Students who are nonresidents of Ohio shall be required to pay higher rates of fees and tuition than the rates required of students who are residents of Ohio but not of the district, and students who are residents of the district shall pay smaller tuition and fee rates than the rates for either of the above categories of nonresident students, except that students who are residents of Ohio but not of the district shall be required to pay higher fees and tuition than students who are residents of the district only when a district tax levy has been adopted and is in effect under the authority of section 3357.11, 5705.19, or 5705.191 of the Revised Code.

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

(I) Receive assistance for the cost of equipment and for the operation of such technical colleges from moneys appropriated for technical education or for matching of Title VIII of the "National Defense Education Act," 72 Stat. 1597 (1958), 20 U.S.C.A. 15a-15e. Moneys shall be distributed by the chancellor in accordance with rules which the board shall establish governing its allocations to technical colleges chartered under section 3357.07 of the Revised Code.
(J) Grant appropriate associate degrees to students successfully completing the technical college programs, appropriate applied bachelor's degrees to students successfully completing applied bachelor's degree programs, or appropriate nursing bachelor's degrees to students successfully completing nursing bachelor's degrees programs offered pursuant to section 3333.051 of the Revised Code, and certificates of achievement to those students who complete other programs;

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

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

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

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

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

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

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

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

(A) "State community college district" means a political subdivision composed of the territory of a county, or of two or more contiguous counties, in either case having a total population of at least one hundred fifty thousand, and organized for the purpose of establishing, owning, and operating a state community college within the district or a political subdivision
created pursuant to division (A) of section 3358.02 of the Revised Code.

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

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

(D) "Technical education program" means a post high school program of not more than two years' duration that is planned and intended to prepare students to pursue employment or improve technical knowledge in careers generally but not exclusively at the semiprofessional level. Technical education programs include, but are not limited to, programs in the technologies of business, engineering, health, natural science, and public service and are programs which, after two years of academic study, result in proportionate recognition of academic achievement through receipt of an associate degree.
(E) "Adult continuing education program" means the offering of short courses, seminars, workshops, exhibits, performances, and other educational activities for the general educational or occupational benefit of adults.

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

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

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

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

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

(C) Not later than December 31, 2021, the chancellor of higher education and the superintendent of public instruction, in consultation with the director of development services and the administrator of workers' compensation, shall develop a proposal to implement the subprogram as prescribed by this section and submit it to the state board of education for consideration. The proposal shall include recommendations on which requirements of the college credit plus program should apply to the subprogram. Not later than June 30, 2022, upon consideration of that proposal, the state board shall adopt
rules, in accordance with Chapter 119. of the Revised Code, to implement the subprogram. The rules shall include at least all of the following:

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

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

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

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

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

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

(7) A funding formula for students enrolled in a chartered nonpublic secondary school, including a maximum amount, to pay businesses for costs associated with employing students under.
the subprogram. The amount paid for each student participating in the subprogram shall be subtracted from moneys specifically appropriated by the general assembly for such purpose.

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

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

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

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

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

