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Ohio Ground Zero for Presidential Campaigns in Final Weekend

If there was any doubt that all roads to the presidency lead through Ohio, the schedules of the candidates in the final weekend should erase those doubts.

At stake are Ohio's 18 electoral votes. While any candidate needs at least 270 electoral votes to win the presidency, most pundits are pointing to Ohio as the make or break state for either President Barack Obama or Republican nominee Mitt Romney. Nate Silver of the FiveThirtyEight blog for the *New York Times*, puts Ohio's probability that it is the state that provides the decisive electoral vote at 49.1 percent. The next closest state is Virginia at 13.7 percent.

The final case for either Obama or Romney will be made Monday, and both are hitting Columbus to make it. Obama is holding rally with Bruce Springsteen and Jay-Z, while Romney is appearing with the Marshall Tucker Band.

The following is a roundup of known planned appearances as of press time on Friday:

Saturday, Nov. 3

- Obama attends a rally Mentor at Mentor High School, 6477 Center St., with the program set to begin around noon.
- Republican vice presidential nominee Paul Ryan holds a rally in Marietta, Marietta College, 215 5th St., Dyson Baudo Rec Center, 10:30 a.m.

Sunday, Nov. 4

- Obama campaigns in Cincinnati in the evening. Details to be announced.
- Romney holds a rally in Cleveland, I-X Center, 1 I-X Center Dr., at 1:15 p.m.
- Vice President Joe Biden holds rallies with wife Jill Biden in Lakewood, Lakewood High School, 14100 Franklin Blvd., doors open at 8:45 a.m.; Fremont, the Student Activity Center at Terra Community College, 2830 Napoleon Road, at 1:30 p.m.; and Lancaster, Rushville Middle School, 6409 Cincinnati-Zanesville Road, 5:15 pm.

Monday, Nov. 5

- Obama is in Columbus at Nationwide Arena, 200 W. Nationwide Blvd., at noon.
- Romney holds a rally in Columbus, Landmark Aviation at Port Columbus International Airport, 4130 E. 5th Ave., 6:25 p.m.
- Ryan visits Vienna at Winner Aviation at the Youngstown-Warren Regional Airport, 1453 Youngstown Kingsville Road NE. Doors open at 8:45 p.m., with the program set to start at 9:15 p.m.

U.S. Department of Justice to Monitor Elections in Four Ohio Counties

The U.S. Department of Justice (DOJ) announced Friday that four Ohio counties are among those its Civil Rights Division plans to monitor on Election Day.

DOJ said it will deploy more than 780 federal observers and department personnel to 51 jurisdictions in 21 states. Federal observers will monitor polling place activities in Cuyahoga and Lorain counties, while DOJ personnel will monitor the election in Franklin and Hamilton counties.

"The observers and department personnel will gather information on, among other things, whether voters are subject to different voting qualifications or procedures on the basis of race, color, or membership in a language minority group; whether jurisdictions are complying with the minority language provisions of the Voting Rights Act; whether jurisdictions permit voters to receive assistance by a person of his or her choice if the voter is blind, has a disability, or is unable to read or write; whether jurisdictions allow voters with disabilities to cast a private and independent ballot; whether jurisdictions comply with the voter registration list requirements of the National Voter Registration Act; and whether jurisdictions comply with the provisional ballot requirements of the Help America Vote Act," DOJ said in a release.

DOJ said it has deployed observers and monitors who speak Spanish and a variety of Asian and Native American languages. Both the federal observers and department personnel will coordinate monitoring activities, and department attorneys will maintain contact with local election officials.

Bar Association to Ohio GOP: Revised Pro-Cupp Ad Still Bad

The Ohio State Bar Association (OSBA) sent a letter to the Ohio Republican Party Friday notifying them that the state party's revised advertisement in support of Justice Robert Cupp and corresponding Internet page violate standards of its Judicial Election Advertising Monitoring Committee.

OSBA criticized the Ohio Republican Party for an advertisement it began airing last week that attacked Cupp's opponent, former Ohio Appeals Court Judge William O'Neill, saying that he has "sympathy for racists" based on an opinion he wrote that overturned a rape conviction.

The OSBA's Judicial Election Campaign Monitoring Committee asked for the original ad to be taken down, but instead the Ohio Republican Party altered it to say that O'Neill's "disturbing record has been exposed online" and pointed viewers to a website about the candidate, TruthAboutBillONeill.com.

On Friday, Maxine Thomas, chair of the OSBA committee, said it reviewed the revision and the website and found that they still violate committee standards because they "impugn the integrity of the judicial system, the integrity of the candidate for the Supreme Court of Ohio, and erode the public trust and confidence in the independence and impartiality of the judiciary by attempting to lead voters to believe that a candidate will decide issues or cases in a predetermined manner."

The OSBA again asked for the ad and corresponding web page to be taken down and "cease its use in any form."

The OSBA also sent a letter to Cupp, who had disavowed the first ad and asked for it to be taken down, noting its findings on the revised ad.

In a separate letter to O'Neill, Thomas noted that he was the only candidate not to sign the "clean campaign pledge" in this election cycle, yet he had sought to have the committee hold others to its standards.

"In the interest of good faith and fair play, we again call on you to sign the pledge, a copy of which is included with this correspondence," the letter to O'Neill said.

Federal Unemployment Rate Rises Slightly in October

The federal unemployment rate rose slightly in October, going from 7.8 percent in September to 7.9 percent, but the private sector added 184,000 new jobs, the U.S. Bureau of Labor Statistics (BLS) said Friday. With losses in government jobs factored in, total non-farm payroll employment rose by 171,000 overall in October.

One of the biggest reasons the unemployment rate went up over the month was more people in the workforce, as the labor force rose by 578,000. BLS showed the participation rate in the labor force rose 0.2 percent, while the number of those who gave up looking for work in the past four weeks fell.

Overall, BLS said jobs were added in the professional and business services, health care and retail trade sectors. Professional and business services added 51,000 jobs, with the largest gains in buildings and dwellings (+13,000). Health

care added 31,000 jobs over the month, including 25,000 in the ambulatory health care services category. Retail trade added 36,000 jobs over the month, while leisure and hospitality added 28,000 jobs.

Meanwhile, government jobs continued to fall, losing 13,000 over the month. The only other sector to lose jobs was mining and logging, down 9,000 jobs.

The numbers became immediate fodder in the presidential campaigns.

Speaking at a campaign event in Springfield, President Barack Obama noted that more workers were hired in October than any other time in the last eight months. He also said the American auto industry is back on top and home values are on the rise.

Republican nominee Mitt Romney noted that the unemployment rate is higher than when Obama took office, and said it is a "sad reminder that the economy is at a virtual standstill."

Added U.S. Sen. Rob Portman (R-OH), a critic of Obama and supporter of Romney, "the administration's policies have failed by its own standards."

"Families in Ohio and across the nation are weary of the empty rhetoric. They are struggling to make ends meet amid a hurting economy, and the current policies are not helping to turn the economy around and create jobs for them and their children. Future generations cannot afford four years like the last, and Washington cannot risk kicking the can down the road any further," Portman said in a statement.

Robert Duncan, First Black Justice on Ohio Supreme Court, Dies

Former Ohio Supreme Court Justice and Federal Court Judge Robert M. Duncan died on Friday at the age of 85, the Ohio Supreme Court announced.

Duncan, who decided the Columbus schools' desegregation cases, was, according to the Supreme Court, "a jurist of many firsts: the first African-American elected to judicial office in Franklin County, the first to serve on the Supreme Court of Ohio, the first to win a seat in a statewide Ohio election, the first to serve on the U.S. Court of Military Appeals and the first to be appointed to the federal bench in Ohio."

"Justice Duncan was a great man and an exemplary jurist," said Chief Justice Maureen O'Connor in a prepared statement. "He demonstrated in his personal and professional life a deep commitment to the rule of law, and he was an inspiration to a whole generation of Ohio lawyers and judges. On behalf of my colleagues on the Supreme Court and the entire judicial branch, we offer our heartfelt condolences to the Duncan family in this difficult time."

Duncan is survived by his wife of 57 years, Shirley and their three children: Linn, Vincent and Tracey. Funeral arrangements are pending.

A graduate of the Ohio State University and its College of Law, Duncan went to work for Ohio Attorney General William Saxbe in 1956 after serving in the U.S. Army in Korea. He was appointed the attorney general's chief counsel after Saxbe won the office back.

Duncan was elected in 1966 to Franklin County Municipal Court and Gov. James A. Rhodes appointed him to succeed Supreme Court Justice Paul W. Brown in 1969. Duncan subsequently won his seat in the 1970 election. He referred to his term on the Supreme Court as, "A monastic life ... conducted mostly away from lawyers and litigants ... but as exciting as it is exacting."

He left the Supreme Court in 1971, when President Richard Nixon appointed him to the U.S. Court of Military Appeals, a three-justice bench created by Congress in 1950, as the highest court for military personnel. Nixon then appointed Duncan to the U.S. District Court for southern Ohio in 1974 where he served for over the 11 years.

It was during that time that Duncan presided over the Columbus schools' desegregation cases.

Duncan ended his judicial career in 1985, when he stepped down from the federal bench to join the private firm of Jones, Day, Reavis and Pogue in Columbus, as administrative partner, as well as firm coordinator for the new associates group.

Over the years, he served the Ohio State University in many capacities, as vice president and general counsel, on the board of trustees and as the Moritz College of Law's Distinguished Jurist in Residence. In 1985, Duncan won the Distinguished Service Award from the American Civil Liberties Union, honored by Executive Director Benson Wolman as "one of the most impressive persona ever to grace the Columbus scene ... as a jurist in the courts of Ohio and the United States, he fairly and justly demonstrated exceptional devotion to securing constitutional guarantees of expression and belief, due process, and equal protection of the laws for all citizens."

Senate Minority Leader Eric Kearney (D-Cincinnati) issued a statement on Duncan's death, saying, "Justice Duncan was an exemplary leader for many aspiring young, African American lawyers, including myself, by making history as the jurist to break racial barriers in his quest for justice. He will forever be remembered as a devoted servant who believed in equal rights for all."

Statewide Education Conference Takes up Tech-Savvy Students, Black Achievement Gap

Participants at Friday's Statewide Education Conference heard another day of presentations on the range of issues facing educators, students and families, including the achievement gap among African American males and cultural and technological challenges to communicating with students of all demographics.

Author Robert Jackson of Nova Concept Speakers/Lavelle Publishing recounted some familiar statistics among young black males, 70 percent of whom lack an involved father. While African Americans account for only 17 percent of K-12 enrollment, they represent 41 percent of all special education students, and 85 percent of them are boys. By the time they get to the fourth grade, 69 percent of black males are reading below grade level.

"If a young man can't read, he isn't going to graduate," Jackson said.

Among the consequences: Black males produce the highest number of high school/college dropouts and the highest rates of incarceration.

"We're only 12 percent of the general population but almost half the prison population," he said. "Some people really don't understand the magnitude of the problem. We're in a state of emergency with our young men of color."

Jackson recalled his own experience growing up in a one-parent home that often lacked financial resources and supervision. "You have people working two or three jobs" -- his mother's situation. He aspired to better things, though, and was sometimes accused by his peers of "acting white."

The problem, he said, can be summarized as a problem of absent parents, subpar schools and ineffective teachers, low self-esteem, peer pressure and "anger issues," a glorification of "thugs," a focus on test scores as opposed to life skills, a lack of holistic support services, and a lack of positive male role models.

The solution, Jackson said, is to create new peer identities for young black males exemplified by the Student African American Brotherhood (SAAB), 90 percent of which graduate from high school. That includes Jackson, who remains a member.

Outside the presentation, Jackson said while he is concerned about 3rd/4th grade literacy rates for black males, he does not believe retention is the answer, even if young boys have received interventions in their earlier years and still fail reading by the 3rd grade. He said retention will only paint them as pariahs and make them more likely to avoid school.

Meanwhile, Ako Kambon of Visionary Leaders Institute led a second session on the question facing all parents and educators: "Who are today's students, and how do we reach them."

Kambon said sociological data show that in the 1950s, a child's sphere of influence was -- in order -- home, school, church, peers and TV. By the 1980s, it had become home, peers, TV, school and church; and by the 1990s, peers, TV, home, school and church in a distant 10th place.

In the new millennium, he said, media of all forms dominate everything in the minds children. He broke the challenge down as follows:

- Students have a shortened attention span, making it difficult to instruct them in one subject or in the same way for long periods.
- Students are accustomed to being entertained, meaning classroom presentations and activities must be interesting rather than obligatory.
- Students are accustomed to receiving information faster, meaning they can take in more and various inputs than some teachers are prepared to give.
- Students are visual learners, meaning they are becoming more and more influenced by the online world and less and less even by television, which is equally auditory.
- Students have a "remote control" in their heads, meaning they will turn a teacher off if the first four rules are violated.

"We have a different student now," said Kambon. "The media is driving everything. If the student has changed, the way we reach them has to change."

Outside the session, he said whether it's called blended learning or simple reality, schools must stop viewing student technology as a distraction and instead employ it as a support. "This is cheap technology. The district or school does not have to buy it, because everybody has one," he said, holding up his own smart phone.

"Most school districts see this as a disruption, so they're banning it. It will fail miserably," Kambon said, offering one lesson from U.S. history. "It didn't work with prohibition, and it won't work with hand-held devices. We just have to figure out how to make this a tool for student success and not a distraction."

JobsOhio Reports Q3 Results of Nearly 6,000 New Positions; Minor Takes Helm

JobsOhio's quarterly report released this week notes activity from July through September that helped bring 87 project investments linked to 5,788 new jobs and retention of 16,317 positions.

Those new and retained positions add up to a total payroll of \$1.1 billion, along with \$1 billion in commitments for capital investment. Expansion of existing businesses accounts for about three quarters of the new jobs committed, while 1,162 are linked to new projects.

The private economic development organization released the report for its quarterly meeting in Rio Grande, which also included a formal leadership transition for JobsOhio. Mark Kvamme, a California venture capitalist whom Kasich brought in to help build JobsOhio, stepped aside Thursday but says he's staying in Ohio. John Minor, a managing director of the organization, is taking his place as the new president and chief investment officer.

JobsOhio says 77 of the 87 projects are projected to deliver a positive return on the state's investment within a year, with a total \$131 million return on investment expected over a decade.

JobsOhio's year-to-date totals include 234 projects with commitments for 15,980 new jobs, and \$3.9 billion in capital investment committed.

An industry breakdown in the report shows advanced manufacturing accounting for the largest share of new jobs, with 1,253 positions, followed by 1,020 in consumer products and 714 in financial services.

The automotive sector accounts for the biggest proportion of promised capital investment with \$296 million, followed by consumer products at \$242 million and advanced manufacturing at \$194 million.

JobsOhio's third quarter report is available at http://jobs-ohio.com/images/JobsOhio_Q32012_QtrlyRpt_Final.pdf.

Innovative School Models, Technology Featured at Columbus Briefing

A third briefing Thursday meant to help Columbus Mayor Michael Coleman chart a course to improve city schools focused on the role of innovation, both in schools' instructional and governance models and through using technology for teaching and educational contest.

Coleman said after Columbus Superintendent Gene Harris announced her plans to retire that he wants a greater role in improving city schools, though he said he's not seeking actual governing authority. In response, Eric Fingerhut, a Battelle Institute vice president and Ohio's former higher education chancellor, organized a series of four briefings to bring Coleman up to speed on the education issues of the day.

Briefing Coleman and City Council President Andrew Ginther were Aimee Kennedy, principal of Metro Early College High School in Columbus, and Bill Sims, president of the Ohio Alliance for Public Charter Schools.

The theory of technology's potential collided with reality a bit when organizers had to drop presenter Tom Vander Ark from the briefing because of problems securing the video conference feed from Seattle, where Battelle has an office. Vander Ark is the former executive director of education for the Bill and Melinda Gates Foundation and author of *Getting Smart: How Digital Learning is Changing the World.*

"We'll note for all the irony of technical difficulties," said Fingerhut.

Kennedy said Metro, a collaboration of Columbus schools and suburban districts, will accept any student promoted to 9th grade and adapts its curriculum to focus on the needs of specific students and focuses on students achieving subject mastery. Earning an "A" is the only way to pass a class. Students needing improvement get more instruction, while students who are ahead of the class can more quickly get into taking classes at the Ohio State University while enrolled at Metro.

"Time is not the deciding factor of when they move on. Performance is the deciding factor of when they move on," she said. "It's not an all or nothing game. You can be accelerating at math but recovering in English."

The results are a 100 percent graduation rate, 85 percent college acceptance rate and an average ACT score about three points better than the state average.

Central to instruction at Metro are "design challenges" where students are given a broad problem to solve and told to create a solution.

Technology is embedded in most of the school day, but Kennedy said it's meant only as a supplement to teacher interaction, not a replacement.

Sims said the approaches Metro takes are indicative of what charter schools are meant to be, laboratories where greater flexibility allows moving to different models.

"I sometimes like to think of charter schools as a disruptive innovation," Sims said.

Compared to other states, Ohio has a greater proportion of all students in charter schools, a greater proportion of African-American students, but a lesser proportion of Hispanic students.

Sims said he sees the greater prevalence in Ohio of for-profit charter school management companies as a problem, because smaller, independent start-up schools tend to produce the most innovation. But he said Ohio's relatively low per-pupil

funding and lack of facilities funding for charter schools prompts greater involvement by for-profit managers because they are one of the only sources of start-up capital.

Sims said Ohio's funding levels also can create barriers to Ohio attracting some of the successful schools in other states.

"There are some that are coming here in spite of all of that and are really slugging away at it," he said.

Fingerhut noted that leaders in Indianapolis actually raised a pool of funds to help attract innovative school models, the same way mayors and governors might use incentives to lure business development.

Ohio has more children in virtual schools than all but one state, Arizona, Sims said, which will give the state an edge as blended or "hybrid" school models become more popular. That will also create the need for greater bandwidth and connectivity.

Fingerhut also made a presentation on digital content, discussing the availability of free online courses, and noting the digital education sector enjoyed a 500 percent increase in private investment of five years.

Coleman asked presenters how to address the fact that many students won't have access to the type of technologies available at school when they're at home. Kennedy said all students at Metro are leased a computer for \$150 per year, though they get help with costs if they qualify for free or reduced price lunches. She also said lack of technology can provide opportunities for students to get creative.

"In life, if you need the Internet and you don't have it, how are you going to solve that problem?" Kennedy said, talking about helping students find libraries or restaurants with free Internet.

Also, Kennedy said some of the online assessment tools used at Metro could be updated to incorporate texting, since phones are far more ubiquitous among students than computers.

"It's almost become a cliché that when kids come to school they power down, and when they leave school they power up," said Sims.

DeWine Gives Mixed Reaction to Innovative School Funding Request

Ohio schools are being charged with the goal of innovation and better resource management, but when a Warren County's Carlisle Local Schools district proposed a new funding stream for the 2012-13 academic year, few would have expected: water.

County officials asked the Ohio Attorney General's Office in August whether the district could sell reserves from the Great Miami Buried Valley Aquifer in a water bottling operation, the proceeds of which would fund Carlisle schools. (See *The Hannah Report*, 8/31/12.) According to environmentalists, Great Miami is among the largest aquifer systems in North America.

Attorney General Mike DeWine's answer to the request for legal opinion: Sort of.

District officials had asked whether they could operate a bottling plant on areas of school property not being used for instruction. No, opined the AG, because a district's limited incorporation powers specifically allow it to educate children, not to operate a business concern.

"No statute expressly authorizes a board of education to operate a water bottling plant. Nor is such authority necessary to enable the board to perform its statutory function of providing an education to its students," DeWine said. "As the operation of a water bottling plant by a board of education is not 'necessary for the general welfare of the schools under [its] jurisdiction,' a board may not expend moneys to operate such a plant."

At the same time, said DeWine, nothing in the Ohio Revised Code bars a district's power to "acquire, hold and dispose of real and personal property and to enter into contracts" or, as a consequence, to exercise its water rights by diverting the volume beneath its parcel of land.

"Given that the General Assembly has recognized water as tangible personal property for purposes of Ohio's sales tax law, water is personal property for purposes of R.C. 3313.17 that may be sold by a board of education of a local school district," the AG said, cautioning, however, that he was offering no opinion on whether anyone buying school district water would actually have to pay the sales tax.

Carlisle school officials had anticipated the possibility of limited incorporation powers combined with contractual rights by asking a third question: whether a board of education might engage a third party to operate the water bottling plant on district property. DeWine said it depends.

"No statute authorizes a board of education of a local school district to enter into a contract with a private entity to have the entity operate a water bottling plant as a for-profit business. However, R.C. 3313.17, which authorizes a board of education to acquire and hold real property, has been interpreted as authorizing a board of education to lease real property 'which it determines is not presently needed for school purposes and which cannot be advantageously sold,'" he said, citing a previous AG opinion from 1992.

The lease must include the proviso that a board of education could terminate the contract whenever it deemed the property needed for normal school purposes.

DeWine recalled the recent battle over JobsOhio and prison privatization by cautioning that any agreement between a district and a private bottler could not represent the kind of "business partnership" proscribed by the Ohio Constitution. (See *The Hannah Report*, 8/22/11, 8/31/11.)

"A lease between a board of education and a private entity for the use of real property titled to the board must not ... violate the lending credit or joint ownership prohibitions of Article VIII, Section 4 of the Ohio Constitution. ... The provision prohibits a board of education from leasing real property to a private entity where the lease arrangement creates a union of public and private property," the AG said.

"In contrast, a variety of leases and other contractual arrangements have been found constitutional on the grounds that they preserve the separate property interests of the governmental and private bodies," he said, noting scenarios in which "ownership of each item of property was clearly defined and there was no sharing of risks or profits."

Finally, Carlisle had asked whether it might further exercise its water rights by declining the services of the city water system, normally required by municipal ordinance. DeWine said nothing currently in state law would allow school districts to set aside a city ordinance and replace municipal services with ground water.

Supreme Court Permits State's Keeping DNA Profiles for Future Use

The Supreme Court of Ohio ruled Thursday that when the state has lawfully obtained a sample of a person's DNA in the course of a criminal investigation, and has used that sample to establish a DNA profile of the subject, that person does not have standing to object to the state's retention of the DNA profile, and the state is authorized to retain the profile and use it in a subsequent criminal investigation despite the subject's acquittal on the charge that was the basis for obtaining the DNA sample.

The court's 7-0 decision on *State v. Emerson*, written by Justice Robert R. Cupp, affirmed a ruling by the Eighth District Court of Appeals.

The case involved a criminal defendant, Dajuan Emerson, who was accused of rape in 2005. In the course of the investigation, a search warrant was executed to obtain a DNA sample from Emerson.

The sample was processed and a DNA profile of Emerson was obtained. That profile was placed into the law enforcement Combined DNA Index System (CODIS) at the local level and, eventually, was entered in a "suspect" database at the state level. Emerson was acquitted of the rape charge. After his acquittal, the DNA profile remained in CODIS and Emerson did not seek to have the profile expunged.

In July 2007, Cleveland police investigating the murder of Marnie Macon found blood that was not the victim's on a door handle at the crime scene. The Cleveland Police Department submitted a sample of the blood to the Cuyahoga County Coroner's Office. A DNA analyst with the coroner's office processed the blood sample, and the resulting DNA profile was entered into CODIS at the local level as a forensic unknown. The profile was sent electronically to the state.

In August 2008, a report generated at the state level determined that the DNA profile obtained from the homicide scene matched Emerson's DNA profile.

After obtaining a search warrant and a new DNA sample from Emerson that matched the crime scene material, he was indicted on one count each of aggravated murder, aggravated burglary, and tampering with evidence. Emerson filed a motion to suppress any DNA evidence. After holding a hearing, the trial court denied the motion. The matter proceeded to trial. The jury found Emerson guilty of aggravated murder and tampering with evidence. On appeal, the Eighth District Court of Appeals affirmed the judgment of the trial court.

Emerson sought and was granted Supreme Court review of the case on two legal questions:

- 1) Does a person whose DNA profile is retained by the state and used in a subsequent criminal investigation, despite that person's acquittal of the crime for which he was originally required to provide a DNA sample, have standing to assert a Fourth Amendment (unreasonable search and seizure) challenge to the retention and use of that profile?
- 2) Does the state have the authority to retain a DNA profile that was obtained during a criminal investigation and use that profile in a subsequent investigation, when the person was acquitted of any crime following the first investigation?

In the unanimous decision upholding the court of appeals' ruling, Justice Cupp wrote: "Appellant (Emerson) argues that he has a reasonable expectation of privacy in the DNA profile obtained from his sample. ... Specifically, appellant contends that the state was permitted to use the DNA profile only for the 2005 rape investigation and its retention and subsequent use subjected him to a new Fourth Amendment search and seizure.

"A DNA sample and a DNA profile are not one and the same. Instead, a DNA sample is processed by a specialist to obtain the DNA profile. ... Once the sample is processed, a record is made of the profile. Accordingly, this scientific process results in a record separate and distinct from the DNA sample. Because a scientific process must be performed on a DNA sample by an agent of the government to obtain the DNA profile, and the DNA profile is separate and distinct from the DNA sample, we conclude that the DNA profile obtained from appellant's DNA sample was the work product of the government. Therefore, appellant had no possessory or ownership interest in the DNA profile.

"[R]etention by the state of a DNA profile for possible future comparison with profiles obtained from unknown samples taken from a victim or a crime scene does not differ from the retention by the state of fingerprints for use in subsequent investigations. ... We note that numerous courts around the country have examined this issue and have reached the same conclusion that we do here -- a person has no reasonable expectation of privacy in his or her DNA profile extracted from a lawfully obtained DNA sample. A defendant lacks standing to object to its use by the state in a subsequent criminal investigation.

"Appellant also argues that the DNA profile should not have been retained by the state after he was acquitted of the rape charge. He contends that the state lacked the authority to retain the DNA profile and subsequently use it in the homicide investigation because he was acquitted of the 2005 rape charge. ... There is no support in the CODIS Methods Manual for appellant's position. The manual has no provision for the removal of a DNA profile of an individual acquitted at trial. Sec. 17.6 sets forth the basis for expunging a DNA profile -- a conviction being overturned on appeal or a sample taken in error -- and the procedures that need to be followed. However, Sec. 17.6 is not self-executing. There is no mechanism set forth in the manual by which the state is automatically notified that a person's conviction has been overturned, requiring the profile

of the acquitted person to be removed. Instead, the requirement of going forward is on the exonerated individual to notify CODIS that the conviction has been overturned and to seek expungement of the DNA profile. Appellant failed to do this.

"There is no legislative requirement that DNA profiles obtained from lawfully obtained DNA samples be removed from CODIS on the state's initiative when the subject of the profile is acquitted at trial, and we will not create such a requirement. ... Even if Ohio's statutory scheme required the removal of appellant's DNA profile upon his acquittal, suppression of that evidence is not appropriate. ... Since the General Assembly opted not to provide a remedy to a party wronged by a violation of either R.C. 109.573 or 2901.07, 'we are not in the position to rectify this possible legislative oversight by elevating a violation of [these statutes] to a Fourth Amendment violation and imposing the exclusionary rule.'

"Accordingly, we conclude that a person has no reasonable expectation of privacy in his or her DNA profile extracted from a lawfully obtained DNA sample, and a defendant lacks standing to object to its use in a subsequent criminal investigation. Under these circumstances, the state is not prohibited from retaining in CODIS the DNA profile of a person acquitted of a crime and using the DNA profile in a subsequent criminal investigation."

Meet the Candidates: Patten v. Dovilla in House District 7

In one of the bigger rematches on the Nov. 6 ballot, a former state representative is hoping to gain back the seat that he lost in the 2010 Republican wave, while the man who beat him wants another term to build on what he says are the successes of the GOP-led House in the past two years.

Matt Patten, a labor field organizer, won the previously-held Republican 18th House District in 2008 in a wave year for Democrats. But that wave swept the other way in 2010, with Rep. Mike Dovilla (R-Berea) winning the seat. During reapportionment, the district kept most of its previous shape but was renamed the 7th House District.

Although Barack Obama slightly edged John McCain in the district in 2008, Gov. John Kasich overwhelmingly carried it in 2010.

Patten said he thinks he's pretty well invested in the district, having been involved in the community and living there with his wife and four children. He said he knows who lives there and what all the issues are, pointing to school funding as one of the biggest.

"It's very tough when you get in for one term to get everything you want to get done," Patten said. Still, he said the 128th General Assembly that he served in worked across party lines and sought middle ground, and noted that he worked with Sen. Tom Patton (R-Strongsville) on a number of items, including a film tax credit, one of the pieces of legislation he is most proud of from his time in Columbus. He also points to 128-HB330 dealing with cost sharing with school districts.

Patten added that a lot of the "extreme stuff in this Legislature" that was supported by Dovilla "would never have happened in our Legislature."

Dovilla said he believes he has a better record of accomplishment in his first term, from the six bills that he sponsored that became law, to the overall improvements in the state's economic climate, to the community outreach and constituent services. He pointed to the "Legislator for a Day" reading program with local elementary school kids that his office has sponsored twice that allows the winner to come spend the day with him in Columbus.

Dovilla said the top issue in the district is still "jobs, jobs, jobs." When he took office, he said unemployment in the district was at 10 percent. Now it is 7 percent. He said he continues to preach that a politician can't create jobs but can make the environment easier to create jobs.

Patten said education is a top issue in the district. He said the 129th General Assembly wiped out the Evidence Based Model passed while he was in the Legislature, including all of the positive aspects. He said people are starting to notice cuts in education funding, with class sizes growing bigger and districts tightening their belts.

"Parents are frustrated with class sizes growing, especially when you are talking about early education," Patten said. He noted that his son's class has 30 students this year, and added "those class sizes should not be that big."

He also said local communities are frustrated with the Legislature's and Gov. John Kasich's cutting the estate tax without any replacement revenue.

Dovilla noted his position as vice chairman of the House Education Committee, and said he is looking forward to tackling the school funding issue. He said it is still a tricky issue that had been dodged by previous General Assemblies, but he said this General Assembly has shown it is willing to make tough decisions. As for what the state should do, he said there are examples and other states to look toward, and said there needs to be a focus on what the money schools are spending is going towards.

Patten said his goal would be to find middle ground on the different philosophies of each side. He said he believes everyone is interested in educating children, but he also said he would like to see some of the priorities in the Evidence Based Model return such as a commitment of funding from the state and student/teacher ratios.

Both cite the film tax credit as one of their biggest accomplishments. Passed in the 128th General Assembly and renewed in the 129th General Assembly, the tax break has been credited with bringing large productions to Cleveland including last summer's blockbuster "*Avengers*." But Patten also charged that Dovilla has been taking credit for bringing films to the area that were made possible by the original credit passed when Patten was in the General Assembly and was a co-sponsor of the effort.

Dovilla responded that "Matt can attempt to take credit for the work now," but added it was Sen. Tom Patton's original concept.

Another issue Patten pointed to as important is housing, saying he wants to make sure communities in the area keep rebuilding from the housing collapse.

Dovilla said he's been asked by leadership to head up election reform, and he would like to see more done in the area of tax reform. He said he's not a fan of the original severance tax on gas and oil drilling as proposed by Kasich, but said he believes the House will look at it.

The incumbent also bristles at the notion that he can't compromise, noting that the bills he authored have passed with a supermajority and had bipartisan support.

"That's bipartisanship. That's compromise. I have a record to stand on that demonstrates how I work in that way," he said.

State Government Roundup

Ohio Veterans Bonus Goes to More than 60,000

A total of 60,593 Ohio veterans and family members have received payments from the Ohio Veterans Bonus program totaling nearly \$50.9 million - and other eligible veterans are urged to take advantage of this special "thank-you" for their service from Ohio voters.

Action is particularly critical for two groups of veterans -- those from the Persian Gulf War and Iraq War eras, the Ohio Department of Veterans Services (ODVS) notes in a release. "The deadline to apply for Persian Gulf veterans is Dec. 31, 2013. Iraq War veterans face a deadline of Dec. 31, 2014 to apply."

The department said "citizens of Ohio overwhelmingly approved the Ohio Veterans Bonus in November 2009 for veterans of the Persian Gulf War, Iraq War and Afghanistan War eras." That law specifically set the 2013 deadline for Persian Gulf War veterans to apply, while the deadline for Iraq War veterans was set as "the third year following a date determined by the president as the end of the conflict. Tentatively, this date is the termination date of the Iraq Campaign Medal, which was

Dec. 31, 2011, making the deadline for bonus application for service in Iraq Dec. 31, 2014. No deadline has yet been announced for the Afghanistan War."

"Every veteran who's served during our recent wars is eligible for the bonus," ODVS Director Tom Moe said in a statement. "We're very pleased with the response we've had to this point, but we're not going to rest in getting out the word. We particularly want to be sure that we reach all of our Gulf War and Iraq veterans."

"I'm also calling on our entire Ohio veterans' community to be sure that our veterans of today know about the bonus, and take the time to apply for it," Moe continued. "It's a simple process that can be started with a phone call or some time online, or at a county veterans service office, and then followed up by mailing in the appropriate documents. Every veteran and their family deserve our thanks, and no eligible veteran should miss out."

The Ohio Veterans Bonus is open to veterans of the Persian Gulf War era as well as the eras of the wars in Iraq and Afghanistan, regardless of where they served, as well as the next of kin of those who were killed in action or died of disease as a result of in-theater service. The bonus is not subject to federal or state taxes, and can be used for any purpose.

According to ODVS, the specific criteria for award of the Ohio Veterans Bonus is service in the Armed Forces of more than 90 days active duty, not for training, during the periods of the Persian Gulf War and the conflicts in Afghanistan and Iraq. For the Persian Gulf, the eligible period is from Aug. 2, 1990 through March 3, 1991; for Afghanistan, from Oct. 7, 2001 through a date to be determined by the president, and for Iraq, from March 19, 2003 through Dec. 31, 2011. Eligible veterans must have been Ohio residents at the time of their entry into the service, and must be Ohio residents currently.

"The bonus pays \$100 a month to veterans who served in the Persian Gulf theater, or in the countries of Afghanistan or Iraq, up to a maximum of \$1,000. For veterans who served elsewhere, the payment is \$50 a month up to a \$500 maximum. Veterans medically discharged due to injuries sustained in combat can receive \$1,000, plus up to \$500 for months of service elsewhere. Family members of those killed in action or who died from disease as a result of their in-theater service can receive a bonus of \$5,000 plus whatever the service member was eligible for, up to a total of \$6,500."

Veterans needing more information or who want to apply can call toll-free 1-877-OHIO VET (1-877-644-6838) option 2, go online to www.veteransbonus.ohio.gov, or visit any county veterans service office. (See www.dvs.ohio.gov for an interactive map of the location of the county offices.)

The Ohio Veterans Bonus continues a tradition of bonuses to reward Ohio veterans that dates back to the Civil War; however, these other war bonuses are now closed.

ODPS Awards \$14.3 Million in Traffic Safety Grants

The Ohio Department of Public Safety's (ODPS) Office of Criminal Justice Services (OCJS) has awarded \$14.3 million in federal traffic safety funding to local law enforcement and safety partners for Federal Fiscal Year (FFY) 2013.

"The state is committed to providing resources to keep our communities safe," said ODPS Director Thomas P. Charles in a prepared statement.

The funds support the efforts of safety partners statewide and focus on traffic safety priority areas such as seat belt use, impaired driving, motorcycle safety and youthful drivers.

Competitive grant proposals were accepted and reviewed by OCJS, with funds awarded to projects that will have the greatest impact on reducing fatal crashes or significantly improving traffic safety systems. The FFY13 competitive grant process solicited grant proposals from state agencies, nonprofit organizations, colleges, universities, hospitals, political subdivisions and other interested groups within selected Ohio counties and jurisdictions based upon the number of fatal crashes.

OCJS awarded 160 grant proposals for FFY13, which began Oct. 1. Federal funds were allocated to 69 of Ohio's 88 counties representing 93.8 percent of Ohio's population, not including the Ohio State Highway Patrol. Grants are given in the

following categories: general traffic safety, high visibility enforcement overtime, countywide OVI task force program, safe communities program and traffic engineering.

A complete list of grant awards for FFY13 can be found online at the OCJS website at <http://www.ocjs.ohio.gov/>>Traffic Safety.

Ethics Commission Reaches Settlement with Former Newton Falls Mayor

The Ohio Ethics Commission Friday reached a settlement with former Newton Falls Mayor Patrick Layshock regarding an allegation that he had used his public position to benefit his brother's business.

According to the commission, Layshock agreed to accept a public reprimand and has acknowledged that the Ohio Ethics Commission's investigation found sufficient evidence supporting violations of the Ohio Ethics Law. In exchange for his agreement, the state of Ohio will dismiss the criminal conflict of interest charges and not pursue further prosecution.

The commission said its investigation "revealed that Layshock participated in city meetings regarding his brother's company, L&V Associates Property Development. The former mayor also encouraged city council to hasten the progress of his brother's development project in Newton Falls. Therefore, the ethics commission determined that Layshock committed conflict of interest violations under Ohio's Ethics Laws and related statutes."

People in the News

Memorial Service for Lobbyist John Patterson Set for Sunday

A memorial service for lobbyist John Patterson will be Sunday, Nov. 4 at the Marlan J. Gary Funeral Home Chapel of Peace, 2500 Cleveland Ave., Columbus, beginning at 4 p.m.

Family will receive friends beginning at 3 p.m.

Patterson, 62, died Sunday, Oct. 21. He was a long-time lobbyist for the Ohio Hospital Association, among others.

Patterson is survived by his mother, Veda Renshaw, and two daughters, Aida and Erin.

Gardner Receives Governmental Service Award from OACCS

The Ohio Association of Career Colleges and Schools (OACCS) Friday recognized Rep. Randy Gardner (R-Bowling Green) with the group's "Distinguished Governmental Service Award."

OACCS said that as chair of the higher education subcommittee of the House Finance and Appropriations Committee in 2011, "Gardner successfully advocated for the Ohio Legislature to reinstate the Ohio College Opportunity Grant for financially needy career college students. Tuition assistance is vital to non-traditional, working students who comprise the majority of career colleges' enrollment. Nationally, 86 percent of the students who attend career colleges and schools receive some form of need-based student aid.

"Gardner regularly visits campuses in the Toledo [area] to learn about the concerns of education leaders in the career-college sector. The Wood County Republican has first-hand knowledge of the value of career education, having received his real estate license and education from Stautzenberger, a for-profit institution."

R. David Rankin, OACCS executive director, said, "Rep. Gardner recognizes that career colleges and schools help create the workforce that Ohio needs to compete in the world. He also regards career colleges and schools as partners in producing more college graduates in Ohio."

Gardner is serving his 11th term in the Ohio House, representing Wood County's 6th District. He is a candidate for the Ohio's 2nd Senate District seat in Tuesday's election, running against Democrat Jeff Bretz.

Campus Chronicle

Denison Names Weinberg Next President

Denison University Chair of the Board of Trustees Tom Hoaglin announced Thursday that Adam Weinberg will become Denison's 20th president, succeeding Dale Knobel, who will retire on June 30, 2013, after 15 years as president.

Weinberg, who will begin his Denison tenure on July 1, is currently the president and CEO of World Learning, an international nonprofit organization that provides education, exchange, and development programs in more than 60 countries. A professor of sociology, he was vice president and dean of the college at Colgate University, where he served on the faculty for more than a decade.

His selection comes after a year-long search conducted jointly by a committee composed of trustees, faculty, staff and students.

Weinberg said in a prepared statement, "Joining Denison is a unique opportunity to be a part of a leading academic institution that is challenging itself to re-imagine the role of a liberal arts education in a rapidly changing world.

"I look forward to collaborating with Denison's faculty so that our students continue to benefit from an education that demands spirited debate and personal engagement with ideas that impact local and global communities. On a personal note, my family and I are excited to join both the Denison and Granville communities."

OSU, Royal Shakespeare Company Expand Partnership

Ohio State University (OSU) and the UK's Royal Shakespeare Company (RSC) have announced an expansion of their initial three-year collaboration, "supporting Ohio State's aspiration to be a destination for the innovative teaching, research and performance of Shakespeare," OSU explained in a release.

The new agreement will do the following:

- Improve innovative K-12 teacher training and expand the program's reach beyond the 4,000 Central Ohio K-12 students and their teachers engaged by Ohio State during the initial three-year partnership. This program is inspired by RSC's *Stand Up For Shakespeare* manifesto: Start It Early, See it Live and Do it on Your Feet, promoting active teaching methods which are drawn directly from the RSC's rehearsal room practice.
- Bring more of the RSC's work to the U.S. and support the continuation of the RSC's co-productions with some of America's leading theatre makers and artists.

The announcement was made by Ohio State President E. Gordon Gee and Catherine Mallyon, executive director of the RSC, at the Columbus Metropolitan Club, where members of the RSC ensemble and acting company from Stratford-upon-Avon performed a 20-minute edited version of *"King Lear"* to celebrate the start of its two-week Ohio State residency of Young People's Shakespeare performances and associated workshops, in the university's Drake Performance Center.

In attendance were Abigail and Leslie Wexner, whose support was instrumental in creating the original partnership and who are the lead donors for the new collaboration.

"We are at once humbled and overjoyed by the impact the Ohio State-Royal Shakespeare Company collaboration has had on the lives of faculty, students and thousands of school children," said Abigail and Leslie Wexner. "The unexpected beauty has been watching this partnership grow even beyond our highest hopes, and it is an honor to be able to formally extend the collaboration through this new presenting partnership."

The first RSC production to be seen in the U.S. under this new arrangement will arrive this spring, when the company collaborates with Ohio State to present the RSC's acclaimed production of *"Julius Caesar."* Set in contemporary Africa and directed by the RSC's new artistic director, Gregory Doran, *"Julius Caesar"* will have its U.S. premiere at The Brooklyn

Academy of Music's (BAM) Harvey Theater, April 10-28, 2013; it will then travel to Columbus, to play May 1-5, at the Southern Theatre. Columbus performances are being presented by Ohio State and the Columbus Association for the Performing Arts (CAPA).

"*Julius Caesar*" first opened in Stratford-upon-Avon, then transferred to London's West End and later toured the UK, before traveling to Moscow in November this year.

Additional RSC productions and projects to be included in this collaboration are in development and will be announced soon.

"We are thrilled to build upon our unique and entrepreneurial relationship with the acclaimed Royal Shakespeare Company," said E. Gordon Gee, president of Ohio State. "By bringing these two world class institutions together, we expand the university's artistic engagement beyond our campus borders, beyond Ohio, beyond the United States.

"Today we renew our relationship to make the teaching, research and performance of Shakespeare a key priority at Ohio State and to help bring the joy and inspiration of RSC productions to more people across the country."

UC Faculty Member Wins Medical Education Top Honor

University of Cincinnati (UC) College of Medicine educator Bruce Giffin, Ph.D., has been named the Association of American Medical Colleges (AAMC) 2012 Alpha Omega Alpha (AOA) Robert J. Glaser Distinguished Teacher Award winner.

The award is one of nine individual awards and one medical school award that the AAMC will present during the association's annual meeting Saturday, Nov. 3, in San Francisco.

"It is an extremely well-deserved award and is among the highest awards in medical education nationally," said Andrew Filak, M.D., chair of the UC College of Medicine's medical education department, in a statement. Giffin serves as vice chair of the department.

Giffin, who oversees gross anatomy in the integrated curriculum and is block director for the "Fundamentals of Medical Science" and "the Brain, Mind, and Behavior" blocks, and directs the college's Body Donation Program, joined the UC medical college faculty in 1990 after beginning his career as a secondary school teacher and serving a graduate teaching assistantship at the college from 1981 to 1985. He received his bachelor's and master's degrees from the University of Dayton and his doctorate in anatomy and cell biology from UC.

"For the past 20 years, Giffin has displayed a dedication to medicine and a passion for teaching that is consistently recognized by the medical students he teaches. Year after year he has received a student-selected 'Apple' award for teaching, and student, faculty and staff nominations filled a binder when Giffin was nominated for, and won, the university's A.B. 'Dolly' Cohen Award for Excellence in Teaching," UC noted.

In addition, "Giffin's commitment to his students often extends beyond the classroom. He opens his home every Thanksgiving to medical students who cannot be with their families and shares his love of music by directing the men's and women's choruses in the College of Medicine."

The Alpha Omega Alpha Robert J. Glaser Distinguished Teacher Awards were established by the AOA medical honor society in 1988 to provide national recognition to faculty members who have distinguished themselves in medical student education. The award is named for longtime AOA executive secretary Robert J. Glaser, M.D.

Giffin will receive a \$10,000 grant and the college will receive \$2,500 for teaching activities. The college's AOA chapter will receive a stipend of \$1,000 toward its activities.

The Association of American Medical Colleges is a not-for-profit association representing all 141 accredited U.S. and 17 accredited Canadian medical schools; nearly 400 major teaching hospitals and health systems, including 51 Department of Veterans Affairs medical centers; and nearly 90 academic and scientific societies. Through these institutions and organizations, the AAMC represents 128,000 faculty members, 75,000 medical students and 110,000 resident physicians.

Additional information about the AAMC and U.S. medical schools and teaching hospitals is available online at www.aamc.org/newsroom .

AG Announces Conclusion of Investigation into Complaint against Wilberforce Trustees

Attorney General Mike DeWine said Friday that his office's Charitable Law Section has completed an investigation of Wilberforce University trustees after a group called the Concerned Citizens of Greene County filed a complaint alleging they had violated their fiduciary duties.

"After a year-long investigation related to the complaints against Wilberforce trustees, our Charitable Law Section found no violations of fiduciary duties or applicable charitable trust laws," DeWine said in a news release. "The investigation is now concluded."

The release went on to explain, "Since Wilberforce University is a charitable trust, the complaint was directed to the Charitable Law Section of the Ohio Attorney General's Office. After a review of documents related to the charges, no clear and convincing evidence was provided that the board failed to act in good faith or that the board acted in a manner opposed to the best interests of the university."

A copy of the letter sent to the Wilberforce trustees informing them of the investigation's conclusion can be found on the Ohio Attorney General's website at <http://www.ohioattorneygeneral.gov/OhioAttorneyGeneral/files/d9/d907d3ba-1556-44db-8c61-02509c63e306.pdf> .

LEGISLATIVE ACTIONS

The House adjourned until Wednesday, Nov. 7, 2012 at 9 a.m. (Nonvoting Session)

The Senate adjourned until Tuesday, Nov. 6, 2012 at 10 a.m. (Nonvoting Session)



Friday, November 2, 2012

AGRICULTURE

Ohio Department of Agriculture Director David Daniels announced Monday the appointments of Sereana Howard Dresbach and John Schlichter as new deputy directors in the department. Dresbach will oversee the divisions of animal health, consumer protection, dairy, food safety and meat inspection, while Schlichter, a former state representative, will be responsible for overseeing the divisions of plant health, livestock environmental permitting, weights and measures and amusement ride safety.

The new Dangerous and Restricted Wild Animals Advisory Board created in SB310 (Balderson) met for the first time Wednesday and approved temporary housing and care standards for those keeping exotic species. The Ohio Department of Agriculture, which oversees the new board, said just about 40 of the 500 or 600 estimated owners have registered their animals ahead of the coming Nov. 5 deadline. Registration before then is a hard and fast requirement for being able to keep such animals.

ATTORNEY GENERAL

On Friday, the final day of the 2012 Law Enforcement Conference in Columbus, Attorney General Mike DeWine honored more than 100 peace officers, dispatchers, prosecutors and other public servants for their efforts to protect Ohioans through dangerous and sometimes tragic circumstances, including the shootings at Chardon High School and the exotic animal release in Muskingum County in October 2011.

Attorney General Mike DeWine announced Ohio has joined with other states and the federal government to settle allegations that Boehringer Ingelheim Pharmaceuticals Inc. (BIPI) paid kickbacks and engaged in off-label marketing campaigns that improperly promoted four drugs: Atrovent, Combivent, Micardis and Aggrenox. As part of the settlement, Ohio will receive \$1,399,566 in restitution and other recovery.

BALLOT ISSUES

Voters First, the group behind Issue 2, the constitutional amendment to change the way Ohio draws its congressional and General Assembly lines, encouraged voters Wednesday to take time to make sure they are casting a vote on the entire ballot. Sandy Theis, a spokeswoman for Voters First, said the campaign has been receiving complaints from Ohio voters about the length of Issue 2's ballot language and not being able to find other local issues on the ballot.

DISASTERS

Ohio -- particularly northeast Ohio and Cuyahoga County -- was not spared from the effects of superstorm Hurricane Sandy, which saw thousands without power and high winds and waves along the Lake Erie shore.

ECONOMIC DEVELOPMENT

The Ohio Development Services Agency (DSA) announced \$2 million in funding from the Community Development Block Grant's Residential Public Infrastructure Program for four water projects in Guernsey, Jefferson, Licking and Putnam counties.

The Ohio Development Services Agency (DSA) announced Thursday the launch of a program designed to find new uses for abandoned sites. The Ohio Vacant Facilities Fund, which was enacted in HB18 (Baker) and was signed by Gov. John Kasich on May 4, will provide grants to assist businesses in creating new jobs in vacant and underutilized commercial buildings and business parks.

EDUCATION

A panel of education and development experts told Columbus Mayor Michael Coleman and former Ohio Chancellor Eric Fingerhut that the capital city -- boasting the state's largest population and school district -- must lead the way in P-20 reforms if Ohio is to meet workforce needs of the 21st century. The evening forum was the second in a series of four meetings on the future of Columbus schools and regional workforce development. The week before, participants heard about the increasing poverty and early learning gap of district students.

The Ohio Department of Education (ODE) began accepting applications for the Early Literacy and Reading Readiness competitive grant program Monday, which the General Assembly funded at \$13 million in HB487 (Amstutz). The grant program, related to the controversial "Third Grade Reading Guarantee," is designed to help early elementary students gain, by the end of third grade, the reading fundamentals needed to prepare them for the remaining school years, college and career. The deadline to apply for funding through the program is Monday, Dec. 31.

A total of 17 Ohio school districts and their corresponding counties and townships will share \$1,444,650 from the sale of timber in Ohio's state forests, according to the Ohio Department of Natural Resources' (ODNR) Division of Forestry. Through the division's "Trees to Textbooks" program, a percentage of the revenue generated from state forest management activity goes to the county, township and school district in which the activity took place.

Former school treasurer Carl W. Shye, Jr. was sentenced for embezzling hundreds of thousands of dollars intended for four community schools in Ohio.

The opening day of Ohio's 2012 Statewide Education Conference on Thursday included a lengthy question-and-answer session with Acting Superintendent Michael Sawyers, where he discussed Ohio's collaboration with Massachusetts on a new Instruction Improvement System.

Acting Superintendent of Public Instruction Michael Sawyers provided an update Thursday on the Ohio My Voice Initiative, a joint project of the Ohio Department of Education (ODE), Pearson Foundation and the Quaglia Institute for Student Aspirations (QISA) that surveys students, teachers and staff on the subject of academic success.

The Ohio School Boards Association (OSBA) will host its annual Student Achievement Fair next month for 100 of the state's "most innovative public school programs and projects." As part of OSBA's 57th annual Capital Conference and Trade Show, the student fair will highlight outstanding initiatives by school programs around the state. They include four Big 8 districts: Cleveland, Cincinnati, Toledo and Youngstown.

ELECTIONS

The Ohio Ethics Commission (OEC) announced that it has extended the financial disclosure filing deadline for those filers whose deadline would ordinarily be April 15, 2013 to May 15, 2013 in recognition of its new electronic filing system, which will be available in early 2013. However, to allow the public the necessary time to review forms from candidates for elective office who file financial disclosures before next May's primary election -- all local offices -- the deadline is not changed, and they will still need to file 30 days before the election or by April 8, 2013.

ELECTIONS 2012

Justice Robert Cupp Friday quickly called for the Ohio Republican Party to take down an advertisement attacking his opponent, former appeals court Judge William O'Neill, after the Ohio State Bar Association (OSBA) sent letters to both Cupp and the state party saying it was troubled by language in the ad that said O'Neill "expressed sympathy for rapists." Ohio Republican Party Chairman Bob Bennett said later the ad will no longer air but continued his attack on O'Neill with a new website.

Internal polls show GOP presidential nominee Mitt Romney leading in Ohio, Gov. John Kasich said during an interview Sunday on NBC's "Meet the Press." "I believe right now we are currently ahead. Internals show us currently ahead. I honestly think that Romney's going to carry Ohio, and you know I haven't been saying this. I now believe it's going to happen," Kasich said during the interview with host David Gregory of NBC News.

Candidates aren't all that are on the Nov. 6 ballot. A number of counties and local communities throughout the state will also be voting on a variety of human service-related ballot issues, supporting local services. Those include issues in eight counties addressing behavioral health funding; eight counties addressing children services levies; 11 counties with developmental disability levies; and nine local communities with senior services levies.

As usual, the Ohio Elections Commission was busy just before the election, dismissing a complaint by Democratic House candidate Paul Colavecchio against House Republicans on Tuesday. Then on Thursday a panel dismissed a complaint that Cincinnati Right to Life PAC filed against the Ohio Democratic Party over a mailer attacking House candidate Mike Wilson on women's health issues. The mailer said he would cut funding and coverage for services like mammograms, citing Wilson's involvement in last year's Issue 3 campaign and his stated opposition to any public funding to organizations that provide abortion.

A deluge of polls gauged the state of the presidential and senatorial contests in Ohio. Quinnipiac University had President Barack Obama with a 50-45 lead over GOP nominee Mitt Romney. The Ohio Poll conducted by the University of Cincinnati pegged the race at 48-46 for Obama, and showed U.S. Sen. Sherrod Brown (D-OH) leads Treasurer Josh Mandel 49-44. A SurveyUSA poll for NCB4 in Columbus showed of 48-45 Obama lead and a 46-41 Brown lead. Rasmussen showed Romney leading 50-48 and Brown with an identical lead. Public Policy Polling reported a 51-47 Obama lead and a 53-42 Brown lead.

The auto bailout spent another day at the forefront of the presidential race discussion Wednesday as Democrats pushed back on a commercial from Republican presidential candidate Mitt Romney over whether Jeep planned to move jobs to China.

Ohio continued to be a focal point of presidential campaigning, but the destruction of Hurricane Sandy brought a lull, with President Barack Obama cancelling events and GOP nominee Mitt Romney converting one rally into a storm-relief donation collection event. Activity picked back up later in the week, with both men making multiple stops in the state Friday, as did Libertarian candidate Gary Johnson. Additional events are scheduled by both candidates and their surrogates through Monday in Ohio.

Secretary of State Jon Husted prevailed in two federal court challenges. The U.S. Sixth Circuit Court of Appeals granted his request for a temporary order blocking a lower court's ruling that Ohio must count provisional ballots cast in the wrong polling location due to poll worker error -- the "wrong church/wrong pew" ruling. Ballots cast in the "right church/wrong pew" will still be counted. And U.S. District Court Judge Susan Dlott denied an order seeking accommodations for people jailed the weekend before Election Day who remain incarcerated through Tuesday.

Secretary of State Jon Husted outlined Thursday his office's system for reporting counted votes on Election Day, including a new requirement that local boards of elections count absentee ballots before the close of polls at 7:30 p.m. Tuesday, meaning the first public report from Husted's office that night should include absentee totals.

Hannah News looked closer at the battle for Ohio's 76th House District seat. The race falls between two men who share a drive and ambition for serving the people of their community, with the hope of boosting a still sluggish economy. The incumbent, Rep. Matt Lynch (R-Chagrin Falls), has held the seat since being appointed after winning the Republican primary earlier this year. He was formerly a Bainbridge Township trustee. The challenger is Tom Warren (D-Russell Township), who currently co-chairs the Appellate Practice Group at the law firm of Baker Hostetler in Cleveland. He is also a member of the Russell Township Zoning Commission.

Hannah News also looked at the House District 20 race between two small business owners: Republican Nathan Burd, former Franklin County Republican Party executive director and current Reynoldsburg City Council member, and Democrat Heather Bishoff, a member of the Gahanna-Jefferson Board of Education. Burd operates a print communications business with his wife, while Bishoff runs Bishoff Financial Group.

Hannah News also previewed the race in House District 61 between Rep. Ron Young (R-Leroy) and Democratic challenger Susan McGuinness, a nurse and professor. Young said he was motivated to seek office by taxes and regulations burdening small business, and says his five terms in the House have focused on "maximizing personal freedom." McGuinness said the Statehouse could use another health care professional's perspective in decision making and cited frustration with cuts to education.

ENERGY

The two-day Advanced Every B2B Conference and Expo in Columbus explored opportunities that come from the expanding energy industry in Ohio. Former Colorado Gov. Bill Ritter Jr. (D-CO), who is now the director of the Center for the New Energy Economy at Colorado State University, keynoted the event, saying that partisan politics is one of the main obstacles to the advancement of clean energy -- particularly opposition from Tea Party Republicans who staunchly oppose mandates and prefer the free market operate on its own. "The electricity sector is not a free market. We chose in 1905 to regulate the electricity sector because of our experience with monopolies or virtual monopolies." On Wednesday, a panel of experts talked about the downstream opportunities made available through the development of shale gas.

Delivering a keynote speech to members of the Advanced Energy B2B Expo, Public Utilities Commission of Ohio Chairman Todd Snitchler issued the following challenge to industry leaders: "Provide us with new examples and new technologies that we can consider and that might be able to be applicable to [efficiency] standards."

ENVIRONMENT

Ohio EPA, which now administers programs relating to statewide source reduction, recycling, recycling market development and litter prevention, is accepting applications for three different recycling grants that help local governments and businesses collect and process recyclables and use them in manufacturing.

FEDERAL

The Ohio Supreme Court reported recently that U.S. Chief Justice John Roberts Jr. has named United States Court of Appeals for the Sixth Circuit Judge Jeffrey S. Sutton as the new Judicial Conference committee chair of the Committee on Rules of Practice and Procedure.

FORECLOSURES

The Ohio Supreme Court on Wednesday addressed the question of when a financial institution has standing to foreclose on real estate, ruling that Federal Home Loan Mortgage Corp., aka Freddie Mac, should not have been able to foreclose on a property for which the note had not been assigned for Freddie Mac at the time the case was filed.

GENERAL ASSEMBLY/STATEHOUSE

Senate President Tom Niehaus (R-New Richmond) said Tuesday he expects a busy, month-long lame duck session that could take up election laws, ethics disclosures and Gov. John Kasich's overhaul of bank taxes in HB510 (Amstutz), among other topics. Niehaus said the Senate will return for committee meetings on Nov. 13 and session on Nov. 14, and that he's angling to finish legislative work by Dec. 13. The Senate president said he soon expects to appoint a working group to research election law changes for possible action in lame duck. He has yet to pick a chair and said he also expects to reach out to Senate Minority Leader Eric Kearney (D-Cincinnati) for Democrats' involvement.

Rep. Rex Damschroder (R-Fremont) wonders where the process failed on his HB433 to create the Sandusky County Municipal Court, with the Ohio Supreme Court striking it down after it was included in HB509 (Blair), when a representative of the Court had testified in favor of it during committee.

Chairman Dave Hall (R-Killbuck) told *Hannah News* Tuesday that the Legislative Service Commission (LSC) is putting the finishing touches on a sub bill for SB130 (Hughes-Cates), which creates dog breeder regulations, that would include a licensure program for high-volume dog breeders, dog retailers and animal rescues. He expects the committee to consider the sub bill during the lame duck session.

The Controlling Board Monday approved a request from the Ohio Department of Administrative Services (DAS) to centralize many of its information technology functions despite initial concerns from members of the panel about cost savings from the move. The request sought appropriation authority to use \$1.4 million for the centralization of the functions through three projects: IT asset management, voiceover Internet protocol (VoIP) and application development.

Senate President Tom Niehaus (R-New Richmond) said Thursday that Gov. John Kasich asked him to consider working in the administration after term limits force him out of the General Assembly at year's end, but Niehaus stressed that his preference is to find work in the private sector and that he's focused on finishing work in the Senate.

HEALTH & HUMAN SERVICES

The Ohio Department of Developmental Disabilities (DODD) said that a \$500,000 award from the Governor's Health Transformation Innovation Fund will support an information technology (IT) infrastructure project to improve person-centered planning and shared services goals among 18 county boards of developmental disabilities. The counties in the project are Belmont, Carroll, Coshocton, Fairfield, Guernsey, Harrison, Hocking, Holmes, Jefferson, Knox, Licking, Monroe, Morgan, Muskingum, Noble, Perry, Tuscarawas and Washington.

With about two weeks left until Ohio must notify the federal government whether it intends to run a health insurance exchange, a brief from the Health Policy Institute of Ohio (HPIO) spells out the state's options. The U.S. Department of Health and Human Services (HHS) requires states by Nov. 16 to state whether they'll run their own exchange, partner with the federal government for a "hybrid" model or let HHS run the show. "At this point in time it is likely that Ohio will choose between a hybrid exchange and a federal exchange for 2014 because full implementation of a state-based exchange by 2014 may not be possible," HPIO's brief states.

The Ohio Department of Health (ODH) confirmed two more cases of fungal meningitis here in the state that are linked to a batch of recalled injection used to ease back pain, bringing the state's total to 13.

Ohio hospitals recently received national recognition for patient safety and continued efforts to reduce mortality for several key health conditions, the Ohio Hospital Association (OHA) said. According to OHA, Healthgrades.com has recognized Ohio as one of only four states in the nation ranked safest for surviving four hospital procedures: coronary artery bypass graft, heart attack, pneumonia and sepsis.

HIGHER EDUCATION

Tiffin University Friday promoted Jason Slone to assistant vice president of online learning for the school. Slone will also chair Tiffin's Academic Affairs Online Learning Council.

Youngstown State University (YSU) announced the creation of a new Center of Health and Welfare for Vulnerable Populations with the support of a \$1 million gift from the James and Coralie Centofanti Charitable Foundation. The center is intended to help expand and improve the ability of YSU's Bitonte College of Health and Human Services to address health and welfare challenges throughout the Youngstown region.

Military and veteran students at Ohio State University (OSU) have a new, comprehensive office that caters specifically to their needs. Ohio State's Office of Military and Veterans Services assists students with accessing their educational benefits and the university resources they need for academic success. The office is located in room 185 of the Student Academic Services Building at 281 W. Lane Ave. in Columbus.

INSURANCE

Ohio Lt. Governor and Department of Insurance (ODI) Director Mary Taylor Thursday released figures for an insurance agent tax lien program that has collected more than \$5.3 million in unpaid income tax, sales tax and workers' compensation premiums since she introduced the program in May 2011.

JUDICIAL

Capital University led the state for law school graduates passing the latest bar examination, accounting for 140 out of a total of 977 successful applicants. Ohio State University followed with 132 individuals passing the exam and Cleveland State University, 104. The Ohio Supreme Court said Friday that 1,209 total applicants and 1,084 first-timers sat for the exam on July 24-26. Those passing accounted for an overall 80.8 percent success rate, with first-timers slightly higher at 85 percent. The oath of office will be administered to the successful candidates on Monday, Nov. 5.

The 1851 Center for Constitutional Law sued the Ohio Department of Commerce in federal court Wednesday, saying the department's enforcement of a 1983 law on selling precious metals is leading to warrantless searches without probable cause.

LOCAL GOVERNMENT

The Governor's Office of Appalachia announced that both the city of Steubenville and Beaver Township in Mahoning County have received grants through the State Appalachian Development Grant Program. Steubenville will receive \$150,000 for improvements to aging waterlines and to replace fire hydrants in three neighborhoods and commercial areas, while Beaver Township will receive \$175,700 to install waterlines.

NATURAL RESOURCES

Following a Friday ruling, the Ohio Department of Natural Resources (ODNR) must appear before the Ohio Supreme Court in December to explain why it shouldn't be held in contempt of an earlier ruling in *Doner v. ODNR* requiring the department to compensate flooded landowners. The Supreme Court ruled last year that ODNR must pay dozens of Northwest Ohio landowners because the 1997 installation of a new spillway at Grand Lake St. Marys caused worse and more-frequent flooding of their lands. The motion says the agency "delayed, obfuscated and stone-walled" landowners in the months since the ruling and accuses Gov. John Kasich's office of putting the kibosh on early talks for a \$5,000-per-acre settlement.

PEOPLE

The Ohio Arts Council (OAC) has hired Elizabeth Weinstein as its new public information office director. She had previously worked at Oberlin College, where she was assistant director of alumni outreach and engagement, responsible for managing the Oberlin College Alumni Association's print and electronic communications. She has degrees from both Oberlin and Ohio University's E.W. Scripps School of Journalism.

The Ohio Ethics Commission (OEC) announced that the Mahoning County Grand Jury issued a four-count indictment against Richard Roller Jr., the former executive director of the Mahoning-Youngstown Community Action Partnership (MYCAP) for theft in office, a third degree felony; grand theft and having an unlawful interest in a public contract, both fourth degree felonies; and soliciting or receiving improper compensation, a first degree misdemeanor.

The Ohio Municipal Electric Association (OMEA) recently re-elected Dover Mayor Richard Homrighausen as president of its Board of Directors. St. Clairsville Mayor Robert Vincenzo and Bryan Mayor Douglas Jonson were re-elected to the board's executive committee.

William (Bill) Joseph succumbed to complications of carcinoma at his Shaker Square home recently. The 66-year-old was an attorney for Weston Hurd LLP and an advocate for the arts.

Gov. John Kasich named Ohio Right Life advocate Michael L. Gonidakis of Dublin as a member of the State Medical Board for a term beginning Oct. 29, 2012 and ending July 31, 2017.

National Church Residences, a nonprofit provider of affordable housing for seniors, has hired Katie Roger Colgan as its new director of public policy, responsible for executing a strategic government relations plan on the local, state and federal levels. Colgan most recently was director of public policy for the Midwest Care Alliance and LeadingAge Ohio.

The Governor's Council on People with Disabilities recently recognized outgoing Rep. Nancy Garland (D-New Albany) as "Legislator of the Year" for work on legislation that would prohibit health insurance companies from denying claims of children with Autism Spector Disorders, and that would require insurance to cover prosthetics.

PUBLIC SAFETY

The Ohio Insurance Institute (OII) urged all licensed Ohio drivers to add emergency contacts to their drivers' license records through the Ohio Bureau of Motor Vehicles (BMV) "Next of Kin" program.

STATE GOVERNMENT

Ohio taxpayers donated \$150,000 of their state refunds to the Ohio Historical Society (OHS) during the first year of a program allowing the contribution, and OHS expects more proceeds in the second year.

The Ohio Ethics Commission (OEC) adopted two hypothetical advisory opinions regarding revolving door law exceptions. The first hypothetical, Advisory Opinion 2012-03, explains two newly enacted exceptions to the Revolving Door Law that apply to non-elected state and local officials and employees who accept employment at another state agency or subdivision of their same local public agency, while the second exemption, Advisory Opinion 2012-04, applies to local officials or employees who leave a position in the local agency for another position in the same agency.

TAXATION

The Ohio Chamber of Commerce says Rep. Cheryl Grossman's (R-Grove City) HB601 will make the state's business climate more competitive through uniform rules for withholding and taxation among all Ohio cities. The chamber said in too many cases, Ohio businesses incur more in administrative costs to file returns in multiple jurisdictions than they do in actual tax. However, the Ohio Municipal League announced its strong opposition to the bill on Wednesday, saying it threatens "massive revenue loss" for local governments and goes beyond the scope of what was addressed in "good faith" discussions with those seeking greater local tax code uniformity.

TRANSPORTATION

Ohio Department of Transportation (ODOT) Director Jerry Wray told participants at Tuesday's 2012 Ohio Transportation Engineering Conference that it is the state's responsibility to complete unfinished road projects as quickly as time and money allow. If Indiana is any indication, the prospective lease of Ohio's turnpike could be a major boon to ODOT projects previously delayed by a \$1.6 billion budget hole.

In addition, Indiana Department of Transportation (INDOT) Commissioner Michael Cline also addressed the conference, explaining that with a \$389 million annual operating budget and \$1 billion in annual capital expenditures, INDOT has capitalized on the \$3.8 billion lease of its turnpike in 2006 by creating a 10-year plan that retired \$200 million in agency debt, invested \$500 million in a Next Generation Trust Fund, and sent \$2.6 billion directly to INDOT. That has allowed highway projects to go forward that had been delayed for decades.

UTILITIES

American Electric Power (AEP) is taking the next step towards corporate separation by filing its request with the Federal Energy Regulatory Commission (FERC). The move comes after AEP gained approval on the state level from the Public Utilities Commission of Ohio (PUCO) in October.

WORKERS' COMPENSATION

The Ohio Bureau of Workers' Compensation Board of Directors voted to drop rates for public employers by at least 5 percent -- a recommendation of BWC Administrator Steve Buehrer. The average rates, based on an employers' payroll, are now the lowest in 30 years.

Keith Miller, a Grove City man, has been ordered to pay restitution of more than \$30,000 to the Ohio Bureau of Workers' Compensation (BWC) after he pleaded guilty in a Franklin County courtroom to altering paperwork he submitted to request injured worker benefits.

A Toledo man was sentenced to five years' probation and ordered to pay thousands in restitution for misclassifying his employees with the Ohio Bureau of Workers' Compensation (BWC). The bureau's Special Investigations Department (SID) busted the man after receiving a tip from one of his competitors.

**Saturday, November 3**

MARIETTA - Vice presidential candidate Paul Ryan will attend a victory rally at 10:30 a.m., Marietta College, 215 5th St., Dyson Baudo Rec Center.

MENTOR - President Barack Obama will attend a grassroots rally at 12 p.m., Mentor High School, 6477 Center St.

Sunday, November 4

CINCINNATI -- President Barack Obama will be in Cincinnati in the evening. Details to be announced.

CLEVELAND - Presidential candidate Mitt Romney will attend a victory rally at 1:15 p.m., I-X Center, 1 I-X Center Dr.

FREMONT -- Vice President Joe Biden and wife Jill Biden will be at Terra Community College, 2830 Napoleon Rd. at 1:30 p.m.

LAKEWOOD - Vice President Joe Biden and wife Jill Biden will be at Lakewood High School, 14100 Franklin Blvd., at 8:45 a.m.

LANCASTER -- Vice President Joe Biden and wife Jill Biden will be at Rushville Middle School, 6409 Cincinnati-Zanesville Road at 5:15 p.m.

Monday, November 5

COLUMBUS - The Ohio Elections Commission holds a probable cause panel at 9 a.m., Wyandotte Building, 21 W. Broad St., 6th Floor.

COLUMBUS - The Franklin County Board of Elections meets at 3 p.m., Franklin County Memorial Hall, 280 E. Broad St.

COLUMBUS -- President Barack Obama will be in Columbus at Nationwide Arena, 200 W. Nationwide Blvd., at noon.

COLUMBUS -- Republican presidential candidate Mitt Romney will be at Landmark Aviation, Port Columbus International Airport, 4130 E. 5th Ave., 6:25 p.m.

YOUNGSTOWN -- Vice presidential candidate Paul Ryan will be at Winner Aviation at the Youngstown-Warren Regional Airport, 1453 Youngstown Kingsville Road NE at 9:15 p.m.

Tuesday, November 6

OHIO – General Election Day: Polls are open from 6:30 a.m. until 7:30 p.m.

COLUMBUS - The Public Benefits Advisory Board meets at 11:30 a.m., Vern Riffe Center, 77 S. High St., 31st Floor, Rooms South B and C.

Wednesday, November 7

COLUMBUS - The Ohio Real Estate Commission meets at 9 a.m., Vern Riffe Center, 77 S. High St., 20th Floor, Division of Real Estate and Professional Licensing.

REYNOLDSBURG - The Board of Building Appeals meets at 9 a.m., Division of Industrial Compliance, 6606 Tussing Rd., Training Room 1.

COLUMBUS – The Athletic Trainers Section of the Ohio Occupational Therapy, Physical Therapy and Athletic Training Board meets at 9:30 a.m., Vern Riffe Center, 77 S. High St., 31st Floor.

COLUMBUS - The State Personnel Board of Review meets at 10 a.m., 65 E. State St., 12th Floor.

COLUMBUS – The Columbus Metropolitan Club hosts “K-12 International Best Practices: The Finland Story” at 12 p.m., Columbus Metropolitan Club, 100 E. Broad St. This edition features Jim Mahoney, executive director, Battelle for Kids, and Leo Pakkin, counsellor of education, Finnish National Board of Education.

COLUMBUS – The Ohio State Dental Board meets at 1 p.m., Vern Riffe Center, 77 S. High St., 17th Floor.

COLUMBUS -The PUCO meets at 1:30 p.m., 180 E. Broad St.

REYNOLDSBURG - The Ski Tramway Board meets at 2 p.m., Division of Industrial Compliance, 6606 Tussing Rd., Conference Room 1.

Thursday, November 8

COLUMBUS - Impact Ohio, the Post-Election Conference, starts at 8 a.m., Greater Columbus Convention Center, 400 N. High St.

COLUMBUS – The Occupational Therapy Section of the Ohio Occupational Therapy, Physical Therapy and Athletic Training Board meets at 9 a.m., Vern Riffe Center, 77 S. High St., 31st Floor.

COLUMBUS - the eTech Ohio Commission meets at 9:30 a.m., 35 E. Chestnut St., 8th Floor Conference Room.

COLUMBUS - The Ohio Rail Development Commission meets at 11 a.m., Ohio Dept. of Transportation, 1980 W. Broad St., Lower Level GA.

Friday, November 9

ASHLAND - The Board of Building Appeals meets at 8:30 a.m., Ohio Dept. of Transportation, 906 Clark Ave., Conference Room.

COLUMBUS - The Radiation Advisory Council meets at 10:30 a.m., Ohio Dept. of Health, 35 E. Chestnut St., Basement Training Room A.

Saturday, November 10

COLUMBUS - The Ohio Environmental Council holds the "2012 Green Gala" at 6 p.m., Sheraton Columbus Hotel, 75 E. State St.