

As Reported by the Senate Education Committee

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Sub. H. B. No. 115

**Representatives Setzer, Reinhard, Webster, Carano, C. Evans, Chandler,
Calvert, Combs, DeBose, Domenick, Fende, Flowers, Gibbs, Key, Law,
Martin, McGregor, J., Otterman, Patton, T., Schlichter, Schneider, Seitz,
Smith, S., Stewart, D., Strahorn, Williams, Yuko
Senators Cates, Padgett, Gardner, Mumper**

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A B I L L

To amend sections 3301.075, 3310.08, 3313.843,	1
3314.014, 3319.01, and 3319.17 and to enact	2
sections 3301.0713, 3312.01 to 3312.13, and	3
3313.845 of the Revised Code to establish the	4
Educational Regional Service System and the EMIS	5
Advisory Board, to revise the financing of	6
Educational Choice Scholarships for	7
kindergartners, to permit the governing authority	8
of a start-up community school that meets certain	9
conditions to establish another community school	10
above the cap on the number of community schools,	11
to permit school districts to establish residency	12
requirements for superintendents, and to make an	13
appropriation.	14

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

Section 1. That sections 3301.075, 3310.08, 3313.843,	15
3314.014, 3319.01, and 3319.17 be amended and sections 3301.0713,	16
3312.01, 3312.02, 3312.03, 3312.04, 3312.05, 3312.06, 3312.07,	17

3312.08, 3312.09, 3312.10, 3312.11, 3312.12, 3312.13, and 3313.845 18
of the Revised Code be enacted to read as follows: 19

Sec. 3301.075. The state board of education shall adopt rules 20
governing the purchasing and leasing of data processing services 21
and equipment for all local, exempted village, city, and joint 22
vocational school districts and all educational service centers. 23
Such rules shall include provisions for the establishment of an 24
Ohio education computer network under procedures, guidelines, and 25
specifications of the department of education. 26

The department shall administer funds appropriated for the 28
Ohio education computer network to ensure its efficient and 29
economical operation and shall approve no more than twenty-seven 30
data acquisition sites to operate concurrently. Such sites shall 31
be approved for funding in accordance with rules of the state 32
board adopted under this section that shall provide for the 33
superintendent of public instruction to require the membership of 34
each data acquisition site to be composed of combinations of 35
school districts and educational service centers having sufficient 36
students to support an efficient, economical comprehensive program 37
of computer services to member districts and educational service 38
centers. However, no such rule shall prohibit a school district or 39
educational service center from receiving computer services from 40
any data acquisition site established under this section or from 41
any other public or private vendor. Each data acquisition site 42
shall be organized in accordance with section 3313.92 or Chapter 43
167. of the Revised Code. 44

The department of education may contract with an independent 45
for profit or nonprofit entity to provide current and historical 46
information on Ohio government through the Ohio education computer 47
network to school district libraries operating in accordance with 48

section 3375.14 of the Revised Code in order to assist school
teachers in social studies course instruction and support student
research projects. Any such contract shall be awarded in
accordance with Chapter 125. of the Revised Code.

Sec. 3301.0713. (A) The education management information
system advisory board is hereby established. The board shall make
recommendations to the department of education for improving the
operation of the education management information system
established under section 3301.0714 of the Revised Code. Topics
that may be addressed by the recommendations include the
definitions used for the data maintained in the system, reporting
deadlines, rules and guidelines for the operation of the system
adopted by the state board of education pursuant to section
3301.0714 of the Revised Code, and any other issues raised by
education personnel who work with the system.

(B) The board shall consist of the following members:

(1) Two members of the state board, appointed by the state
board;

(2) One person appointed by the Ohio educational service
center association;

(3) One person appointed by the buckeye association of school
administrators;

(4) One person appointed by the Ohio association of school
business officials;

(5) One person appointed by the Ohio association of EMIS
professionals;

(6) One representative of four-year institutions of higher
education, appointed by the Ohio board of regents;

(7) One representative of two-year institutions of higher

education, appointed by the Ohio association of community 78
colleges; 79

(8) Two representatives of the department, appointed by the 80
superintendent of public instruction; 81

(9) Two persons appointed by the management council of the 82
Ohio education computer network; 83

(10) One classroom teacher appointed jointly by the Ohio 84
education association and the Ohio federation of teachers. 85

The chairpersons and ranking minority members of the 86
education committees of the senate and house of representatives, 87
or their designees, shall be ex officio, nonvoting members of the 88
board. 89

(C) Members of the board initially appointed under division 90
(B) of this section shall serve until January 1, 2008. Thereafter, 91
terms of office shall be for two years, each term ending on the 92
same day of the same month as did the term that it succeeds. Each 93
member shall hold office from the date of appointment until the 94
end of the term for which the member was appointed. Members may be 95
reappointed. 96

(D) Vacancies shall be filled in the same manner as the 97
original appointment. Any member appointed to fill a vacancy 98
occurring prior to the expiration of the term for which the 99
member's predecessor was appointed shall hold office for the 100
remainder of that term. Members shall receive no compensation for 101
their services. 102

(E) The chairpersons of the education committees of the 103
senate and house of representatives, or their designees, shall 104
alternate annually as chairperson of the board. The board shall 105
meet once every two months and at other times upon the call of the 106
chairperson. 107

(F) If at any time the education management information 108
system is replaced with a new system for collecting financial and 109
student performance data for school districts and buildings, the 110
board established by this section shall continue to function in 111
the manner prescribed by this section in relation to the new data 112
collection system after the new system is operational. 113

Sec. 3310.08. (A) The amount paid for an eligible student 114
under the educational choice scholarship pilot program shall be 115
the lesser of the tuition of the chartered nonpublic school in 116
which the student is enrolled or the maximum amount prescribed in 117
section 3310.09 of the Revised Code. 118

(B)(1) The department shall pay to the parent of each 119
eligible student for whom a scholarship is awarded under the 120
program, or to the student if at least eighteen years of age, 121
periodic partial payments of the scholarship. 122

(2) The department shall proportionately reduce or terminate 123
the payments for any student who withdraws from a chartered 124
nonpublic school prior to the end of the school year. 125

(C)(1) The department shall deduct from the payments made to 126
each school district under Chapter 3317. and, if necessary, 127
sections 321.24 and 323.156 of the Revised Code ~~the amount of five~~ 128
~~thousand two hundred dollars~~ one of the following amounts, as 129
applicable, for each eligible student awarded a scholarship under 130
the educational choice scholarship pilot program who is entitled 131
under section 3313.64 or 3313.65 of the Revised Code to attend 132
school in the district. ~~The:~~ 133

(a) For each scholarship student enrolled in kindergarten, 134
two thousand seven hundred dollars; 135

(b) For each scholarship student enrolled in grades one to 136
twelve, five thousand two hundred dollars. 137

The amount deducted under ~~this~~ division (C)(1) of this 138
section funds scholarships for students under both the educational 139
choice scholarship pilot program and the pilot project scholarship 140
program under sections 3313.974 to 3313.979 of the Revised Code. 141

(2) If the department reduces or terminates payments to a 142
parent or a student, as prescribed in division (B)(2) of this 143
section, and the student enrolls in the schools of the student's 144
resident district or in a community school, established under 145
Chapter 3314. of the Revised Code, before the end of the school 146
year, the department shall proportionally restore to the resident 147
district the amount deducted for that student under division 148
(C)(1) of this section. 149

(D) In the case of any school district from which a deduction 150
is made under division (C) of this section, the department shall 151
disclose on the district's SF-3 form, or any successor to that 152
form used to calculate a district's state funding for operating 153
expenses, a comparison of the following: 154

(1) The district's state base-cost payment, as calculated 155
under division (A)(1) of section 3317.022 of the Revised Code 156
prior to making the adjustments under divisions (A)(2) and (3) of 157
that section, with the scholarship students included in the 158
district's formula ADM; 159

(2) What the district's state base-cost payment would have 160
been, as calculated under division (A)(1) of that section prior to 161
making the adjustments under divisions (A)(2) and (3) of that 162
section, if the scholarship students were not included in the 163
district's formula ADM. 164

This comparison shall display both the aggregate difference 165
between the amounts described in divisions (D)(1) and (2) of this 166
section, and the quotient of that aggregate difference divided by 167
the number of eligible students for whom deductions are made under 168

division (C) of this section.

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Sec. 3312.01. (A) The educational regional service system is
hereby established. The system shall support state and regional
education initiatives and efforts to improve school effectiveness
and student achievement. Services, including special education and
related services, shall be provided under the system to school
districts, community schools established under Chapter 3314. of
the Revised Code, and chartered nonpublic schools.

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It is the intent of the general assembly that the educational
regional service system reduce the unnecessary duplication of
programs and services and provide for a more streamlined and
efficient delivery of educational services without reducing the
availability of the services needed by school districts and
schools.

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(B) The educational regional service system shall consist of
the following:

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(1) The state regional alliance advisory board established
under section 3312.11 of the Revised Code;

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(2) The advisory councils and subcommittees established under
sections 3312.03 and 3312.05 of the Revised Code;

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(3) A fiscal agent for each of the regions as configured
under section 3312.02 of the Revised Code;

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(4) Educational service centers, data acquisition sites
established under section 3301.075 of the Revised Code, and other
regional education service providers.

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(C) Educational service centers shall provide the services
that they are specifically required to provide by the Revised Code
and may enter into agreements pursuant to section 3313.843,
3313.844, or 3313.845 of the Revised Code for the provision of
other services, which may include any of the following:

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<u>(1) Assistance in improving student performance;</u>	199
<u>(2) Services to enable a school district or school to operate more efficiently or economically;</u>	200
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<u>(3) Professional development for teachers or administrators;</u>	202
<u>(4) Assistance in the recruitment and retention of teachers and administrators;</u>	203
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<u>(5) Any other educational, administrative, or operational services.</u>	205
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<u>In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education.</u>	207
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<u>Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.</u>	213
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<u>(D) Data acquisition sites may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code.</u>	217
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<u>(E) No school district, community school, or chartered nonpublic school shall be required to purchase services from an educational service center or data acquisition site in the region in which the district or school is located, except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory the district is located.</u>	220
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<u>Sec. 3312.02. (A) There shall be the following sixteen</u>	228
<u>regions in the educational regional service system:</u>	229
<u>(1) Region one shall consist of the territory contained in</u>	230
<u>Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, Putnam,</u>	231
<u>Sandusky, Seneca, Van Wert, Williams, and Wood counties.</u>	232
<u>(2) Region two shall consist of the territory contained in</u>	233
<u>Erie, Huron, and Lorain counties.</u>	234
<u>(3) Region three shall consist of the territory contained in</u>	235
<u>Cuyahoga county.</u>	236
<u>(4) Region four shall consist of the territory contained in</u>	237
<u>Geauga and Lake counties.</u>	238
<u>(5) Region five shall consist of the territory contained in</u>	239
<u>Ashtabula, Mahoning, and Trumbull counties.</u>	240
<u>(6) Region six shall consist of the territory contained in</u>	241
<u>Allen, Auglaize, Champaign, Hardin, Logan, Mercer, and Shelby</u>	242
<u>counties.</u>	243
<u>(7) Region seven shall consist of the territory contained in</u>	244
<u>Ashland, Crawford, Knox, Marion, Morrow, Richland, and Wyandot</u>	245
<u>counties.</u>	246
<u>(8) Region eight shall consist of the territory contained in</u>	247
<u>Medina, Portage, and Summit counties.</u>	248
<u>(9) Region nine shall consist of the territory contained in</u>	249
<u>Columbiana, Stark, and Wayne counties.</u>	250
<u>(10) Region ten shall consist of the territory contained in</u>	251
<u>Clark, Darke, Greene, Miami, Montgomery, and Preble counties.</u>	252
<u>(11) Region eleven shall consist of the territory contained</u>	253
<u>in Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and</u>	254
<u>Union counties.</u>	255

<u>(12) Region twelve shall consist of the territory contained</u>	256
<u>in Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes,</u>	257
<u>Jefferson, Muskingum, Noble, and Tuscarawas counties.</u>	258
<u>(13) Region thirteen shall consist of the territory contained</u>	259
<u>in Butler, Clermont, Hamilton, and Warren counties.</u>	260
<u>(14) Region fourteen shall consist of the territory contained</u>	261
<u>in Adams, Brown, Clinton, Fayette, and Highland counties.</u>	262
<u>(15) Region fifteen shall consist of the territory contained</u>	263
<u>in Lawrence, Pike, Ross, and Scioto counties.</u>	264
<u>(16) Region sixteen shall consist of the territory contained</u>	265
<u>in Athens, Gallia, Hocking, Jackson, Meigs, Monroe, Morgan, Perry,</u>	266
<u>Vinton, and Washington counties.</u>	267
<u>(B) If an educational service center has territory in more</u>	268
<u>than one region as designated under this section, the service</u>	269
<u>center and each local school district located in the service</u>	270
<u>center's territory shall be considered to be part of the region in</u>	271
<u>which the majority of the service center's territory is located</u>	272
<u>and shall not be considered to be part of any other region. If a</u>	273
<u>city or exempted village school district has territory in more</u>	274
<u>than one region as designated under this section, the district</u>	275
<u>shall be considered to be part of the region in which the majority</u>	276
<u>of the district's territory is located and shall not be considered</u>	277
<u>to be part of any other region.</u>	278
<u>(C) Not later than July 1, 2007, the state board of education</u>	279
<u>shall adopt rules establishing a process whereby a school district</u>	280
<u>may elect to transfer to a region other than the region to which</u>	281
<u>the district is assigned by this section. The state board shall</u>	282
<u>consult with school districts and regional service providers in</u>	283
<u>developing the process. No school district shall be permitted to</u>	284
<u>transfer to a different region under this division after June 30,</u>	285
<u>2009.</u>	286

<u>Sec. 3312.03. (A) Each region of the educational regional</u>	287
<u>service system shall have an advisory council. Except as provided</u>	288
<u>in division (F) of this section, each advisory council shall</u>	289
<u>consist of the following members and the members appointed under</u>	290
<u>division (B) of this section:</u>	291
<u>(1) The superintendent of each educational service center</u>	292
<u>that has territory in the region;</u>	293
<u>(2) The director of the special education regional resource</u>	294
<u>center in the region;</u>	295
<u>(3) The superintendent of the school district in the region</u>	296
<u>with the smallest student population;</u>	297
<u>(4) The superintendent of the school district in the region</u>	298
<u>with the largest student population;</u>	299
<u>(5) The director of each data acquisition site located in the</u>	300
<u>region;</u>	301
<u>(6) One representative of a four-year institution of higher</u>	302
<u>education located in the region, or in an adjacent region if there</u>	303
<u>is no such institution, appointed by the Ohio board of regents;</u>	304
<u>(7) One representative of a two-year institution of higher</u>	305
<u>education located in the region, or in an adjacent region if there</u>	306
<u>is no such institution, appointed by the Ohio association of</u>	307
<u>community colleges;</u>	308
<u>(8) The treasurer of the fiscal agent for the region.</u>	309
<u>(B) The members of the advisory council listed in division</u>	310
<u>(A) of this section, upon a majority vote, shall appoint the</u>	311
<u>following members to serve on the council:</u>	312
<u>(1) One member of the board of education of a city school</u>	313
<u>district in the region;</u>	314
<u>(2) One member of the board of education of an exempted</u>	315

<u>village school district in the region;</u>	316
<u>(3) One member of the board of education of a local school district in the region;</u>	317
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<u>(4) One member of the governing board of an educational service center in the region;</u>	319
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<u>(5) One superintendent of a city, exempted village, or local school district in the region;</u>	321
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<u>(6) One superintendent of a joint vocational school district in the region;</u>	323
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<u>(7) One representative of business;</u>	325
<u>(8) One employee of each education technology center that provides services in the region;</u>	326
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<u>(9) One classroom teacher.</u>	328
<u>(C) Each advisory council annually shall elect a chairperson and vice-chairperson from among its members.</u>	329
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<u>(D) For two years after its initial meeting, each advisory council shall hold regular meetings at least four times each year to conduct council business and may hold other meetings at the call of the chairperson. Subsequently, all meetings shall be called by the chairperson.</u>	331
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<u>(E) Advisory council members shall receive no compensation for their services.</u>	336
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<u>(F) Any advisory council may increase its membership beyond the members required by divisions (A) and (B) of this section by adopting a resolution specifying the number of additional members, their manner of appointment, and any eligibility criteria for appointment.</u>	338
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<u>Sec. 3312.04. The advisory council of each region of the</u>	343

educational regional service system shall do all of the following: 344

(A) Identify regional needs and priorities for educational services; 345
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(B) Develop policies to coordinate the delivery of services to school districts, community schools, and chartered nonpublic schools in a manner that responds to regional needs and priorities. Such policies shall not supersede any requirement of a performance contract entered into by the fiscal agent of the region under section 3312.08 of the Revised Code. 347
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(C) Make recommendations to the fiscal agent for the region regarding the expenditure of funds available to the region for implementation of state and regional education initiatives and school improvement efforts; 353
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(D) Monitor implementation of state and regional education initiatives and school improvement efforts by educational service centers, data acquisition sites, and other regional service providers to ensure that the terms of the performance contracts entered into by the fiscal agent for the region under section 3312.08 of the Revised Code are being met; 357
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(E) Establish an accountability system to evaluate the advisory council on its performance of the duties described in divisions (A) to (D) of this section. 363
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Sec. 3312.05. (A) The advisory council of each region of the educational regional service system shall establish the following specialized subcommittees of the council: 366
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(1) A school improvement subcommittee, which shall include one classroom teacher appointed jointly by the Ohio education association and the Ohio federation of teachers and representatives of community schools and education personnel with 369
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expertise in the area of school improvement; 373

(2) An education technology subcommittee, which shall include 374
classroom teachers or curriculum coordinators, parents, elementary 375
and secondary school principals, representatives of chartered 376
nonpublic schools, representatives of data acquisition sites, 377
representatives of business, and representatives of two-year and 378
four-year institutions of higher education; 379

(3) A professional development subcommittee, which shall 380
include classroom teachers, principals, school district 381
superintendents, curriculum coordinators, representatives of 382
chartered nonpublic schools, and representatives of two-year and 383
four-year institutions of higher education; 384

(4) A special education subcommittee, which shall consist of 385
one classroom teacher appointed jointly by the Ohio education 386
association and the Ohio federation of teachers and the members of 387
the governing board of the special education regional resource 388
center in the region; 389

(5) A data acquisition site subcommittee, which shall consist 390
of one classroom teacher appointed jointly by the Ohio education 391
association and the Ohio federation of teachers and the members of 392
the governing authority of each data acquisition site located in 393
the region. 394

(B) The advisory council shall appoint persons who reside or 395
practice their occupations in the region to serve on the 396
subcommittees established under divisions (A)(1) to (3) of this 397
section. If the advisory council is unable to appoint such a 398
person to a subcommittee, the council shall appoint a similarly 399
situated person from an adjacent region. 400

(C) An advisory council may establish additional 401
subcommittees as needed to address topics of interest to the 402
council. Members of any additional subcommittee shall be appointed 403

by the advisory council and shall include a diverse range of
classroom teachers and other education personnel with expertise in
the topic addressed by the subcommittee and representatives of
individuals or groups with an interest in the topic.

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(D) Any member of an advisory council may participate in the
deliberations of any subcommittee established by the council.

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Sec. 3312.06. Each advisory council subcommittee established
under section 3312.05 of the Revised Code shall make
recommendations to the advisory council regarding the
implementation of state and regional education initiatives and
school improvement efforts in the subcommittee's area of
specialization. The recommendations may include strategies to
tailor state education initiatives to regional needs and
priorities or to maximize funds available to the region for the
provision of services in the subcommittee's area of
specialization.

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Sec. 3312.07. (A) Not later than January 31, 2007, the
department of education shall select a school district or
educational service center in each region of the educational
regional service system to be the fiscal agent for the region. For
this purpose, the department shall issue a request for proposals
from districts and service centers interested in being a fiscal
agent. The department shall select each fiscal agent based upon
the following criteria:

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(1) Capability to serve as a fiscal agent as demonstrated by
a satisfactory audit record and prior experience serving as a
fiscal agent;

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(2) Adequate capacity in terms of facilities, personnel, and
other relevant resources;

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(3) Evidence that the school district's or educational

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service center's role as a fiscal agent would result in minimal
disruption to its responsibilities as a district or service
center;

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(4) Demonstrated intent to limit the aggregate fees for
administering a performance contract entered into under section
3312.08 of the Revised Code to not more than seven per cent of the
value of the contract.

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(B) If no school district or educational service center in a
region responds to the request for proposals issued by the
department, the department shall select a district or service
center in the region that meets the criteria in division (A) of
this section to be the fiscal agent for the region.

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Sec. 3312.08. Each fiscal agent selected by the department of
education pursuant to section 3312.07 of the Revised Code shall do
all of the following:

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(A) Enter into performance contracts with the department in
accordance with section 3312.09 of the Revised Code for the
implementation of state and regional education initiatives and
school improvement efforts;

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(B) Receive federal and state funds, including federal funds
for the provision of special education and related services, as
specified in the performance contracts, and disburse those funds
as specified in the performance contracts to educational service
centers, data acquisition sites, and other regional service
providers. However, any funds owed to an educational service
center under section 3317.11 of the Revised Code shall be paid
directly to the service center by the department in accordance
with that section and any operating funds appropriated for a data
acquisition site shall be paid directly to the data acquisition
site by the department pursuant to section 3301.075 of the Revised

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Code. 464

(C) Implement any expenditure of funds recommended by the 465
advisory council for the region pursuant to section 3312.04 of the 466
Revised Code or required by the terms of any performance contract, 467
unless there are insufficient funds available to the region to pay 468
for the expenditure or the expenditure violates a provision of the 469
Revised Code, a rule of the state board of education regarding 470
such expenditure, or the terms of a performance contract; 471

(D) Exercise fiscal oversight of the implementation of state 472
and regional education initiatives and school improvement efforts. 473

Sec. 3312.09. (A) Each performance contract entered into by 474
the department of education and the fiscal agent of a region for 475
implementation of a state or regional education initiative or 476
school improvement effort shall include the following: 477

(1) A definition of the services to be provided to school 478
districts, community schools, and chartered nonpublic schools in 479
the region; 480

(2) Expected outcomes from the provision of the services 481
defined in the contract; 482

(3) The method the department will use to evaluate whether 483
the expected outcomes have been achieved; 484

(4) A requirement that the fiscal agent develop and implement 485
a corrective action plan if the results of the evaluation are 486
unsatisfactory; 487

(5) Data reporting requirements; 488

(6) The aggregate fees to be charged by the fiscal agent and 489
any entity with which it subcontracts to cover personnel and 490
program costs associated with administering the contract, which 491
fees shall be subject to controlling board approval if in excess 492

of four per cent of the value of the contract; 493

(7) A requirement that a member of the advisory council in 494
the region be a member of the state regional alliance advisory 495
board established under section 3312.11 of the Revised Code. 496

(B) Upon completion of each evaluation described in a 497
performance contract, the department shall post the results of 498
that evaluation on its web site. 499

Sec. 3312.10. The board of education of a city, exempted 500
village, or local school district or the governing authority of a 501
community school may enter into an agreement, through the adoption 502
of identical resolutions, with the governing authority of a data 503
acquisition site, under which the data acquisition site will 504
provide services to the school district or community school. 505
Services provided under the agreement and the amount to be paid 506
for such services shall be mutually agreed to by the parties to 507
the agreement, and shall be specified in the agreement. Payment 508
for services specified in the agreement shall be the sole 509
responsibility of the board of education or community school 510
governing authority and shall be made directly to the data 511
acquisition site providing the services. 512

Sec. 3312.11. (A) The state regional alliance advisory board 513
is hereby created. The board shall consist of the following 514
members: 515

(1) One member of the advisory council of each region of the 516
educational regional service system, appointed by the council; 517

(2) One member of the state board of education, appointed by 518
the state board; 519

(3) One representative of four-year institutions of higher 520
education, appointed by the Ohio board of regents; 521

<u>(4) One representative of two-year institutions of higher</u>	522
<u>education, appointed by the Ohio association of community</u>	523
<u>colleges;</u>	524
<u>(5) One representative of the department of education,</u>	525
<u>appointed by the superintendent of public instruction;</u>	526
<u>(6) One representative of the governor, appointed by the</u>	527
<u>governor;</u>	528
<u>(7) One classroom teacher, appointed jointly by the Ohio</u>	529
<u>education association and the Ohio federation of teachers;</u>	530
<u>(8) One parent, appointed by the Ohio parent teacher</u>	531
<u>association;</u>	532
<u>(9) One representative of business, appointed by the Ohio</u>	533
<u>chamber of commerce;</u>	534
<u>(10) One representative of the buckeye association of school</u>	535
<u>administrators, appointed by the association;</u>	536
<u>(11) One representative of the Ohio educational service</u>	537
<u>center association, appointed by the association;</u>	538
<u>(12) One representative of the Ohio school boards</u>	539
<u>association, appointed by the association;</u>	540
<u>(13) One school administrator, appointed jointly by the Ohio</u>	541
<u>association of elementary school administrators and the Ohio</u>	542
<u>association of secondary school administrators;</u>	543
<u>(14) One representative of the Ohio association of school</u>	544
<u>business officials, appointed by the association.</u>	545
<u>The superintendent of public instruction and the chairpersons</u>	546
<u>and ranking minority members of the education committees of the</u>	547
<u>senate and house of representatives, or their designees, shall be</u>	548
<u>ex officio, nonvoting members of the board.</u>	549
<u>(B) All appointed members of the board shall serve at the</u>	550

pleasure of their appointing authorities. 551

(C) Members shall receive no compensation for their services. 552

(D) The superintendent of public instruction, or the 553
superintendent's designee, shall be the chairperson of the board. 554
For two years after its initial meeting, the board shall hold 555
regular meetings at least monthly to conduct board business and 556
may hold other meetings at the call of the chairperson. 557
Subsequently, meetings shall be held at the call of the 558
chairperson or at the request of at least one-third of the board's 559
members. 560

Sec. 3312.12. The state regional alliance advisory board 561
shall do all of the following: 562

(A) Identify issues concerning the operation of the 563
educational regional service system that may require action by the 564
state board of education or the department of education; 565

(B) Promote communication and coordination among the state 566
board, the department, fiscal agents, advisory councils, and users 567
of the educational regional service system regarding issues 568
affecting the operation of the system and statewide education 569
initiatives; 570

(C) Make recommendations regarding quality standards for the 571
delivery of services to school districts and schools through the 572
educational regional service system. Copies of the recommendations 573
shall be provided to the department and the advisory councils. 574

(D) Establish an accountability system to evaluate the board 575
on its performance of the duties described in divisions (A) to (C) 576
of this section. 577

Sec. 3312.13. The department of education shall consider the 578
unique needs and circumstances of each region of the educational 579

regional service system when allocating funds for the 580
implementation of statewide education initiatives by regional 581
service providers. 582

Sec. 3313.843. (A) Notwithstanding division (D) of section 583
3311.52 of the Revised Code, this section does not apply to either 584
of the following: 585

(1) Any cooperative education school district; 586

(2) Any city or exempted village school district with a total 587
student count of thirteen thousand or more determined pursuant to 588
section 3317.03 of the Revised Code that has not entered into one 589
or more agreements pursuant to this section prior to July 1, 1993, 590
unless the district's total student count did not exceed thirteen 591
thousand at the time it entered into an initial agreement under 592
this section. 593

(B) The board of education of a city or exempted village 594
school district and the governing board of an educational service 595
center ~~with territory in a county in which the city or exempted~~ 596
~~village school district also has territory~~ may enter into an 597
agreement, through adoption of identical resolutions, under which 598
the educational service center governing board will provide 599
services to the city or exempted village school district. 600

Services provided under the agreement shall be specified in 601
the agreement, and may include any one or a combination of the 602
following: supervisory teachers; in-service and continuing 603
education programs for city or exempted village school district 604
personnel; curriculum services as provided to the local school 605
districts under the supervision of the service center governing 606
board; research and development programs; academic instruction for 607
which the governing board employs teachers pursuant to section 608
3319.02 of the Revised Code; and assistance in the provision of 609

special accommodations and classes for handicapped students. 610
Services included in the agreement shall be provided to the city 611
or exempted village district in the same manner they are provided 612
to local school districts under the governing board's supervision, 613
unless otherwise specified in the agreement. The city or exempted 614
village board of education shall reimburse the educational service 615
center governing board pursuant to section 3317.11 of the Revised 616
Code. 617

(C)~~(1)~~ If an educational service center received funding 618
under division (B) of former section 3317.11 or division (F) of 619
section 3317.11 of the Revised Code for an agreement under this 620
section involving a city school district whose total student count 621
was less than thirteen thousand, the service center may continue 622
to receive funding under that division for such an agreement in 623
any subsequent year if the city district's total student count 624
exceeds thirteen thousand. However, only the first thirteen 625
thousand pupils in the formula ADM of such district shall be 626
included in determining the amount of the per pupil subsidy the 627
service center shall receive under division (F) of section 3317.11 628
of the Revised Code. 629

~~(2) If, prior to July 1, 1998, an educational service center 630
received funding under division (B) of former section 3317.11 of 631
the Revised Code for a period of at least three years, for a good 632
faith agreement under this section involving a city school 633
district with no territory in the county in which the educational 634
service center has territory, that educational service center and 635
that city school district may enter into an agreement under this 636
section, and the service center shall receive funding under 637
division (F) of section 3317.11 of the Revised Code for any such 638
agreement, notwithstanding the territorial boundaries of the 639
service center and the city school district. 640~~

(D) Any agreement entered into pursuant to this section shall 641

be valid only if a copy is filed with the department of education
by the first day of the school year for which the agreement is in
effect.

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Sec. 3313.845. The board of education of a city, exempted
village, or local school district and the governing board of an
educational service center may enter into an agreement, through
adoption of identical resolutions, under which the educational
service center will provide services to the school district.
Services provided under the agreement and the amount to be paid
for such services shall be mutually agreed to by the district
board of education and the service center governing board, and
shall be specified in the agreement. Payment for services
specified in the agreement shall be made pursuant to division (D)
of section 3317.11 of the Revised Code and shall not include any
deduction under division (B), (C), or (F) of that section. Any
agreement entered into pursuant to this section shall be valid
only if a copy is filed with the department of education by the
first day of the school year for which the agreement is in effect.

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The authority granted under this section to the boards of
education of city and exempted village school districts is in
addition to the authority granted to such boards under section
3313.843 of the Revised Code. No city or exempted village district
that is eligible to receive services from an educational service
center under section 3313.843 of the Revised Code may receive any
of the services described in division (B) of that section pursuant
to an agreement entered into with an educational service center
under this section.

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If a local school district enters into an agreement with an
educational service center under this section and the district is
not located within the territory of the service center, the
agreement shall not require the district to receive any

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supervisory services described in division (B) of section 3317.11 673
of the Revised Code from the service center. The supervisory 674
services described in that section shall be provided to the 675
district by the educational service center of the territory in 676
which the district is located. 677

Sec. 3314.014. As used in this section, "operator" means an 678
organization that manages the daily operations of a community 679
school pursuant to a contract between the operator and the 680
school's governing authority. 681

(A)(1) Notwithstanding the limit prescribed by division 682
(A)(4) of section 3314.013 of the Revised Code, a start-up school 683
sponsored by an entity described in divisions (C)(1)(b) to (f) of 684
section 3314.02 of the Revised Code may be established after the 685
date that limit is reached, provided the school's governing 686
authority enters into a contract with an operator permitted to 687
manage the school under division (B) of this section. 688

(2) Notwithstanding the limit prescribed by division (A)(5) 689
of section 3314.013 of the Revised Code, a conversion school that 690
is an internet- or computer-based community school or a start-up 691
school sponsored by the school district in which the school is or 692
is proposed to be located may be established after the date that 693
limit is reached, provided the school's governing authority enters 694
into a contract with an operator permitted to manage the school 695
under division (B) of this section. However, a conversion school 696
that is an internet- or computer-based community school may be 697
established after that date only if the prohibition prescribed by 698
division (A)(6) of section 3314.013 of the Revised Code is no 699
longer in effect. 700

(B) An operator may enter into contracts with the governing 701
authorities of community schools established after the date the 702
limit prescribed by division (A)(4) or (5) of section 3314.013 of 703

the Revised Code, as applicable, is reached, provided the total
number of schools for which the operator enters into such
contracts, excluding conversion schools that are not internet- or
computer-based community schools, does not exceed the number of
community schools managed by the operator on the applicable date
that are rated excellent, effective, or in need of continuous
improvement pursuant to section 3302.03 of the Revised Code.

(C) Notwithstanding the limit prescribed by division (A)(4)
of section 3314.013 of the Revised Code, after the date the limit
prescribed in that division is reached, the governing authority of
a start-up school sponsored by an entity described in divisions
(C)(1)(b) to (f) of section 3314.02 of the Revised Code may
establish one additional school serving the same grade levels and
providing the same educational program as the current start-up
school and may open that additional school in the 2006-2007 school
year, if both of the following conditions are met:

(1) The governing authority entered into another contract
with the same sponsor or a different sponsor described in
divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code
and filed a copy of that contract with the superintendent of
public instruction prior to March 15, 2006.

(2) The governing authority's current school satisfies all of
the following conditions:

(a) The school currently is rated as excellent or effective
pursuant to section 3302.03 of the Revised Code.

(b) The school made adequate yearly progress, as defined in
section 3302.01 of the Revised Code, for the previous school year.

(c) The school has been in operation for at least four school
years.

(d) The school is not managed by an operator.

Sec. 3319.01. Except in an island school district, where the
superintendent of an educational service center otherwise may
serve as superintendent of the district and except as otherwise
provided for any cooperative education school district pursuant to
division (B)(2) of section 3311.52 or division (B)(3) of section
3311.521 of the Revised Code, the board of education in each
school district and the governing board of each service center
shall, at a regular or special meeting held not later than the
first day of May of the calendar year in which the term of the
superintendent expires, appoint a person possessed of the
qualifications provided in this section to act as superintendent,
for a term not longer than five years beginning the first day of
August and ending on the thirty-first day of July. Such
superintendent is, at the expiration of a current term of
employment, deemed reemployed for a term of one year at the same
salary plus any increments that may be authorized by the board,
unless such board, on or before the first day of March of the year
in which the contract of employment expires, either reemploys the
superintendent for a succeeding term as provided in this section
or gives to the superintendent written notice of its intention not
to reemploy the superintendent. A superintendent may not be
transferred to any other position during the term of the
superintendent's employment or reemployment except by mutual
agreement by the superintendent and the board. If a vacancy occurs
in the office of superintendent, the board shall appoint a
superintendent for a term not to exceed five years from the next
preceding first day of August.

A board may at any regular or special meeting held during the
period beginning on the first day of January of the calendar year
immediately preceding the year the contract of employment of a
superintendent expires and ending on the first day of March of the
year it expires, reemploy such superintendent for a succeeding

term for not longer than five years, beginning on the first day of 766
August immediately following the expiration of the 767
superintendent's current term of employment and ending on the 768
thirty-first day of July of the year in which such succeeding term 769
expires. No person shall be appointed to the office of 770
superintendent of a city, or exempted village school district or a 771
service center who does not hold a license designated for being a 772
superintendent issued under section 3319.22 of the Revised Code, 773
unless such person had been employed as a county, city, or 774
exempted village superintendent prior to August 1, 1939. No person 775
shall be appointed to the office of local superintendent who does 776
not hold a license designated for being a superintendent issued 777
under section 3319.22 of the Revised Code, unless such person held 778
or was qualified to hold the position of executive head of a local 779
school district on September 16, 1957. At the time of making such 780
appointment or designation of term, such board shall fix the 781
compensation of the superintendent, which may be increased or 782
decreased during such term, provided such decrease is a part of a 783
uniform plan affecting salaries of all employees of the district, 784
and shall execute a written contract of employment with such 785
superintendent. 786

Each board shall adopt procedures for the evaluation of its 787
superintendent and shall evaluate its superintendent in accordance 788
with those procedures. An evaluation based upon such procedures 789
shall be considered by the board in deciding whether to renew the 790
superintendent's contract. The establishment of an evaluation 791
procedure shall not create an expectancy of continued employment. 792
Nothing in this section shall prevent a board from making the 793
final determination regarding the renewal or failure to renew of a 794
superintendent's contract. 795

Termination of a superintendent's contract shall be pursuant 796
to section 3319.16 of the Revised Code. 797

A board may establish vacation leave for its superintendent. 798
Upon the superintendent's separation from employment a board that 799
has such leave may provide compensation at the superintendent's 800
current rate of pay for all lawfully accrued and unused vacation 801
leave to the superintendent's credit at the time of separation, 802
not to exceed the amount accrued within three years before the 803
date of separation. In case of the death of a superintendent, such 804
unused vacation leave as the board would have paid to this 805
superintendent upon separation shall be paid in accordance with 806
section 2113.04 of the Revised Code, or to the superintendent's 807
estate. 808

Notwithstanding section 9.481 of the Revised Code, the board 809
of a city, local, exempted village, or joint vocational school 810
district may require its superintendent, as a condition of 811
employment, to reside within the boundaries of the district. 812

The superintendent shall be the executive officer for the 813
board. The superintendent shall direct and assign teachers and 814
other employees of the district or service center, except as 815
provided in section 3319.04 of the Revised Code; assign the pupils 816
to the proper schools and grades, provided that the assignment of 817
a pupil to a school outside of the pupil's district of residence 818
is approved by the board of the district of residence of such 819
pupil; and perform such other duties as the board determines. 820

The board of education of any school district may contract 821
with the governing board of the educational service center from 822
which it otherwise receives services to conduct searches and 823
recruitment of candidates for the superintendent position 824
authorized under this section. 825

Sec. 3319.17. (A) As used in this section, "interdistrict 826
contract" means any contract or agreement entered into by an 827
educational service center governing board and another board or 828

other public entity pursuant to section 3313.17, 3313.841, 829
3313.842, 3313.843, 3313.844, 3313.845, 3313.91, or 3323.08 of the 830
Revised Code, including any such contract or agreement for the 831
provision of services funded under division (I) of section 832
3317.024 of the Revised Code or provided in any unit approved 833
under section 3317.05 of the Revised Code. 834

(B) When, for any of the following reasons that apply to any 835
city, exempted village, local, or joint vocational school district 836
or any educational service center, the board decides that it will 837
be necessary to reduce the number of teachers it employs, it may 838
make a reasonable reduction: 839

(1) In the case of any district or service center, return to 840
duty of regular teachers after leaves of absence including leaves 841
provided pursuant to division (B) of section 3314.10 of the 842
Revised Code, suspension of schools, territorial changes affecting 843
the district or center, or financial reasons; 844

(2) In the case of any city, exempted village, local, or 845
joint vocational school district, decreased enrollment of pupils 846
in the district; 847

(3) In the case of any governing board of a service center 848
providing any particular service directly to pupils pursuant to 849
one or more interdistrict contracts requiring such service, 850
reduction in the total number of pupils the governing board is 851
required to provide with the service under all interdistrict 852
contracts as a result of the termination or nonrenewal of one or 853
more of these interdistrict contracts; 854

(4) In the case of any governing board providing any 855
particular service that it does not provide directly to pupils 856
pursuant to one or more interdistrict contracts requiring such 857
service, reduction in the total level of the service the governing 858
board is required to provide under all interdistrict contracts as 859

a result of the termination or nonrenewal of one or more of these
interdistrict contracts.

(C) In making any such reduction, any city, exempted village,
local, or joint vocational school board shall proceed to suspend
contracts in accordance with the recommendation of the
superintendent of schools who shall, within each teaching field
affected, give preference first to teachers on continuing
contracts and then to teachers who have greater seniority. In
making any such reduction, any governing board of a service center
shall proceed to suspend contracts in accordance with the
recommendation of the superintendent who shall, within each
teaching field or service area affected, give preference first to
teachers on continuing contracts and then to teachers who have
greater seniority.

On a case-by-case basis, in lieu of suspending a contract in
whole, a board may suspend a contract in part, so that an
individual is required to work a percentage of the time the
employee otherwise is required to work under the contract and
receives a commensurate percentage of the full compensation the
employee otherwise would receive under the contract.

The teachers whose continuing contracts are suspended by any
board pursuant to this section shall have the right of restoration
to continuing service status by that board in the order of
seniority of service in the district or service center if and when
teaching positions become vacant or are created for which any of
such teachers are or become qualified. No teacher whose continuing
contract has been suspended pursuant to this section shall lose
that right of restoration to continuing service status by reason
of having declined recall to a position that is less than
full-time or, if the teacher was not employed full-time just prior
to suspension of the teacher's continuing contract, to a position
requiring a lesser percentage of full-time employment than the

position the teacher last held while employed in the district or 892
service center. 893

(D) Notwithstanding any provision to the contrary in Chapter 894
4117. of the Revised Code, the requirements of this section 895
prevail over any conflicting provisions of agreements between 896
employee organizations and public employers entered into after 897
September 29, 2005. 898

Section 2. That existing sections 3301.075, 3310.08, 899
3313.843, 3314.014, 3319.01, and 3319.17 of the Revised Code are 900
hereby repealed. 901

Section 3. Subject to appropriations of the General Assembly, 902
funding for the operation of the Educational Regional Service 903
System established by this act shall begin July 1, 2007. 904

Section 4. (A) The Ohio Board of Regents and the Ohio 905
Association of Community Colleges shall make appointments to the 906
advisory councils established under section 3312.03 of the Revised 907
Code within thirty days after the effective date of this section. 908
Each advisory council shall make the appointments required by 909
division (B) of that section within forty-five days after the 910
effective date of this section. 911

(B) Each advisory council and the Ohio Education Association 912
and the Ohio Federation of Teachers shall make the appointments to 913
the advisory council subcommittees required by division (B) of 914
section 3312.05 of the Revised Code within sixty days after the 915
effective date of this section. 916

(C) Appointments to the State Regional Alliance Advisory 917
Board established by section 3312.11 of the Revised Code shall be 918
made within sixty days after the effective date of this section. 919

(D) Appointments to the Education Management Information 920

System Advisory Board established by section 3301.0713 of the 921
Revised Code shall be made within thirty days after the effective 922
date of this section. 923

Section 5. It is the intent of the General Assembly that the 924
Department of Education not fill staff positions in the regional 925
offices of the Department's Office of Early Childhood Education as 926
those positions become open through attrition. 927

Section 6. All appropriation items in this section are 928
appropriated out of money in the state treasury to the credit of 929
the designated fund. For all appropriations made in this section, 930
the amounts in the first column are for fiscal year 2006 and the 931
amounts in the second column are for fiscal year 2007. 932

EDU DEPARTMENT OF EDUCATION 933

General Revenue Fund 934

GRF 200-536 Ohio Core Support	\$	0	\$	13,200,000	935
TOTAL GRF General Revenue Fund	\$	0	\$	13,200,000	936
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	13,200,000	937

OHIO CORE SUPPORT 938

The foregoing appropriation item 200-536, Ohio Core Support, 939
shall be used to support implementation of the Ohio Core Program, 940
which requires establishment of a rigorous high school curriculum 941
for Ohio's high school students. The Department of Education and 942
the Board of Regents shall jointly plan and work collaboratively 943
to guide implementation of the Ohio Core Program and to administer 944
funding to eligible school districts, individuals, and programs as 945
determined by this section. The Department of Education and the 946
Board of Regents shall jointly agree to the awarding and 947
expenditure of funds appropriated in this section. 948

(A) Of the foregoing appropriation item 200-536, Ohio Core 949
Support, up to \$2,600,000 in fiscal year 2007 shall be used to 950

support the participation of teachers licensed in Ohio and 951
mid-career professionals not currently employed by a school 952
district or licensed to teach at the primary or secondary 953
education levels in a twelve-month intensive training program that 954
leads to teacher licensure in a laboratory-based science, advanced 955
mathematics, or foreign language field at the secondary education 956
level and employment with an Ohio school district. 957

(B) Of the foregoing appropriation item 200-536, Ohio Core 958
Support, up to \$1,500,000 in fiscal year 2007 shall be used to 959
support alternative teacher licensure programs developed by 960
educational service centers, in partnership with institutions of 961
higher education. Participants shall be teachers licensed in Ohio 962
and mid-career professionals not currently employed by a school 963
district or licensed to teach at the primary or secondary 964
education levels. Programs shall be consistent with the State 965
Board of Education's alternative licensure requirements. 966

(C) Of the foregoing appropriation item 200-536, Ohio Core 967
Support, up to \$3,600,000 in fiscal year 2007 shall be distributed 968
to school districts to be used to obtain contracted instruction 969
with institutions of higher education in mathematics, science, or 970
foreign language for high school students that results in dual 971
high school and college credit. Costs shall be based upon 972
reasonable expenses that institutions of higher education could 973
incur for faculty, supplies, and other associated costs. 974

(D) Of the foregoing appropriation item 200-536, Ohio Core 975
Support, up to \$2,000,000 in fiscal year 2007 shall be disbursed 976
to the eTech Ohio Commission within sixty days after the effective 977
date of this section. Funding shall be used to implement and 978
support the Ohio Students Choosing On-line Resources for 979
Educational Success Initiative that increases the educational 980
options available for students in mathematics, advanced 981
laboratory-based science, and foreign language. The eTech Ohio 982

Commission shall work collaboratively with the Department of 983
Education and the Board of Regents on this initiative. 984

(E) Of the foregoing appropriation item 200-536, Ohio Core 985
Support, up to \$3,500,000 in fiscal year 2007 shall be disbursed 986
to the Board of Regents within sixty days after the effective date 987
of this section. The Board of Regents shall use the funds to 988
support up to ten regional summer academies that focus on foreign 989
language, science, mathematics, engineering, and technology and 990
prepare eleventh and twelfth grade students to pursue 991
college-level foreign language, mathematics, science, technology, 992
and engineering, with a focus on secondary teaching in these 993
disciplines. Successful completion of these academics shall result 994
in dual high school and college credits. Costs shall be based upon 995
reasonable expenses, as determined by the Board of Regents, that 996
institutions of higher education could incur for faculty, 997
supplies, and other associated costs. 998

Section 7. The appropriations made in Section 6 of this act 999
are subject to all provisions of Am. Sub. H.B. 66 of the 126th 1000
General Assembly that are generally applicable to such 1001
appropriations. Expenditures from appropriations contained in 1002
Section 6 of this act shall be accounted for as though made in Am. 1003
Sub. H.B. 66 of the 126th General Assembly. 1004

Section 8. Sections 6, 7, and 8 of this act are not subject 1005
to the referendum. Therefore, under Ohio Constitution, Article II, 1006
Section 1d and section 1.471 of the Revised Code, the sections go 1007
into immediate effect when this act becomes law. 1008