

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. B. No. 57

Senator Coughlin

Cosponsor: Senator Mumper

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A B I L L

To amend sections 109.57, 109.572, 3317.013, 1
3317.022, and 3317.03 and to enact sections 2
3310.51 to 3310.63 of the Revised Code to 3
establish the Special Education Scholarship 4
Program and to require the Department of Education 5
every two years to prepare an analysis of the 6
special education funding weights. 7

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

Section 1. That sections 109.57, 109.572, 3317.013, 3317.022, 8
and 3317.03 be amended and sections 3310.51, 3310.52, 3310.53, 9
3310.54, 3310.55, 3310.56, 3310.57, 3310.58, 3310.59, 3310.60, 10
3310.61, 3310.62, and 3310.63 of the Revised Code be enacted to 11
read as follows: 12

Sec. 109.57. (A)(1) The superintendent of the bureau of 13
criminal identification and investigation shall procure from 14
wherever procurable and file for record photographs, pictures, 15
descriptions, fingerprints, measurements, and other information 16
that may be pertinent of all persons who have been convicted of 17
committing within this state a felony, any crime constituting a 18
misdemeanor on the first offense and a felony on subsequent 19

offenses, or any misdemeanor described in division (A)(1)(a) or 20
(A)(10)(a) of section 109.572 of the Revised Code, of all children 21
under eighteen years of age who have been adjudicated delinquent 22
children for committing within this state an act that would be a 23
felony or an offense of violence if committed by an adult or who 24
have been convicted of or pleaded guilty to committing within this 25
state a felony or an offense of violence, and of all well-known 26
and habitual criminals. The person in charge of any county, 27
multicounty, municipal, municipal-county, or multicounty-municipal 28
jail or workhouse, community-based correctional facility, halfway 29
house, alternative residential facility, or state correctional 30
institution and the person in charge of any state institution 31
having custody of a person suspected of having committed a felony, 32
any crime constituting a misdemeanor on the first offense and a 33
felony on subsequent offenses, or any misdemeanor described in 34
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 35
Code or having custody of a child under eighteen years of age with 36
respect to whom there is probable cause to believe that the child 37
may have committed an act that would be a felony or an offense of 38
violence if committed by an adult shall furnish such material to 39
the superintendent of the bureau. Fingerprints, photographs, or 40
other descriptive information of a child who is under eighteen 41
years of age, has not been arrested or otherwise taken into 42
custody for committing an act that would be a felony or an offense 43
of violence if committed by an adult, has not been adjudicated a 44
delinquent child for committing an act that would be a felony or 45
an offense of violence if committed by an adult, has not been 46
convicted of or pleaded guilty to committing a felony or an 47
offense of violence, and is not a child with respect to whom there 48
is probable cause to believe that the child may have committed an 49
act that would be a felony or an offense of violence if committed 50
by an adult shall not be procured by the superintendent or 51
furnished by any person in charge of any county, multicounty, 52

municipal, municipal-county, or multicounty-municipal jail or 53
workhouse, community-based correctional facility, halfway house, 54
alternative residential facility, or state correctional 55
institution, except as authorized in section 2151.313 of the 56
Revised Code. 57

(2) Every clerk of a court of record in this state, other 58
than the supreme court or a court of appeals, shall send to the 59
superintendent of the bureau a weekly report containing a summary 60
of each case involving a felony, involving any crime constituting 61
a misdemeanor on the first offense and a felony on subsequent 62
offenses, involving a misdemeanor described in division (A)(1)(a) 63
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 64
an adjudication in a case in which a child under eighteen years of 65
age was alleged to be a delinquent child for committing an act 66
that would be a felony or an offense of violence if committed by 67
an adult. The clerk of the court of common pleas shall include in 68
the report and summary the clerk sends under this division all 69
information described in divisions (A)(2)(a) to (f) of this 70
section regarding a case before the court of appeals that is 71
served by that clerk. The summary shall be written on the standard 72
forms furnished by the superintendent pursuant to division (B) of 73
this section and shall include the following information: 74

(a) The incident tracking number contained on the standard 75
forms furnished by the superintendent pursuant to division (B) of 76
this section; 77

(b) The style and number of the case; 78

(c) The date of arrest; 79

(d) The date that the person was convicted of or pleaded 80
guilty to the offense, adjudicated a delinquent child for 81
committing the act that would be a felony or an offense of 82
violence if committed by an adult, found not guilty of the 83

offense, or found not to be a delinquent child for committing an 84
act that would be a felony or an offense of violence if committed 85
by an adult, the date of an entry dismissing the charge, an entry 86
declaring a mistrial of the offense in which the person is 87
discharged, an entry finding that the person or child is not 88
competent to stand trial, or an entry of a nolle prosequi, or the 89
date of any other determination that constitutes final resolution 90
of the case; 91

(e) A statement of the original charge with the section of 92
the Revised Code that was alleged to be violated; 93

(f) If the person or child was convicted, pleaded guilty, or 94
was adjudicated a delinquent child, the sentence or terms of 95
probation imposed or any other disposition of the offender or the 96
delinquent child. 97

If the offense involved the disarming of a law enforcement 98
officer or an attempt to disarm a law enforcement officer, the 99
clerk shall clearly state that fact in the summary, and the 100
superintendent shall ensure that a clear statement of that fact is 101
placed in the bureau's records. 102

(3) The superintendent shall cooperate with and assist 103
sheriffs, chiefs of police, and other law enforcement officers in 104
the establishment of a complete system of criminal identification 105
and in obtaining fingerprints and other means of identification of 106
all persons arrested on a charge of a felony, any crime 107
constituting a misdemeanor on the first offense and a felony on 108
subsequent offenses, or a misdemeanor described in division 109
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and 110
of all children under eighteen years of age arrested or otherwise 111
taken into custody for committing an act that would be a felony or 112
an offense of violence if committed by an adult. The 113
superintendent also shall file for record the fingerprint 114
impressions of all persons confined in a county, multicounty, 115

municipal, municipal-county, or multicounty-municipal jail or 116
workhouse, community-based correctional facility, halfway house, 117
alternative residential facility, or state correctional 118
institution for the violation of state laws and of all children 119
under eighteen years of age who are confined in a county, 120
multicounty, municipal, municipal-county, or multicounty-municipal 121
jail or workhouse, community-based correctional facility, halfway 122
house, alternative residential facility, or state correctional 123
institution or in any facility for delinquent children for 124
committing an act that would be a felony or an offense of violence 125
if committed by an adult, and any other information that the 126
superintendent may receive from law enforcement officials of the 127
state and its political subdivisions. 128

(4) The superintendent shall carry out Chapter 2950. of the 129
Revised Code with respect to the registration of persons who are 130
convicted of or plead guilty to either a sexually oriented offense 131
that is not a registration-exempt sexually oriented offense or a 132
child-victim oriented offense and with respect to all other duties 133
imposed on the bureau under that chapter. 134

(5) The bureau shall perform centralized recordkeeping 135
functions for criminal history records and services in this state 136
for purposes of the national crime prevention and privacy compact 137
set forth in section 109.571 of the Revised Code and is the 138
criminal history record repository as defined in that section for 139
purposes of that compact. The superintendent or the 140
superintendent's designee is the compact officer for purposes of 141
that compact and shall carry out the responsibilities of the 142
compact officer specified in that compact. 143

(B) The superintendent shall prepare and furnish to every 144
county, multicounty, municipal, municipal-county, or 145
multicounty-municipal jail or workhouse, community-based 146
correctional facility, halfway house, alternative residential 147

facility, or state correctional institution and to every clerk of 148
a court in this state specified in division (A)(2) of this section 149
standard forms for reporting the information required under 150
division (A) of this section. The standard forms that the 151
superintendent prepares pursuant to this division may be in a 152
tangible format, in an electronic format, or in both tangible 153
formats and electronic formats. 154

(C) The superintendent may operate a center for electronic, 155
automated, or other data processing for the storage and retrieval 156
of information, data, and statistics pertaining to criminals and 157
to children under eighteen years of age who are adjudicated 158
delinquent children for committing an act that would be a felony 159
or an offense of violence if committed by an adult, criminal 160
activity, crime prevention, law enforcement, and criminal justice, 161
and may establish and operate a statewide communications network 162
to gather and disseminate information, data, and statistics for 163
the use of law enforcement agencies. The superintendent may 164
gather, store, retrieve, and disseminate information, data, and 165
statistics that pertain to children who are under eighteen years 166
of age and that are gathered pursuant to sections 109.57 to 109.61 167
of the Revised Code together with information, data, and 168
statistics that pertain to adults and that are gathered pursuant 169
to those sections. In addition to any other authorized use of 170
information, data, and statistics of that nature, the 171
superintendent or the superintendent's designee may provide and 172
exchange the information, data, and statistics pursuant to the 173
national crime prevention and privacy compact as described in 174
division (A)(5) of this section. 175

(D) The information and materials furnished to the 176
superintendent pursuant to division (A) of this section and 177
information and materials furnished to any board or person under 178
division (F) or (G) of this section are not public records under 179

section 149.43 of the Revised Code. 180

(E) The attorney general shall adopt rules, in accordance 181
with Chapter 119. of the Revised Code, setting forth the procedure 182
by which a person may receive or release information gathered by 183
the superintendent pursuant to division (A) of this section. A 184
reasonable fee may be charged for this service. If a temporary 185
employment service submits a request for a determination of 186
whether a person the service plans to refer to an employment 187
position has been convicted of or pleaded guilty to an offense 188
listed in division (A)(1), (3), (4), (5), or (6) of section 189
109.572 of the Revised Code, the request shall be treated as a 190
single request and only one fee shall be charged. 191

(F)(1) As used in division (F)(2) of this section, "head 192
start agency" means an entity in this state that has been approved 193
to be an agency for purposes of subchapter II of the "Community 194
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 195
as amended. 196

(2)(a) In addition to or in conjunction with any request that 197
is required to be made under section 109.572, 2151.86, 3301.32, or 198
3301.541, division (C) of section 3310.58, or section 3319.39, 199
3701.881, 5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 200
5153.111 of the Revised Code, the board of education of any school 201
district; the director of mental retardation and developmental 202
disabilities; any county board of mental retardation and 203
developmental disabilities; any entity under contract with a 204
county board of mental retardation and developmental disabilities; 205
the chief administrator of any chartered nonpublic school; the 206
chief administrator of a registered private provider that is not 207
also a chartered nonpublic school; the chief administrator of any 208
home health agency; the chief administrator of or person operating 209
any child day-care center, type A family day-care home, or type B 210
family day-care home licensed or certified under Chapter 5104. of 211

the Revised Code; the administrator of any type C family day-care home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general assembly; the chief administrator of any head start agency; or the executive director of a public children services agency may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the request, the superintendent shall determine whether that information exists and, upon request of the person, board, or entity requesting information, also shall request from the federal bureau of investigation any criminal records it has pertaining to that individual. The superintendent or the superintendent's designee also may request criminal history records from other states or the federal government pursuant to the national crime prevention and privacy compact set forth in section 109.571 of the Revised Code. Within thirty days of the date that the superintendent receives a request, the superintendent shall send to the board, entity, or person a report of any information that the superintendent determines exists, including information contained in records that have been sealed under section 2953.32 of the Revised Code, and, within thirty days of its receipt, shall send the board, entity, or person a report of any information received from the federal bureau of investigation, other than information the dissemination of which is prohibited by federal law.

(b) When a board of education or a registered private provider is required to receive information under this section as a prerequisite to employment of an individual pursuant to division

(C) of section 3310.58 or section 3319.39 of the Revised Code, it 245
may accept a certified copy of records that were issued by the 246
bureau of criminal identification and investigation and that are 247
presented by an individual applying for employment with the 248
district in lieu of requesting that information itself. In such a 249
case, the board or provider shall accept the certified copy issued 250
by the bureau in order to make a photocopy of it for that 251
individual's employment application documents and shall return the 252
certified copy to the individual. In a case of that nature, a 253
district or provider only shall accept a certified copy of records 254
of that nature within one year after the date of their issuance by 255
the bureau. 256

(3) The state board of education may request, with respect to 257
any individual who has applied for employment after October 2, 258
1989, in any position with the state board or the department of 259
education, any information that a school district board of 260
education is authorized to request under division (F)(2) of this 261
section, and the superintendent of the bureau shall proceed as if 262
the request has been received from a school district board of 263
education under division (F)(2) of this section. 264

(4) When the superintendent of the bureau receives a request 265
for information under section 3319.291 of the Revised Code, the 266
superintendent shall proceed as if the request has been received 267
from a school district board of education under division (F)(2) of 268
this section. 269

(5) When a recipient of a classroom reading improvement grant 270
paid under section 3301.86 of the Revised Code requests, with 271
respect to any individual who applies to participate in providing 272
any program or service funded in whole or in part by the grant, 273
the information that a school district board of education is 274
authorized to request under division (F)(2)(a) of this section, 275
the superintendent of the bureau shall proceed as if the request 276

has been received from a school district board of education under 277
division (F)(2)(a) of this section. 278

(G) In addition to or in conjunction with any request that is 279
required to be made under section 3701.881, 3712.09, 3721.121, or 280
3722.151 of the Revised Code with respect to an individual who has 281
applied for employment in a position that involves providing 282
direct care to an older adult, the chief administrator of a home 283
health agency, hospice care program, home licensed under Chapter 284
3721. of the Revised Code, adult day-care program operated 285
pursuant to rules adopted under section 3721.04 of the Revised 286
Code, or adult care facility may request that the superintendent 287
of the bureau investigate and determine, with respect to any 288
individual who has applied after January 27, 1997, for employment 289
in a position that does not involve providing direct care to an 290
older adult, whether the bureau has any information gathered under 291
division (A) of this section that pertains to that individual. 292

In addition to or in conjunction with any request that is 293
required to be made under section 173.27 of the Revised Code with 294
respect to an individual who has applied for employment in a 295
position that involves providing ombudsperson services to 296
residents of long-term care facilities or recipients of 297
community-based long-term care services, the state long-term care 298
ombudsperson, ombudsperson's designee, or director of health may 299
request that the superintendent investigate and determine, with 300
respect to any individual who has applied for employment in a 301
position that does not involve providing such ombudsperson 302
services, whether the bureau has any information gathered under 303
division (A) of this section that pertains to that applicant. 304

In addition to or in conjunction with any request that is 305
required to be made under section 173.394 of the Revised Code with 306
respect to an individual who has applied for employment in a 307
position that involves providing direct care to an individual, the 308

chief administrator of a community-based long-term care agency may 309
request that the superintendent investigate and determine, with 310
respect to any individual who has applied for employment in a 311
position that does not involve providing direct care, whether the 312
bureau has any information gathered under division (A) of this 313
section that pertains to that applicant. 314

On receipt of a request under this division, the 315
superintendent shall determine whether that information exists 316
and, on request of the individual requesting information, shall 317
also request from the federal bureau of investigation any criminal 318
records it has pertaining to the applicant. The superintendent or 319
the superintendent's designee also may request criminal history 320
records from other states or the federal government pursuant to 321
the national crime prevention and privacy compact set forth in 322
section 109.571 of the Revised Code. Within thirty days of the 323
date a request is received, the superintendent shall send to the 324
requester a report of any information determined to exist, 325
including information contained in records that have been sealed 326
under section 2953.32 of the Revised Code, and, within thirty days 327
of its receipt, shall send the requester a report of any 328
information received from the federal bureau of investigation, 329
other than information the dissemination of which is prohibited by 330
federal law. 331

(H) Information obtained by a government entity or person 332
under this section is confidential and shall not be released or 333
disseminated. 334

(I) The superintendent may charge a reasonable fee for 335
providing information or criminal records under division (F)(2) or 336
(G) of this section. 337

(J) As used in this section, "registered private provider" 338
means a nonpublic school or entity registered with the 339
superintendent of public instruction under section 3310.41 of the 340

Revised Code to participate in the autism scholarship program or 341
section 3310.58 of the Revised Code to participate in the special 342
education scholarship program. 343

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 344
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 345
of the Revised Code, a completed form prescribed pursuant to 346
division (C)(1) of this section, and a set of fingerprint 347
impressions obtained in the manner described in division (C)(2) of 348
this section, the superintendent of the bureau of criminal 349
identification and investigation shall conduct a criminal records 350
check in the manner described in division (B) of this section to 351
determine whether any information exists that indicates that the 352
person who is the subject of the request previously has been 353
convicted of or pleaded guilty to any of the following: 354

(a) A violation of section 2903.01, 2903.02, 2903.03, 355
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 356
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 357
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 358
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 359
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 360
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 361
2925.06, or 3716.11 of the Revised Code, felonious sexual 362
penetration in violation of former section 2907.12 of the Revised 363
Code, a violation of section 2905.04 of the Revised Code as it 364
existed prior to July 1, 1996, a violation of section 2919.23 of 365
the Revised Code that would have been a violation of section 366
2905.04 of the Revised Code as it existed prior to July 1, 1996, 367
had the violation been committed prior to that date, or a 368
violation of section 2925.11 of the Revised Code that is not a 369
minor drug possession offense; 370

(b) A violation of an existing or former law of this state, 371

any other state, or the United States that is substantially 372
equivalent to any of the offenses listed in division (A)(1)(a) of 373
this section. 374

(2) On receipt of a request pursuant to section 5123.081 of 375
the Revised Code with respect to an applicant for employment in 376
any position with the department of mental retardation and 377
developmental disabilities, pursuant to section 5126.28 of the 378
Revised Code with respect to an applicant for employment in any 379
position with a county board of mental retardation and 380
developmental disabilities, or pursuant to section 5126.281 of the 381
Revised Code with respect to an applicant for employment in a 382
direct services position with an entity contracting with a county 383
board for employment, a completed form prescribed pursuant to 384
division (C)(1) of this section, and a set of fingerprint 385
impressions obtained in the manner described in division (C)(2) of 386
this section, the superintendent of the bureau of criminal 387
identification and investigation shall conduct a criminal records 388
check. The superintendent shall conduct the criminal records check 389
in the manner described in division (B) of this section to 390
determine whether any information exists that indicates that the 391
person who is the subject of the request has been convicted of or 392
pleaded guilty to any of the following: 393

(a) A violation of section 2903.01, 2903.02, 2903.03, 394
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 395
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 396
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 397
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 398
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 399
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 400
2925.03, or 3716.11 of the Revised Code; 401

(b) An existing or former municipal ordinance or law of this 402
state, any other state, or the United States that is substantially 403

equivalent to any of the offenses listed in division (A)(2)(a) of 404
this section. 405

(3) On receipt of a request pursuant to section 173.27, 406
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 407
completed form prescribed pursuant to division (C)(1) of this 408
section, and a set of fingerprint impressions obtained in the 409
manner described in division (C)(2) of this section, the 410
superintendent of the bureau of criminal identification and 411
investigation shall conduct a criminal records check with respect 412
to any person who has applied for employment in a position for 413
which a criminal records check is required by those sections. The 414
superintendent shall conduct the criminal records check in the 415
manner described in division (B) of this section to determine 416
whether any information exists that indicates that the person who 417
is the subject of the request previously has been convicted of or 418
pleaded guilty to any of the following: 419

(a) A violation of section 2903.01, 2903.02, 2903.03, 420
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 421
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 422
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 423
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 424
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 425
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 426
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 427
2925.22, 2925.23, or 3716.11 of the Revised Code; 428

(b) An existing or former law of this state, any other state, 429
or the United States that is substantially equivalent to any of 430
the offenses listed in division (A)(3)(a) of this section. 431

(4) On receipt of a request pursuant to section 3701.881 of 432
the Revised Code with respect to an applicant for employment with 433
a home health agency as a person responsible for the care, 434
custody, or control of a child, a completed form prescribed 435

pursuant to division (C)(1) of this section, and a set of 436
fingerprint impressions obtained in the manner described in 437
division (C)(2) of this section, the superintendent of the bureau 438
of criminal identification and investigation shall conduct a 439
criminal records check. The superintendent shall conduct the 440
criminal records check in the manner described in division (B) of 441
this section to determine whether any information exists that 442
indicates that the person who is the subject of the request 443
previously has been convicted of or pleaded guilty to any of the 444
following: 445

(a) A violation of section 2903.01, 2903.02, 2903.03, 446
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 447
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 448
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 449
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 450
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 451
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 452
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 453
violation of section 2925.11 of the Revised Code that is not a 454
minor drug possession offense; 455

(b) An existing or former law of this state, any other state, 456
or the United States that is substantially equivalent to any of 457
the offenses listed in division (A)(4)(a) of this section. 458

(5) On receipt of a request pursuant to section 5111.95 or 459
5111.96 of the Revised Code with respect to an applicant for 460
employment with a waiver agency participating in a department of 461
job and family services administered home and community-based 462
waiver program or an independent provider participating in a 463
department administered home and community-based waiver program in 464
a position that involves providing home and community-based waiver 465
services to consumers with disabilities, a completed form 466
prescribed pursuant to division (C)(1) of this section, and a set 467

of fingerprint impressions obtained in the manner described in 468
division (C)(2) of this section, the superintendent of the bureau 469
of criminal identification and investigation shall conduct a 470
criminal records check. The superintendent shall conduct the 471
criminal records check in the manner described in division (B) of 472
this section to determine whether any information exists that 473
indicates that the person who is the subject of the request 474
previously has been convicted of or pleaded guilty to any of the 475
following: 476

(a) A violation of section 2903.01, 2903.02, 2903.03, 477
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 478
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 479
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 480
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 481
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 482
2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 2913.40, 483
2913.43, 2913.47, 2913.51, 2919.12, 2919.24, 2919.25, 2921.36, 484
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 485
2925.06, 2925.11, 2925.13, 2925.22, 2925.23, or 3716.11 of the 486
Revised Code, felonious sexual penetration in violation of former 487
section 2907.12 of the Revised Code, a violation of section 488
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 489
violation of section 2919.23 of the Revised Code that would have 490
been a violation of section 2905.04 of the Revised Code as it 491
existed prior to July 1, 1996, had the violation been committed 492
prior to that date; 493

(b) An existing or former law of this state, any other state, 494
or the United States that is substantially equivalent to any of 495
the offenses listed in division (A)(5)(a) of this section. 496

(6) On receipt of a request pursuant to section 3701.881 of 497
the Revised Code with respect to an applicant for employment with 498
a home health agency in a position that involves providing direct 499

care to an older adult, a completed form prescribed pursuant to 500
division (C)(1) of this section, and a set of fingerprint 501
impressions obtained in the manner described in division (C)(2) of 502
this section, the superintendent of the bureau of criminal 503
identification and investigation shall conduct a criminal records 504
check. The superintendent shall conduct the criminal records check 505
in the manner described in division (B) of this section to 506
determine whether any information exists that indicates that the 507
person who is the subject of the request previously has been 508
convicted of or pleaded guilty to any of the following: 509

(a) A violation of section 2903.01, 2903.02, 2903.03, 510
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 511
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 512
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 513
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 514
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 515
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 516
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 517
2925.22, 2925.23, or 3716.11 of the Revised Code; 518

(b) An existing or former law of this state, any other state, 519
or the United States that is substantially equivalent to any of 520
the offenses listed in division (A)(6)(a) of this section. 521

(7) When conducting a criminal records check upon a request 522
pursuant to section 3319.39 of the Revised Code for an applicant 523
who is a teacher, in addition to the determination made under 524
division (A)(1) of this section, the superintendent shall 525
determine whether any information exists that indicates that the 526
person who is the subject of the request previously has been 527
convicted of or pleaded guilty to any offense specified in section 528
3319.31 of the Revised Code. 529

(8) On a request pursuant to section 2151.86 of the Revised 530
Code, a completed form prescribed pursuant to division (C)(1) of 531

this section, and a set of fingerprint impressions obtained in the 532
manner described in division (C)(2) of this section, the 533
superintendent of the bureau of criminal identification and 534
investigation shall conduct a criminal records check in the manner 535
described in division (B) of this section to determine whether any 536
information exists that indicates that the person who is the 537
subject of the request previously has been convicted of or pleaded 538
guilty to any of the following: 539

(a) A violation of section 2903.01, 2903.02, 2903.03, 540
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 541
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 542
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 543
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 544
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 545
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 546
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 547
violation of section 2905.04 of the Revised Code as it existed 548
prior to July 1, 1996, a violation of section 2919.23 of the 549
Revised Code that would have been a violation of section 2905.04 550
of the Revised Code as it existed prior to July 1, 1996, had the 551
violation been committed prior to that date, a violation of 552
section 2925.11 of the Revised Code that is not a minor drug 553
possession offense, or felonious sexual penetration in violation 554
of former section 2907.12 of the Revised Code; 555

(b) A violation of an existing or former law of this state, 556
any other state, or the United States that is substantially 557
equivalent to any of the offenses listed in division (A)(8)(a) of 558
this section. 559

(9) When conducting a criminal records check on a request 560
pursuant to section 5104.013 of the Revised Code for a person who 561
is an owner, licensee, or administrator of a child day-care center 562
or type A family day-care home, an authorized provider of a 563

certified type B family day-care home, or an adult residing in a 564
type A or certified type B home, or when conducting a criminal 565
records check or a request pursuant to section 5104.012 of the 566
Revised Code for a person who is an applicant for employment in a 567
center, type A home, or certified type B home, the superintendent, 568
in addition to the determination made under division (A)(1) of 569
this section, shall determine whether any information exists that 570
indicates that the person has been convicted of or pleaded guilty 571
to any of the following: 572

(a) A violation of section 2913.02, 2913.03, 2913.04, 573
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 574
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 575
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 576
2921.13, or 2923.01 of the Revised Code, a violation of section 577
2923.02 or 2923.03 of the Revised Code that relates to a crime 578
specified in this division or division (A)(1)(a) of this section, 579
or a second violation of section 4511.19 of the Revised Code 580
within five years of the date of application for licensure or 581
certification. 582

(b) A violation of an existing or former law of this state, 583
any other state, or the United States that is substantially 584
equivalent to any of the offenses or violations described in 585
division (A)(9)(a) of this section. 586

(10) Upon receipt of a request pursuant to section 5153.111 587
of the Revised Code, a completed form prescribed pursuant to 588
division (C)(1) of this section, and a set of fingerprint 589
impressions obtained in the manner described in division (C)(2) of 590
this section, the superintendent of the bureau of criminal 591
identification and investigation shall conduct a criminal records 592
check in the manner described in division (B) of this section to 593
determine whether any information exists that indicates that the 594
person who is the subject of the request previously has been 595

convicted of or pleaded guilty to any of the following: 596

(a) A violation of section 2903.01, 2903.02, 2903.03, 597
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 598
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 599
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 600
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 601
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 602
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 603
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 604
felonious sexual penetration in violation of former section 605
2907.12 of the Revised Code, a violation of section 2905.04 of the 606
Revised Code as it existed prior to July 1, 1996, a violation of 607
section 2919.23 of the Revised Code that would have been a 608
violation of section 2905.04 of the Revised Code as it existed 609
prior to July 1, 1996, had the violation been committed prior to 610
that date, or a violation of section 2925.11 of the Revised Code 611
that is not a minor drug possession offense; 612

(b) A violation of an existing or former law of this state, 613
any other state, or the United States that is substantially 614
equivalent to any of the offenses listed in division (A)(10)(a) of 615
this section. 616

(11) On receipt of a request for a criminal records check 617
from an individual pursuant to section 4749.03 or 4749.06 of the 618
Revised Code, accompanied by a completed copy of the form 619
prescribed in division (C)(1) of this section and a set of 620
fingerprint impressions obtained in a manner described in division 621
(C)(2) of this section, the superintendent of the bureau of 622
criminal identification and investigation shall conduct a criminal 623
records check in the manner described in division (B) of this 624
section to determine whether any information exists indicating 625
that the person who is the subject of the request has been 626
convicted of or pleaded guilty to a felony in this state or in any 627

other state. If the individual indicates that a firearm will be 628
carried in the course of business, the superintendent shall 629
require information from the federal bureau of investigation as 630
described in division (B)(2) of this section. The superintendent 631
shall report the findings of the criminal records check and any 632
information the federal bureau of investigation provides to the 633
director of public safety. 634

(12) On receipt of a request pursuant to section 1322.03, 635
1322.031, or 4763.05 of the Revised Code, a completed form 636
prescribed pursuant to division (C)(1) of this section, and a set 637
of fingerprint impressions obtained in the manner described in 638
division (C)(2) of this section, the superintendent of the bureau 639
of criminal identification and investigation shall conduct a 640
criminal records check with respect to any person who has applied 641
for a license, permit, or certification from the department of 642
commerce or a division in the department. The superintendent shall 643
conduct the criminal records check in the manner described in 644
division (B) of this section to determine whether any information 645
exists that indicates that the person who is the subject of the 646
request previously has been convicted of or pleaded guilty to any 647
of the following: a violation of section 2913.02, 2913.11, 648
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 649
criminal offense involving theft, receiving stolen property, 650
embezzlement, forgery, fraud, passing bad checks, money 651
laundering, or drug trafficking, or any criminal offense involving 652
money or securities, as set forth in Chapters 2909., 2911., 2913., 653
2915., 2921., 2923., and 2925. of the Revised Code; or any 654
existing or former law of this state, any other state, or the 655
United States that is substantially equivalent to those offenses. 656

(13) Not later than thirty days after the date the 657
superintendent receives the request, completed form, and 658
fingerprint impressions, the superintendent shall send the person, 659

board, or entity that made the request any information, other than 660
information the dissemination of which is prohibited by federal 661
law, the superintendent determines exists with respect to the 662
person who is the subject of the request that indicates that the 663
person previously has been convicted of or pleaded guilty to any 664
offense listed or described in division (A)(1), (2), (3), (4), 665
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 666
appropriate. The superintendent shall send the person, board, or 667
entity that made the request a copy of the list of offenses 668
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 669
(9), (10), (11), or (12) of this section, as appropriate. If the 670
request was made under section 3701.881 of the Revised Code with 671
regard to an applicant who may be both responsible for the care, 672
custody, or control of a child and involved in providing direct 673
care to an older adult, the superintendent shall provide a list of 674
the offenses specified in divisions (A)(4) and (6) of this 675
section. 676

(B) The superintendent shall conduct any criminal records 677
check requested under section 121.08, 173.27, 173.394, 1322.03, 678
1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 679
3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 680
5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 5153.111 of the 681
Revised Code as follows: 682

(1) The superintendent shall review or cause to be reviewed 683
any relevant information gathered and compiled by the bureau under 684
division (A) of section 109.57 of the Revised Code that relates to 685
the person who is the subject of the request, including any 686
relevant information contained in records that have been sealed 687
under section 2953.32 of the Revised Code; 688

(2) If the request received by the superintendent asks for 689
information from the federal bureau of investigation, the 690
superintendent shall request from the federal bureau of 691

investigation any information it has with respect to the person 692
who is the subject of the request and shall review or cause to be 693
reviewed any information the superintendent receives from that 694
bureau. 695

(3) The superintendent or the superintendent's designee may 696
request criminal history records from other states or the federal 697
government pursuant to the national crime prevention and privacy 698
compact set forth in section 109.571 of the Revised Code. 699

(C)(1) The superintendent shall prescribe a form to obtain 700
the information necessary to conduct a criminal records check from 701
any person for whom a criminal records check is required by 702
section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 703
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 704
4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 705
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 706
form that the superintendent prescribes pursuant to this division 707
may be in a tangible format, in an electronic format, or in both 708
tangible and electronic formats. 709

(2) The superintendent shall prescribe standard impression 710
sheets to obtain the fingerprint impressions of any person for 711
whom a criminal records check is required by section 121.08, 712
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 713
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 714
4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 715
5126.281, or 5153.111 of the Revised Code. Any person for whom a 716
records check is required by any of those sections shall obtain 717
the fingerprint impressions at a county sheriff's office, 718
municipal police department, or any other entity with the ability 719
to make fingerprint impressions on the standard impression sheets 720
prescribed by the superintendent. The office, department, or 721
entity may charge the person a reasonable fee for making the 722
impressions. The standard impression sheets the superintendent 723

prescribes pursuant to this division may be in a tangible format, 724
in an electronic format, or in both tangible and electronic 725
formats. 726

(3) Subject to division (D) of this section, the 727
superintendent shall prescribe and charge a reasonable fee for 728
providing a criminal records check requested under section 121.08, 729
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 730
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 731
4763.05, 5104.012, 5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 732
5126.281, or 5153.111 of the Revised Code. The person making a 733
criminal records request under section 121.08, 173.27, 173.394, 734
1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 735
3712.09, 3721.121, 3722.151, 4749.03, 4749.06, 4763.05, 5104.012, 736
5104.013, 5111.95, 5111.96, 5123.081, 5126.28, 5126.281, or 737
5153.111 of the Revised Code shall pay the fee prescribed pursuant 738
to this division. A person making a request under section 3701.881 739
of the Revised Code for a criminal records check for an applicant 740
who may be both responsible for the care, custody, or control of a 741
child and involved in providing direct care to an older adult 742
shall pay one fee for the request. 743

(4) The superintendent of the bureau of criminal 744
identification and investigation may prescribe methods of 745
forwarding fingerprint impressions and information necessary to 746
conduct a criminal records check, which methods shall include, but 747
not be limited to, an electronic method. 748

(D) A determination whether any information exists that 749
indicates that a person previously has been convicted of or 750
pleaded guilty to any offense listed or described in division 751
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 752
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 753
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section 754
that is made by the superintendent with respect to information 755

considered in a criminal records check in accordance with this 756
section is valid for the person who is the subject of the criminal 757
records check for a period of one year from the date upon which 758
the superintendent makes the determination. During the period in 759
which the determination in regard to a person is valid, if another 760
request under this section is made for a criminal records check 761
for that person, the superintendent shall provide the information 762
that is the basis for the superintendent's initial determination 763
at a lower fee than the fee prescribed for the initial criminal 764
records check. 765

(E) When the superintendent receives a request for 766
information from a registered private provider, the superintendent 767
shall proceed as if the request has been received from a school 768
district board of education under section 3319.39 of the Revised 769
Code. The superintendent shall apply division (A)(7) of this 770
section to any such request for an applicant who is a teacher. 771

(F) As used in this section: 772

(1) "Criminal records check" means any criminal records check 773
conducted by the superintendent of the bureau of criminal 774
identification and investigation in accordance with division (B) 775
of this section. 776

(2) "Home and community-based waiver services" and "waiver 777
agency" have the same meanings as in section 5111.95 of the 778
Revised Code. 779

(3) "Independent provider" has the same meaning as in section 780
5111.96 of the Revised Code. 781

(4) "Minor drug possession offense" has the same meaning as 782
in section 2925.01 of the Revised Code. 783

(5) "Older adult" means a person age sixty or older. 784

(6) "Registered private provider" means a nonpublic school or 785

entity registered with the superintendent of public instruction 786
under section 3310.41 of the Revised Code to participate in the 787
autism scholarship program or section 3310.58 of the Revised Code 788
to participate in the special education scholarship program. 789

Sec. 3310.51. As used in sections 3310.51 to 3310.63 of the 790
Revised Code: 791

(A) "Alternative public provider" means either of the 792
following providers that agrees to enroll a child in the 793
provider's special education program to implement the child's 794
individualized education program and to which the eligible 795
applicant owes fees for the services provided to the child: 796

(1) A school district that is not the school district in 797
which the child is entitled to attend school or the child's school 798
district of residence, if different; 799

(2) A public entity other than a school district. 800

(B) "Applicable special education weight" means the multiple 801
specified in section 3317.013 of the Revised Code for a handicap 802
described in that section. 803

(C) "Category one through six special education ADM" means 804
the respective categories prescribed in divisions (F)(1) to (6) of 805
section 3317.02 of the Revised Code. 806

(D) "Eligible applicant" means any of the following: 807

(1) Either of the natural or adoptive parents of a qualified 808
special education child, except as otherwise specified in this 809
division. When the marriage of the natural or adoptive parents of 810
the student has been terminated by a divorce, dissolution of 811
marriage, or annulment, or when the natural or adoptive parents of 812
the student are living separate and apart under a legal separation 813
decree, and a court has issued an order allocating the parental 814
rights and responsibilities with respect to the child, "eligible 815

applicant" means the residential parent as designated by the 816
court. If the court issues a shared parenting decree, "eligible 817
applicant" means either parent. "Eligible applicant" does not mean 818
a parent whose custodial rights have been terminated. 819

(2) The custodian of a qualified special education child, 820
when a court has granted temporary, legal, or permanent custody of 821
the child to an individual other than either of the natural or 822
adoptive parents of the child or to a government agency; 823

(3) The guardian of a qualified special education child, when 824
a court has appointed a guardian for the child; 825

(4) The grandparent of a qualified special education child, 826
when the grandparent is the child's attorney in fact under a power 827
of attorney executed under sections 3109.51 to 3109.62 of the 828
Revised Code or when the grandparent has executed a caregiver 829
authorization affidavit under sections 3109.65 to 3109.73 of the 830
Revised Code; 831

(5) The surrogate parent appointed for a qualified special 832
education child pursuant to division (B) of section 3323.05 and 833
section 3323.051 of the Revised Code; 834

(6) A qualified special education child, if the child does 835
not have a custodian or guardian and the child is at least 836
eighteen years of age. 837

(E) "Entitled to attend school" means entitled to attend 838
school in a school district under sections 3313.64 and 3313.65 of 839
the Revised Code. 840

(F) "Formula ADM" and "formula amount" have the same meanings 841
as in section 3317.02 of the Revised Code. 842

(G) "Handicapped child," "handicapped preschool child," 843
"individualized education program," and "special education 844
program" have the same meanings as in section 3323.01 of the 845

Revised Code. 846

(H) "Preschool scholarship ADM" means the number of 847
handicapped preschool children reported under division (B)(3)(h) 848
of section 3317.03 of the Revised Code. 849

(I) "Qualified special education child" is a child for whom 850
all of the following conditions apply: 851

(1) The child is at least three years of age and less than 852
twenty-two years of age; 853

(2) The school district in which the child is entitled to 854
attend school, or the child's school district of residence if 855
different, has identified the child as a handicapped child; 856

(3) The school district in which the child is entitled to 857
attend school, or the child's school district of residence if 858
different, has developed an individualized education program under 859
Chapter 3323. of the Revised Code for the child; 860

(4) The child either: 861

(a) Was enrolled in the schools of the school district in 862
which the child is entitled to attend school in any grade from 863
kindergarten through twelve or as a handicapped preschool child in 864
the school year prior to the school year in which a scholarship is 865
first sought for the child; 866

(b) Is eligible to enter school in any grade kindergarten 867
through twelve or as a handicapped preschool child in the school 868
district in which the child is entitled to attend school in the 869
school year in which a scholarship is first sought for the child. 870

(J) "Registered private provider" means a nonpublic school or 871
other nonpublic entity that has been registered by the 872
superintendent of public instruction under section 3310.58 of the 873
Revised Code. 874

(K) "Scholarship" means a scholarship awarded under the 875

special education scholarship program pursuant to sections 3310.51 to 3310.63 of the Revised Code. 876
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(L) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.63 of the Revised Code. 878
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(M) "School year" has the same meaning as in section 3313.62 of the Revised Code. 883
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Sec. 3310.52. The special education scholarship program is hereby established. Under the program, the department of education annually shall pay a scholarship to an eligible applicant on behalf of a qualified special education child. The scholarship shall be used only to pay all or part of the fees for the child to attend the special education program operated by the alternative public provider or registered private provider to implement the child's individualized education program in lieu of the child's attending the special education program operated by the school district in which the child is entitled to attend school. 885
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Sec. 3310.53. (A) Except for development of the child's individualized education program, as specified in division (B) of this section, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, if different, are not obligated to provide the child with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the child continues to attend the special education program operated by either an alternative public provider or a registered private provider for which a scholarship is awarded under the special education scholarship program. If at any time, the eligible 895
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applicant for the child decides no longer to accept scholarship payments and enrolls the child in the special education program of the school district in which the child is entitled to attend school, that district shall provide the child with a free appropriate public education under Chapter 3323. of the Revised Code. 906
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(B) Each eligible applicant and each qualified special education child have a continuing right to the development of an individualized education program for the child that complies with Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and administrative rules or guidelines adopted by the Ohio department of education or the United States department of education. The school district in which a qualified special education child is entitled to attend school, or the child's school district of residence if different, shall develop each individualized education program for the child in accordance with those provisions. 912
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Sec. 3310.54. As prescribed in divisions (A)(2)(h), (B)(3)(g), and (B)(5) to (10) of section 3317.03 of the Revised Code, a qualified special education child in any of grades kindergarten through twelve for whom a scholarship is awarded under the special education scholarship program shall be counted in the formula ADM and category one through six special education ADM, as appropriate, of the school district in which the child is entitled to attend school. As prescribed in division (B)(3)(h) and (B)(5) to (10) of section 3317.03 of the Revised Code, a qualified special education child who is a handicapped preschool child for whom a scholarship is awarded under the program shall be counted in the preschool scholarship ADM and category one through six special education ADM, as appropriate, of the school district in which the child is entitled to attend school. A qualified special 923
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education child shall not be counted in the formula ADM, preschool scholarship ADM, or category one through six special education ADM of any other school district. 937
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Sec. 3310.55. The department of education shall deduct from the amounts paid to each school district under Chapter 3317. of the Revised Code, and, if necessary, sections 321.24 and 323.156 of the Revised Code, the aggregate amount of scholarships paid under section 3310.57 of the Revised Code for qualified special education children included in the formula ADM or preschool scholarship ADM and the category one through six special education ADM of that school district. 940
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Sec. 3310.56. The amount of the scholarship awarded and paid to an eligible applicant on behalf of a qualified special education child under the special education scholarship program in each school year shall be the lesser of the following: 948
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(A) The amount of fees charged for that school year by the alternative public provider or registered private provider; 952
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(B) The sum of the amounts calculated under divisions (B)(1) and (2) of this section: 954
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(1) The greater of the following: 956

(a) The fiscal year 2005 formula amount times the fiscal year 2005 cost-of-doing-business factor for the school district in which the child is entitled to attend school; 957
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(b) The sum of (the current formula amount times the current cost-of-doing-business factor for the school district in which the child is entitled to attend school) plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code. 960
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(2) The formula amount times the applicable special education 965

weight for the child's disability. 966

Sec. 3310.57. The department of education shall make periodic 967
payments to an eligible applicant on behalf of a qualified special 968
education child for whom a scholarship has been awarded. The total 969
of all payments made to an applicant in each school year shall not 970
exceed the amount calculated for the child under section 3310.56 971
of the Revised Code. 972

The scholarship amount shall be proportionately reduced in 973
the case of a child who is not enrolled in the special education 974
program of an alternative public provider or a registered private 975
provider for the entire school year. 976

In accordance with division (A) of section 3310.62 of the 977
Revised Code, the department shall make no payments to an 978
applicant for a first-time scholarship for a qualified special 979
education child while any administrative or judicial mediation or 980
proceedings with respect to the content of the child's 981
individualized education program are pending. 982

Sec. 3310.58. No nonpublic school or entity shall receive 983
payments from an eligible applicant on behalf of a qualified 984
special education child awarded a scholarship under the special 985
education scholarship program until the school or entity registers 986
with the superintendent of public instruction. The superintendent 987
shall register and designate as a registered private provider any 988
nonpublic school or entity that meets the following requirements: 989

(A) The special education program operated by the school or 990
entity meets the minimum education standards established by the 991
state board of education. 992

(B) The school or entity does not discriminate on the basis 993
of race, ethnicity, national origin, religion, sex, disability, 994
age, or ancestry. 995

(C) If the school or entity is not chartered by the state board under section 3301.16 of the Revised Code, the school or entity agrees to comply with section 3319.39 of the Revised Code as if it were a school district. 996
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(D) The teaching and nonteaching professionals employed by the school or entity, or employed by any subcontractors of the school or entity, hold credentials determined by the state board to be appropriate for the qualified special education children enrolled in the special education program it operates. 1000
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(E) The school or entity meets applicable health and safety standards established by law for school buildings. 1005
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(F) The school or entity agrees to retain on file documentation as required by the department of education. 1007
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(G) The school or entity demonstrates fiscal soundness to the satisfaction of the department. 1009
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(H) The school or entity agrees to meet other requirements established by rule of the state board under section 3310.63 of the Revised Code. 1011
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Sec. 3310.59. The superintendent of public instruction shall revoke the registration of any school or entity if, after a hearing, the superintendent determines that the school or entity is in violation of any provision of section 3310.58 of the Revised Code. 1014
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Sec. 3310.60. A qualified special education child attending a special education program at an alternative public provider or a registered private provider with a scholarship shall be entitled to transportation to and from that program in the manner prescribed by law for any handicapped child, including a handicapped preschool child, attending a nonpublic special education program. 1019
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Sec. 3310.61. An eligible applicant on behalf of a child who 1026
currently attends a public special education program under a 1027
contract, compact, or other bilateral agreement, or on behalf of a 1028
child who currently attends a community school, shall not be 1029
prohibited from applying for and accepting a scholarship so that 1030
the applicant may withdraw the child from that program or 1031
community school and use the scholarship for the child to attend a 1032
special education program operated by an alternative public 1033
provider or a registered private provider. 1034

Sec. 3310.62. (A) A scholarship under the special education 1035
scholarship program shall not be awarded for the first time to an 1036
eligible applicant on behalf of a qualified special education 1037
child while the child's individualized education program is being 1038
developed by the school district in which the child is entitled to 1039
attend school, or by the child's school district of residence if 1040
different, or while any administrative or judicial mediation or 1041
proceedings with respect to the content of that individualized 1042
education program are pending. 1043

(B) Development of individualized education programs 1044
subsequent to the one developed for the child the first time a 1045
scholarship was awarded on behalf of the child and the 1046
prosecuting, by the eligible applicant on behalf of the child, of 1047
administrative or judicial mediation or proceedings with respect 1048
to any of those subsequent individualized education programs do 1049
not affect the applicant's and the child's continued eligibility 1050
for scholarship payments. 1051

(C) In the case of any child for whom a scholarship has been 1052
awarded, if the school district in which the child is entitled to 1053
attend school has agreed to provide some services for the child 1054
under an agreement entered into with the eligible applicant or 1055
with the alternative public provider or registered private 1056

provider implementing the child's individualized education 1057
program, or if the district is required by law to provide some 1058
services for the child, including transportation services under 1059
sections 3310.60 and 3327.01 of the Revised Code, the district 1060
shall not discontinue the services it is providing pending 1061
completion of any administrative proceedings regarding those 1062
services. The prosecuting, by the eligible applicant on behalf of 1063
the child, of administrative proceedings regarding the services 1064
provided by the district does not affect the applicant's and the 1065
child's continued eligibility for scholarship payments. 1066

(D) The department of education shall continue to make 1067
payments to the eligible applicant under section 3310.57 of the 1068
Revised Code while either of the following are pending: 1069

(1) Administrative or judicial mediation or proceedings with 1070
respect to a subsequent individualized education program for the 1071
child referred to in division (B) of this section; 1072

(2) Administrative proceedings regarding services provided by 1073
the district under division (C) of this section. 1074

Sec. 3310.63. The state board of education shall adopt rules 1075
in accordance with Chapter 119. of the Revised Code prescribing 1076
procedures necessary to implement sections 3310.51 to 3310.62 of 1077
the Revised Code including, but not limited to, procedures and 1078
deadlines to apply for scholarships, standards for registered 1079
private providers, and procedures for registration of private 1080
providers. 1081

Sec. 3317.013. Except for a handicapped preschool child for 1082
whom a scholarship has been awarded under section 3310.41 or 1083
sections 3310.51 to 3310.63 of the Revised Code, this section does 1084
not apply to handicapped preschool students. 1085

Analysis of special education cost data has resulted in a 1086

finding that the average special education additional cost per pupil, including the costs of related services, can be expressed as a multiple of the base cost per pupil calculated under section 3317.012 of the Revised Code. The multiples for the following categories of special education programs, as these programs are defined for purposes of Chapter 3323. of the Revised Code, and adjusted as provided in this section, are as follows:

(A) A multiple of 0.2892 for students whose primary or only identified handicap is a speech and language handicap, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(B) A multiple of 0.3691 for students identified as specific learning disabled or developmentally handicapped, as these terms are defined pursuant to Chapter 3323. of the Revised Code, or other health handicapped-minor;

(C) A multiple of 1.7695 for students identified as hearing handicapped, vision impaired, or severe behavior handicapped, as these terms are defined pursuant to Chapter 3323. of the Revised Code;

(D) A multiple of 2.3646 for students identified as orthopedically handicapped, as this term is defined pursuant to Chapter 3323. of the Revised Code or other health handicapped - major;

(E) A multiple of 3.1129 for students identified as multihandicapped, as this term is defined pursuant to Chapter 3323. of the Revised Code;

(F) A multiple of 4.7342 for students identified as autistic, having traumatic brain injuries, or as both visually and hearing disabled, as these terms are defined pursuant to Chapter 3323. of the Revised Code.

In fiscal year 2004, the multiples specified in divisions (A) to (F) of this section shall be adjusted by multiplying them by

0.88. In fiscal years 2005, 2006, and 2007, the multiples 1118
specified in those divisions shall be adjusted by multiplying them 1119
by 0.90. 1120

Not later than the thirtieth day of May in 2004, 2005, 2006, 1121
and 2007, the department of education shall submit to the office 1122
of budget and management a report that specifies for each city, 1123
local, exempted village, and joint vocational school district the 1124
fiscal year allocation of the state and local shares of special 1125
education and related services additional weighted funding and 1126
federal special education funds passed through to the district. 1127

Not later than January 31, 2009, and the thirty-first day of 1128
January of each odd-numbered year thereafter, the department shall 1129
prepare an analysis of whether the multiples specified in this 1130
section continue to accurately reflect the cost of providing 1131
special education, including the costs of related services, for 1132
students in each of the respective categories of programs 1133
specified in this section. 1134

Sec. 3317.022. (A) The department of education shall compute 1135
and distribute state base cost funding to each school district for 1136
the fiscal year using the information obtained under section 1137
3317.021 of the Revised Code in the calendar year in which the 1138
fiscal year begins. 1139

(1) Compute the following for each eligible district: 1140
 {[cost-of-doing-business factor X 1141
 the formula amount X (formula ADM + 1142
 preschool scholarship ADM)] + 1143
 the sum of the base funding supplements 1144
 prescribed in divisions (C)(1) to (4) 1145
of section 3317.012 of the Revised Code} - 1146
 [.023 x (the sum of recognized valuation 1147
 and property exemption value)] 1148

If the difference obtained is a negative number, the 1149
district's computation shall be zero. 1150

(2) Compute both of the following for each school district: 1151

(a) The difference of (i) the district's fiscal year 2005 1152
base cost payment under the version of division (A)(1) of this 1153
section in effect in fiscal year 2005, minus (ii) the amount 1154
computed for the district for the current fiscal year under 1155
current division (A)(1) of this section; 1156

(b) The following amount: 1157

[(fiscal year 2005 base cost payment/fiscal 1158

year 2005 formula ADM) X 1159

(current year formula ADM + preschool scholarship ADM)] 1160

minus the amount computed for the district 1161

under current division (A)(1) of this section 1162

If one of the amounts computed under division (A)(2)(a) or 1163
(b) of this section is a positive amount, the department shall pay 1164
the district that amount in addition to the amount calculated 1165
under division (A)(1) of this section. If both amounts are 1166
positive amounts, the department shall pay the district the lesser 1167
of the two amounts in addition to the amount calculated under 1168
division (A)(1) of this section. 1169

(3)(a) For each school district for which the tax exempt 1170
value of the district equals or exceeds twenty-five per cent of 1171
the potential value of the district, the department of education 1172
shall calculate the difference between the district's tax exempt 1173
value and twenty-five per cent of the district's potential value. 1174

(b) For each school district to which division (A)(3)(a) of 1175
this section applies, the department shall adjust the recognized 1176
valuation used in the calculation under division (A)(1) of this 1177
section by subtracting from it the amount calculated under 1178
division (A)(3)(a) of this section. 1179

(B) As used in this section:	1180
(1) The "total special education weight" for a district means the sum of the following amounts:	1181 1182
(a) The district's category one special education ADM multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code;	1183 1184 1185
(b) The district's category two special education ADM multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code;	1186 1187 1188
(c) The district's category three special education ADM multiplied by the multiple specified in division (C) of section 3317.013 of the Revised Code;	1189 1190 1191
(d) The district's category four special education ADM multiplied by the multiple specified in division (D) of section 3317.013 of the Revised Code;	1192 1193 1194
(e) The district's category five special education ADM multiplied by the multiple specified in division (E) of section 3317.013 of the Revised Code;	1195 1196 1197
(f) The district's category six special education ADM multiplied by the multiple specified in division (F) of section 3317.013 of the Revised Code.	1198 1199 1200
(2) "State share percentage" means the percentage calculated for a district as follows:	1201 1202
(a) Calculate the state base cost funding amount for the district for the fiscal year under division (A) of this section. If the district would not receive any state base cost funding for that year under that division, the district's state share percentage is zero.	1203 1204 1205 1206 1207
(b) If the district would receive state base cost funding under that division, divide that amount by an amount equal to the	1208 1209

following:	1210
(Cost-of-doing-business factor X	1211
the formula amount X formula ADM) +	1212
the sum of the base funding supplements	1213
prescribed in divisions (C)(1) to (4)	1214
of section 3317.012 of the Revised Code	1215
The resultant number is the district's state share	1216
percentage.	1217
(3) "Related services" includes:	1218
(a) Child study, special education supervisors and	1219
coordinators, speech and hearing services, adaptive physical	1220
development services, occupational or physical therapy, teacher	1221
assistants for handicapped children whose handicaps are described	1222
in division (B) of section 3317.013 or division (F)(3) of section	1223
3317.02 of the Revised Code, behavioral intervention, interpreter	1224
services, work study, nursing services, and specialized	1225
integrative services as those terms are defined by the department;	1226
(b) Speech and language services provided to any student with	1227
a handicap, including any student whose primary or only handicap	1228
is a speech and language handicap;	1229
(c) Any related service not specifically covered by other	1230
state funds but specified in federal law, including but not	1231
limited to, audiology and school psychological services;	1232
(d) Any service included in units funded under former	1233
division (O)(1) of section 3317.023 <u>3317.024</u> of the Revised Code;	1234
(e) Any other related service needed by handicapped children	1235
in accordance with their individualized education plans.	1236
(4) The "total vocational education weight" for a district	1237
means the sum of the following amounts:	1238
(a) The district's category one vocational education ADM	1239

multiplied by the multiple specified in division (A) of section 1240
3317.014 of the Revised Code; 1241

(b) The district's category two vocational education ADM 1242
multiplied by the multiple specified in division (B) of section 1243
3317.014 of the Revised Code. 1244

(5) "Preschool scholarship ADM" means the number of 1245
handicapped preschool children reported under division (B)(3)(h) 1246
of section 3317.03 of the Revised Code. 1247

(C)(1) The department shall compute and distribute state 1248
special education and related services additional weighted costs 1249
funds to each school district in accordance with the following 1250
formula: 1251

The district's state share percentage X 1252
the formula amount for the year for which 1253
the aid is calculated X the district's 1254
total special education weight 1255

(2) The attributed local share of special education and 1256
related services additional weighted costs equals: 1257

(1 - the district's state share percentage) X the district's 1258
total special education weight X the formula amount 1259

(3)(a) The department shall compute and pay in accordance 1260
with this division additional state aid to school districts for 1261
students in categories two through six special education ADM. If a 1262
district's costs for the fiscal year for a student in its 1263
categories two through six special education ADM exceed the 1264
threshold catastrophic cost for serving the student, the district 1265
may submit to the superintendent of public instruction 1266
documentation, as prescribed by the superintendent, of all its 1267
costs for that student. Upon submission of documentation for a 1268
student of the type and in the manner prescribed, the department 1269
shall pay to the district an amount equal to the sum of the 1270

following:	1271
(i) One-half of the district's costs for the student in excess of the threshold catastrophic cost;	1272 1273
(ii) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.	1274 1275 1276
(b) For purposes of division (C)(3)(a) of this section, the threshold catastrophic cost for serving a student equals:	1277 1278
(i) For a student in the school district's category two, three, four, or five special education ADM, twenty-five thousand dollars in fiscal year 2002, twenty-five thousand seven hundred dollars in fiscal years 2003, 2004, and 2005, and twenty-six thousand five hundred dollars in fiscal years 2006 and 2007;	1279 1280 1281 1282 1283
(ii) For a student in the district's category six special education ADM, thirty thousand dollars in fiscal year 2002, thirty thousand eight hundred forty dollars in fiscal years 2003, 2004, and 2005, and thirty-one thousand eight hundred dollars in fiscal years 2006 and 2007.	1284 1285 1286 1287 1288
(c) The district shall only report under division (C)(3)(a) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.	1289 1290 1291 1292 1293 1294 1295
(4)(a) As used in this division, the "personnel allowance" means thirty thousand dollars in fiscal years 2002, 2003, 2004, 2005, 2006, and 2007.	1296 1297 1298
(b) For the provision of speech language pathology services to students, including students who do not have individualized	1299 1300

education programs prepared for them under Chapter 3323. of the 1301
Revised Code, and for no other purpose, the department of 1302
education shall pay each school district an amount calculated 1303
under the following formula: 1304

(formula ADM divided by 2000) X 1305
the personnel allowance X 1306
the state share percentage 1307

(5) In any fiscal year, a school district shall spend for 1308
purposes that the department designates as approved for special 1309
education and related services expenses at least the amount 1310
calculated as follows: 1311

(cost-of-doing-business factor X 1312
formula amount X the sum of categories 1313
one through six special education ADM) + 1314
(total special education weight X formula amount) 1315

The purposes approved by the department for special education 1316
expenses shall include, but shall not be limited to, 1317
identification of handicapped children, compliance with state 1318
rules governing the education of handicapped children and 1319
prescribing the continuum of program options for handicapped 1320
children, provision of speech language pathology services, and the 1321
portion of the school district's overall administrative and 1322
overhead costs that are attributable to the district's special 1323
education student population. 1324

The scholarships deducted from the school district's account 1325
under section 3310.41 or 3310.55 of the Revised Code shall be 1326
considered to be an approved special education and related 1327
services expense for the purpose of the school district's 1328
compliance with division (C)(5) of this section. 1329

The department shall require school districts to report data 1330
annually to allow for monitoring compliance with division (C)(5) 1331
of this section. The department shall annually report to the 1332

governor and the general assembly the amount of money spent by 1333
each school district for special education and related services. 1334

(6) In any fiscal year, a school district shall spend for the 1335
provision of speech language pathology services not less than the 1336
sum of the amount calculated under division (C)(1) of this section 1337
for the students in the district's category one special education 1338
ADM and the amount calculated under division (C)(4) of this 1339
section. 1340

The scholarships deducted from the school district's account 1341
under section 3310.55 of the Revised Code for students counted in 1342
the district's category one special education ADM shall be 1343
considered to be an approved speech language pathology services 1344
expense for the purpose of the school district's compliance with 1345
division (C)(6) of this section. 1346

(D)(1) As used in this division: 1347

(a) "Daily bus miles per student" equals the number of bus 1348
miles traveled per day, divided by transportation base. 1349

(b) "Transportation base" equals total student count as 1350
defined in section 3301.011 of the Revised Code, minus the number 1351
of students enrolled in preschool handicapped units, plus the 1352
number of nonpublic school students included in transportation 1353
ADM. 1354

(c) "Transported student percentage" equals transportation 1355
ADM divided by transportation base. 1356

(d) "Transportation cost per student" equals total operating 1357
costs for board-owned or contractor-operated school buses divided 1358
by transportation base. 1359

(2) Analysis of student transportation cost data has resulted 1360
in a finding that an average efficient transportation use cost per 1361
student can be calculated by means of a regression formula that 1362

has as its two independent variables the number of daily bus miles per student and the transported student percentage. For fiscal year 1998 transportation cost data, the average efficient transportation use cost per student is expressed as follows:

$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + (116.25573 \times \text{transported student percentage})$$

The department of education shall annually determine the average efficient transportation use cost per student in accordance with the principles stated in division (D)(2) of this section, updating the intercept and regression coefficients of the regression formula modeled in this division, based on an annual statewide analysis of each school district's daily bus miles per student, transported student percentage, and transportation cost per student data. The department shall conduct the annual update using data, including daily bus miles per student, transported student percentage, and transportation cost per student data, from the prior fiscal year. The department shall notify the office of budget and management of such update by the fifteenth day of February of each year.

(3) In addition to funds paid under divisions (A), (C), and (E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a percentage of the product of the district's transportation base from the prior fiscal year times the annually updated average efficient transportation use cost per student, times an inflation factor of two and eight-tenths per cent to account for the one-year difference between the data used in updating the formula and calculating the payment and the year in which the payment is made. The percentage shall be the following percentage of that product specified for the corresponding fiscal year:

FISCAL YEAR	PERCENTAGE
2000	52.5%

2001	55%	1395
2002	57.5%	1396
2003 and thereafter	The greater of 60% or the district's state share percentage	1397

The payments made under division (D)(3) of this section each year shall be calculated based on all of the same prior year's data used to update the formula.

(4) In addition to funds paid under divisions (D)(2) and (3) of this section, a school district shall receive a rough road subsidy if both of the following apply:

(a) Its county rough road percentage is higher than the statewide rough road percentage, as those terms are defined in division (D)(5) of this section;

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division.

(5) The rough road subsidy paid to each district meeting the qualifications of division (D)(4) of this section shall be calculated in accordance with the following formula:

$$\begin{aligned} & (\text{per rough mile subsidy} \times \text{total rough road miles}) \\ & \quad \times \text{density multiplier} \end{aligned}$$

where:

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula:

$$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$$

(i) "Maximum rough road percentage" means the highest county rough road percentage in the state.

(ii) "County rough road percentage" equals the percentage of

the mileage of state, municipal, county, and township roads that 1423
is rated by the department of transportation as type A, B, C, E2, 1424
or F in the county in which the school district is located or, if 1425
the district is located in more than one county, the county to 1426
which it is assigned for purposes of determining its 1427
cost-of-doing-business factor. 1428

(iii) "Statewide rough road percentage" means the percentage 1429
of the statewide total mileage of state, municipal, county, and 1430
township roads that is rated as type A, B, C, E2, or F by the 1431
department of transportation. 1432

(b) "Total rough road miles" means a school district's total 1433
bus miles traveled in one year times its county rough road 1434
percentage. 1435

(c) "Density multiplier" means a figure calculated in 1436
accordance with the following formula: 1437

$$1 - [(\text{minimum student density} - \text{district student} \quad 1438 \\ \text{density}) / (\text{minimum student density} - \quad 1439 \\ \text{statewide student density})] \quad 1440$$

(i) "Minimum student density" means the lowest district 1441
student density in the state. 1442

(ii) "District student density" means a school district's 1443
transportation base divided by the number of square miles in the 1444
district. 1445

(iii) "Statewide student density" means the sum of the 1446
transportation bases for all school districts divided by the sum 1447
of the square miles in all school districts. 1448

(6) In addition to funds paid under divisions (D)(2) to (5) 1449
of this section, each district shall receive in accordance with 1450
rules adopted by the state board of education a payment for 1451
students transported by means other than board-owned or 1452
contractor-operated buses and whose transportation is not funded 1453

under division (G) of section 3317.024 of the Revised Code. The 1454
rules shall include provisions for school district reporting of 1455
such students. 1456

(E)(1) The department shall compute and distribute state 1457
vocational education additional weighted costs funds to each 1458
school district in accordance with the following formula: 1459

state share percentage X 1460
the formula amount X 1461
total vocational education weight 1462

In any fiscal year, a school district receiving funds under 1463
division (E)(1) of this section shall spend those funds only for 1464
the purposes that the department designates as approved for 1465
vocational education expenses. Vocational educational expenses 1466
approved by the department shall include only expenses connected 1467
to the delivery of career-technical programming to 1468
career-technical students. The department shall require the school 1469
district to report data annually so that the department may 1470
monitor the district's compliance with the requirements regarding 1471
the manner in which funding received under division (E)(1) of this 1472
section may be spent. 1473

(2) The department shall compute for each school district 1474
state funds for vocational education associated services in 1475
accordance with the following formula: 1476

state share percentage X .05 X the formula amount X 1477
the sum of categories one and two vocational education ADM 1478

In any fiscal year, a school district receiving funds under 1479
division (E)(2) of this section, or through a transfer of funds 1480
pursuant to division (L) of section 3317.023 of the Revised Code, 1481
shall spend those funds only for the purposes that the department 1482
designates as approved for vocational education associated 1483
services expenses, which may include such purposes as 1484
apprenticeship coordinators, coordinators for other vocational 1485

education services, vocational evaluation, and other purposes 1486
designated by the department. The department may deny payment 1487
under division (E)(2) of this section to any district that the 1488
department determines is not operating those services or is using 1489
funds paid under division (E)(2) of this section, or through a 1490
transfer of funds pursuant to division (L) of section 3317.023 of 1491
the Revised Code, for other purposes. 1492

(F) The actual local share in any fiscal year for the 1493
combination of special education and related services additional 1494
weighted costs funding calculated under division (C)(1) of this 1495
section, transportation funding calculated under divisions (D)(2) 1496
and (3) of this section, and vocational education and associated 1497
services additional weighted costs funding calculated under 1498
divisions (E)(1) and (2) of this section shall not exceed for any 1499
school district the product of three and three-tenths mills times 1500
the district's recognized valuation. The department annually shall 1501
pay each school district as an excess cost supplement any amount 1502
by which the sum of the district's attributed local shares for 1503
that funding exceeds that product. For purposes of calculating the 1504
excess cost supplement: 1505

(1) The attributed local share for special education and 1506
related services additional weighted costs funding is the amount 1507
specified in division (C)(2) of this section. 1508

(2) The attributed local share of transportation funding 1509
equals the difference of the total amount calculated for the 1510
district using the formula developed under division (D)(2) of this 1511
section minus the actual amount paid to the district after 1512
applying the percentage specified in division (D)(3) of this 1513
section. 1514

(3) The attributed local share of vocational education and 1515
associated services additional weighted costs funding is the 1516
amount determined as follows: 1517

(1 - state share percentage) X 1518
[(total vocational education weight X 1519
the formula amount) + the payment under 1520
division (E)(2) of this section] 1521

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 1522
(C) of this section, except as provided in division (A)(2)(h) of 1523
this section, any student enrolled in kindergarten more than half 1524
time shall be reported as one-half student under this section. 1525

(A) The superintendent of each city and exempted village 1526
school district and of each educational service center shall, for 1527
the schools under the superintendent's supervision, certify to the 1528
state board of education on or before the fifteenth day of October 1529
in each year for the first full school week in October the formula 1530
ADM. Beginning in fiscal year 2007, each superintendent also shall 1531
certify to the state board, for the schools under the 1532
superintendent's supervision, the formula ADM for the first full 1533
week in February. If a school under the superintendent's 1534
supervision is closed for one or more days during that week due to 1535
hazardous weather conditions or other circumstances described in 1536
the first paragraph of division (B) of section 3317.01 of the 1537
Revised Code, the superintendent may apply to the superintendent 1538
of public instruction for a waiver, under which the superintendent 1539
of public instruction may exempt the district superintendent from 1540
certifying the formula ADM for that school for that week and 1541
specify an alternate week for certifying the formula ADM of that 1542
school. 1543

The formula ADM shall consist of the average daily membership 1544
during such week of the sum of the following: 1545

(1) On an FTE basis, the number of students in grades 1546
kindergarten through twelve receiving any educational services 1547
from the district, except that the following categories of 1548

students shall not be included in the determination:	1549
(a) Students enrolled in adult education classes;	1550
(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;	1551 1552 1553
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;	1554 1555 1556 1557
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;	1558 1559
(e) Students receiving services in the district through a scholarship awarded under <u>either</u> section 3310.41 <u>or sections 3310.51 to 3310.63</u> of the Revised Code.	1560 1561 1562
(2) On an FTE basis, except as provided in division (A)(2)(h) of this section, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:	1563 1564 1565 1566 1567 1568
(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	1569 1570 1571 1572
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	1573 1574 1575
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the	1576 1577 1578

Revised Code;	1579
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	1580 1581 1582
(e) An educational service center or cooperative education district;	1583 1584
(f) Another school district under a cooperative education agreement, compact, or contract;	1585 1586
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	1587 1588
(h) An alternative public provider or a registered private provider with a scholarship awarded under <u>either</u> section 3310.41 <u>or sections 3310.51 to 3310.63</u> of the Revised Code. Each such scholarship student who is enrolled in kindergarten shall be counted as one full-time-equivalent student.	1589 1590 1591 1592 1593
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 <u>or 3310.51, as applicable</u> of the Revised Code.	1594 1595 1596
(3) Twenty per cent of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;	1597 1598 1599 1600 1601 1602 1603 1604
(4) The number of handicapped children, other than handicapped preschool children, entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed by the district with a county MR/DD board,	1605 1606 1607 1608

minus the number of such children placed with a county MR/DD board 1609
in fiscal year 1998. If this calculation produces a negative 1610
number, the number reported under division (A)(4) of this section 1611
shall be zero. 1612

(5) Beginning in fiscal year 2007, in the case of the report 1613
submitted for the first full week in February, or the alternative 1614
week if specified by the superintendent of public instruction, the 1615
number of students reported under division (A)(1) or (2) of this 1616
section for the first full week of the preceding October but who 1617
since that week have received high school diplomas. 1618

(B) To enable the department of education to obtain the data 1619
needed to complete the calculation of payments pursuant to this 1620
chapter, in addition to the formula ADM, each superintendent shall 1621
report separately the following student counts for the same week 1622
for which formula ADM is certified: 1623

(1) The total average daily membership in regular day classes 1624
included in the report under division (A)(1) or (2) of this 1625
section for kindergarten, and each of grades one through twelve in 1626
schools under the superintendent's supervision; 1627

(2) The number of all handicapped preschool children enrolled 1628
as of the first day of December in classes in the district that 1629
are eligible for approval under division (B) of section 3317.05 of 1630
the Revised Code and the number of those classes, which shall be 1631
reported not later than the fifteenth day of December, in 1632
accordance with rules adopted under that section; 1633

(3) The number of children entitled to attend school in the 1634
district pursuant to section 3313.64 or 3313.65 of the Revised 1635
Code who are: 1636

(a) Participating in a pilot project scholarship program 1637
established under sections 3313.974 to 3313.979 of the Revised 1638
Code as described in division (I)(2)(a) or (b) of this section; 1639

(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;	1640 1641 1642 1643
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	1644 1645
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	1646 1647 1648 1649 1650 1651
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	1652 1653 1654 1655
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	1656 1657
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under <u>either</u> section 3310.41 <u>or sections 3310.51 to 3310.63</u> of the Revised Code;	1658 1659 1660 1661
(h) Enrolled as a handicapped preschool child in an alternative public provider or a registered private provider with a scholarship awarded under <u>either</u> section 3310.41 <u>or sections 3310.51 to 3310.63</u> of the Revised Code;	1662 1663 1664 1665
(i) Participating in a program operated by a county MR/DD board or a state institution.	1666 1667
(4) The number of pupils enrolled in joint vocational schools;	1668 1669

(5) The combined average daily membership of handicapped children reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.63 of the Revised Code;

(6) The combined average daily membership of handicapped children reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for category two handicaps described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.63 of the Revised Code;

(7) The combined average daily membership of handicapped children reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.63 of the Revised Code;

(8) The combined average daily membership of handicapped children reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.63 of the Revised Code;

(9) The combined average daily membership of handicapped children reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.63 of the Revised Code;

(10) The combined average daily membership of handicapped children reported under division (A)(1) or (2) and under division (B)(3)(h) of this section receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.63 of the Revised Code;

(11) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one vocational education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district, other than a joint vocational school district, or by an educational service center, excluding any student reported under division (B)(3)(e) of this section as enrolled in an internet- or computer-based community school, notwithstanding division (C) of section 3317.02 of the Revised Code and division (C)(3) of this section;

(12) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category two vocational education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district, other than a joint

vocational school district, or by an educational service center, 1734
excluding any student reported under division (B)(3)(e) of this 1735
section as enrolled in an internet- or computer-based community 1736
school, notwithstanding division (C) of section 3317.02 of the 1737
Revised Code and division (C)(3) of this section; 1738

(13) The average number of children transported by the school 1739
district on board-owned or contractor-owned and -operated buses, 1740
reported in accordance with rules adopted by the department of 1741
education; 1742

(14)(a) The number of children, other than handicapped 1743
preschool children, the district placed with a county MR/DD board 1744
in fiscal year 1998; 1745

(b) The number of handicapped children, other than 1746
handicapped preschool children, placed with a county MR/DD board 1747
in the current fiscal year to receive special education services 1748
for the category one handicap described in division (A) of section 1749
3317.013 of the Revised Code; 1750

(c) The number of handicapped children, other than 1751
handicapped preschool children, placed with a county MR/DD board 1752
in the current fiscal year to receive special education services 1753
for category two handicaps described in division (B) of section 1754
3317.013 of the Revised Code; 1755

(d) The number of handicapped children, other than 1756
handicapped preschool children, placed with a county MR/DD board 1757
in the current fiscal year to receive special education services 1758
for category three handicaps described in division (C) of section 1759
3317.013 of the Revised Code; 1760

(e) The number of handicapped children, other than 1761
handicapped preschool children, placed with a county MR/DD board 1762
in the current fiscal year to receive special education services 1763
for category four handicaps described in division (D) of section 1764

3317.013 of the Revised Code;	1765
(f) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;	1766 1767 1768 1769 1770
(g) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code.	1771 1772 1773 1774 1775
(C)(1) Except as otherwise provided in this section for kindergarten students, the average daily membership in divisions (B)(1) to (12) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section.	1776 1777 1778 1779 1780 1781 1782
(2) A student enrolled in a community school established under Chapter 3314. of the Revised Code shall be counted in the formula ADM and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school for purposes of section 3314.08 of the Revised Code.	1783 1784 1785 1786 1787 1788 1789 1790 1791
(3) No child shall be counted as more than a total of one child in the sum of the average daily memberships of a school district under division (A), divisions (B)(1) to (12), or division (D) of this section, except as follows:	1792 1793 1794 1795

(a) A child with a handicap described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one or two vocational education ADM. As provided in division (C) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

(b) A child enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one or two vocational education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one or two vocational education ADM in the same proportion as the percentage of time that the child spends in the vocational education programs or classes.

(4) Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

(D)(1) The superintendent of each joint vocational school district shall certify to the superintendent of public instruction on or before the fifteenth day of October in each year for the first full school week in October the formula ADM. Beginning in fiscal year 2007, each superintendent also shall certify to the state superintendent the formula ADM for the first full week in February. If a school operated by the joint vocational school district is closed for one or more days during that week due to hazardous weather conditions or other circumstances described in the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent

of public instruction may exempt the district superintendent from 1828
certifying the formula ADM for that school for that week and 1829
specify an alternate week for certifying the formula ADM of that 1830
school. 1831

The formula ADM, except as otherwise provided in this 1832
division, shall consist of the average daily membership during 1833
such week, on an FTE basis, of the number of students receiving 1834
any educational services from the district, including students 1835
enrolled in a community school established under Chapter 3314. of 1836
the Revised Code who are attending the joint vocational district 1837
under an agreement between the district board of education and the 1838
governing authority of the community school and are entitled to 1839
attend school in a city, local, or exempted village school 1840
district whose territory is part of the territory of the joint 1841
vocational district. Beginning in fiscal year 2007, in the case of 1842
the report submitted for the first week in February, or the 1843
alternative week if specified by the superintendent of public 1844
instruction, the superintendent of the joint vocational school 1845
district may include the number of students reported under 1846
division (D)(1) of this section for the first full week of the 1847
preceding October but who since that week have received high 1848
school diplomas. 1849

The following categories of students shall not be included in 1850
the determination made under division (D)(1) of this section: 1851

(a) Students enrolled in adult education classes; 1852

(b) Adjacent or other district joint vocational students 1853
enrolled in the district under an open enrollment policy pursuant 1854
to section 3313.98 of the Revised Code; 1855

(c) Students receiving services in the district pursuant to a 1856
compact, cooperative education agreement, or a contract, but who 1857
are entitled to attend school in a city, local, or exempted 1858

village school district whose territory is not part of the	1859
territory of the joint vocational district;	1860
(d) Students for whom tuition is payable pursuant to sections	1861
3317.081 and 3323.141 of the Revised Code.	1862
(2) To enable the department of education to obtain the data	1863
needed to complete the calculation of payments pursuant to this	1864
chapter, in addition to the formula ADM, each superintendent shall	1865
report separately the average daily membership included in the	1866
report under division (D)(1) of this section for each of the	1867
following categories of students for the same week for which	1868
formula ADM is certified:	1869
(a) Students enrolled in each grade included in the joint	1870
vocational district schools;	1871
(b) Handicapped children receiving special education services	1872
for the category one handicap described in division (A) of section	1873
3317.013 of the Revised Code;	1874
(c) Handicapped children receiving special education services	1875
for the category two handicaps described in division (B) of	1876
section 3317.013 of the Revised Code;	1877
(d) Handicapped children receiving special education services	1878
for category three handicaps described in division (C) of section	1879
3317.013 of the Revised Code;	1880
(e) Handicapped children receiving special education services	1881
for category four handicaps described in division (D) of section	1882
3317.013 of the Revised Code;	1883
(f) Handicapped children receiving special education services	1884
for the category five handicap described in division (E) of	1885
section 3317.013 of the Revised Code;	1886
(g) Handicapped children receiving special education services	1887
for category six handicaps described in division (F) of section	1888

3317.013 of the Revised Code;	1889
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	1890 1891 1892
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	1893 1894 1895
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	1896 1897 1898 1899 1900
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following:	1901 1902 1903 1904 1905 1906 1907 1908 1909 1910 1911 1912 1913 1914 1915
(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;	1916 1917
(2) Any pupil who is not a resident of the state;	1918
(3) Any pupil who was enrolled in the schools of the district	1919

during the previous school year when tests were administered under 1920
section 3301.0711 of the Revised Code but did not take one or more 1921
of the tests required by that section and was not excused pursuant 1922
to division (C)(1) or (3) of that section; 1923

(4) Any pupil who has attained the age of twenty-two years, 1924
except for veterans of the armed services whose attendance was 1925
interrupted before completing the recognized twelve-year course of 1926
the public schools by reason of induction or enlistment in the 1927
armed forces and who apply for reenrollment in the public school 1928
system of their residence not later than four years after 1929
termination of war or their honorable discharge. 1930

If, however, any veteran described by division (E)(4) of this 1931
section elects to enroll in special courses organized for veterans 1932
for whom tuition is paid under the provisions of federal laws, or 1933
otherwise, that veteran shall not be included in average daily 1934
membership. 1935

Notwithstanding division (E)(3) of this section, the 1936
membership of any school may include a pupil who did not take a 1937
test required by section 3301.0711 of the Revised Code if the 1938
superintendent of public instruction grants a waiver from the 1939
requirement to take the test to the specific pupil and a parent is 1940
not paying tuition for the pupil pursuant to section 3313.6410 of 1941
the Revised Code. The superintendent may grant such a waiver only 1942
for good cause in accordance with rules adopted by the state board 1943
of education. 1944

Except as provided in divisions (B)(2) and (F) of this 1945
section, the average daily membership figure of any local, city, 1946
exempted village, or joint vocational school district shall be 1947
determined by dividing the figure representing the sum of the 1948
number of pupils enrolled during each day the school of attendance 1949
is actually open for instruction during the week for which the 1950
formula ADM is being certified by the total number of days the 1951

school was actually open for instruction during that week. For 1952
purposes of state funding, "enrolled" persons are only those 1953
pupils who are attending school, those who have attended school 1954
during the current school year and are absent for authorized 1955
reasons, and those handicapped children currently receiving home 1956
instruction. 1957

The average daily membership figure of any cooperative 1958
education school district shall be determined in accordance with 1959
rules adopted by the state board of education. 1960

(F)(1) If the formula ADM for the first full school week in 1961
February is at least three per cent greater than that certified 1962
for the first full school week in the preceding October, the 1963
superintendent of schools of any city, exempted village, or joint 1964
vocational school district or educational service center shall 1965
certify such increase to the superintendent of public instruction. 1966
Such certification shall be submitted no later than the fifteenth 1967
day of February. For the balance of the fiscal year, beginning 1968
with the February payments, the superintendent of public 1969
instruction shall use the increased formula ADM in calculating or 1970
recalculating the amounts to be allocated in accordance with 1971
section 3317.022 or 3317.16 of the Revised Code. In no event shall 1972
the superintendent use an increased membership certified to the 1973
superintendent after the fifteenth day of February. Division 1974
(F)(1) of this section does not apply after fiscal year 2006. 1975

(2) If on the first school day of April the total number of 1976
classes or units for handicapped preschool children that are 1977
eligible for approval under division (B) of section 3317.05 of the 1978
Revised Code exceeds the number of units that have been approved 1979
for the year under that division, the superintendent of schools of 1980
any city, exempted village, or cooperative education school 1981
district or educational service center shall make the 1982
certifications required by this section for that day. If the 1983

department determines additional units can be approved for the 1984
fiscal year within any limitations set forth in the acts 1985
appropriating moneys for the funding of such units, the department 1986
shall approve additional units for the fiscal year on the basis of 1987
such average daily membership. For each unit so approved, the 1988
department shall pay an amount computed in the manner prescribed 1989
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 1990
Code. 1991

(3) If a student attending a community school under Chapter 1992
3314. of the Revised Code is not included in the formula ADM 1993
certified for the school district in which the student is entitled 1994
to attend school under section 3313.64 or 3313.65 of the Revised 1995
Code, the department of education shall adjust the formula ADM of 1996
that school district to include the community school student in 1997
accordance with division (C)(2) of this section, and shall 1998
recalculate the school district's payments under this chapter for 1999
the entire fiscal year on the basis of that adjusted formula ADM. 2000
This requirement applies regardless of whether the student was 2001
enrolled, as defined in division (E) of this section, in the 2002
community school during the week for which the formula ADM is 2003
being certified. 2004

(4) If a student awarded an educational choice scholarship is 2005
not included in the formula ADM of the school district from which 2006
the department deducts funds for the scholarship under section 2007
3310.08 of the Revised Code, the department shall adjust the 2008
formula ADM of that school district to include the student to the 2009
extent necessary to account for the deduction, and shall 2010
recalculate the school district's payments under this chapter for 2011
the entire fiscal year on the basis of that adjusted formula ADM. 2012
This requirement applies regardless of whether the student was 2013
enrolled, as defined in division (E) of this section, in the 2014
chartered nonpublic school, the school district, or a community 2015

school during the week for which the formula ADM is being certified. 2016
2017

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the state board of education, in the manner prescribed by the superintendent of public instruction, both of the following: 2018
2019
2020
2021
2022
2023

(i) The average daily membership of all handicapped children other than handicapped preschool children receiving services at the institution for each category of handicap described in divisions (A) to (F) of section 3317.013 of the Revised Code; 2024
2025
2026
2027

(ii) The average daily membership of all handicapped preschool children in classes or programs approved annually by the department of education for unit funding under section 3317.05 of the Revised Code. 2028
2029
2030
2031

(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction. 2032
2033
2034
2035
2036
2037

(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following: 2038
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2040
2041

(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes; 2042
2043
2044
2045

(b) Certify to the state board, in the manner prescribed by 2046

the board, the number of all handicapped preschool children 2047
enrolled as of the first day of December in classes eligible for 2048
approval under division (B) of section 3317.05 of the Revised 2049
Code, and the number of those classes. 2050

(3)(a) If on the first school day of April the number of 2051
classes or units maintained for handicapped preschool children by 2052
the county MR/DD board that are eligible for approval under 2053
division (B) of section 3317.05 of the Revised Code is greater 2054
than the number of units approved for the year under that 2055
division, the superintendent shall make the certification required 2056
by this section for that day. 2057

(b) If the department determines that additional classes or 2058
units can be approved for the fiscal year within any limitations 2059
set forth in the acts appropriating moneys for the funding of the 2060
classes and units described in division (G)(3)(a) of this section, 2061
the department shall approve and fund additional units for the 2062
fiscal year on the basis of such average daily membership. For 2063
each unit so approved, the department shall pay an amount computed 2064
in the manner prescribed in sections 3317.052 and 3317.053 of the 2065
Revised Code. 2066

(H) Except as provided in division (I) of this section, when 2067
any city, local, or exempted village school district provides 2068
instruction for a nonresident pupil whose attendance is 2069
unauthorized attendance as defined in section 3327.06 of the 2070
Revised Code, that pupil's membership shall not be included in 2071
that district's membership figure used in the calculation of that 2072
district's formula ADM or included in the determination of any 2073
unit approved for the district under section 3317.05 of the 2074
Revised Code. The reporting official shall report separately the 2075
average daily membership of all pupils whose attendance in the 2076
district is unauthorized attendance, and the membership of each 2077
such pupil shall be credited to the school district in which the 2078

pupil is entitled to attend school under division (B) of section 2079
3313.64 or section 3313.65 of the Revised Code as determined by 2080
the department of education. 2081

(I)(1) A city, local, exempted village, or joint vocational 2082
school district admitting a scholarship student of a pilot project 2083
district pursuant to division (C) of section 3313.976 of the 2084
Revised Code may count such student in its average daily 2085
membership. 2086

(2) In any year for which funds are appropriated for pilot 2087
project scholarship programs, a school district implementing a 2088
state-sponsored pilot project scholarship program that year 2089
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 2090
count in average daily membership: 2091

(a) All children residing in the district and utilizing a 2092
scholarship to attend kindergarten in any alternative school, as 2093
defined in section 3313.974 of the Revised Code; 2094

(b) All children who were enrolled in the district in the 2095
preceding year who are utilizing a scholarship to attend any such 2096
alternative school. 2097

(J) The superintendent of each cooperative education school 2098
district shall certify to the superintendent of public 2099
instruction, in a manner prescribed by the state board of 2100
education, the applicable average daily memberships for all 2101
students in the cooperative education district, also indicating 2102
the city, local, or exempted village district where each pupil is 2103
entitled to attend school under section 3313.64 or 3313.65 of the 2104
Revised Code. 2105

Section 2. That existing sections 109.57, 109.572, 3317.013, 2106
3317.022, and 3317.03 of the Revised Code are hereby repealed. 2107

Section 3. The State Board of Education shall initiate 2108

rulemaking procedures for the rules required under section 3310.63 2109
of the Revised Code, as enacted by this act, so that those rules 2110
are in effect and the Special Education Scholarship Program is in 2111
operation for the 2007-2008 school year. 2112

Section 4. The Department of Education shall conduct a 2113
formative evaluation of the Special Education Scholarship Program 2114
established under sections 3310.51 to 3310.63 of the Revised Code, 2115
using both quantitative and qualitative analyses, and shall report 2116
its findings to the General Assembly not later than December 31, 2117
2009. In conducting the evaluation, the Department shall to the 2118
extent possible gather comments from parents who have been awarded 2119
scholarships under the program, school district officials, 2120
representatives of registered private providers, educators, and 2121
representatives of educational organizations for inclusion in the 2122
report required under this section. 2123

Section 5. Section 109.572 of the Revised Code is presented 2124
in this act as a composite of the section as amended by both Am. 2125
Sub. S.B. 185 and Am. Sub. S.B. 238 of the 126th General Assembly. 2126
The General Assembly, applying the principle stated in division 2127
(B) of section 1.52 of the Revised Code that amendments are to be 2128
harmonized if reasonably capable of simultaneous operation, finds 2129
that the composite is the resulting version of the section in 2130
effect prior to the effective date of the section as presented in 2131
this act. 2132

Section 6. Section 3317.03 of the Revised Code is presented 2133
in this act as a composite of the section as amended by both Am. 2134
Sub. H.B. 79 and Am. Sub. H.B. 699 of the 126th General Assembly. 2135
The General Assembly, applying the principle stated in division 2136
(B) of section 1.52 of the Revised Code that amendments are to be 2137
harmonized if reasonably capable of simultaneous operation, finds 2138

that the composite is the resulting version of the section in	2139
effect prior to the effective date of the section as presented in	2140
this act.	2141