

As Passed by the Senate

**127th General Assembly
Regular Session
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Sub. S. B. No. 57

Senator Coughlin

Cosponsors: Senators Mumper, Buehrer, Goodman, Harris, Cates

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A B I L L

To amend sections 109.57, 109.572, 3301.0714, 1
3317.022, 3317.03, 4776.01, and 5727.84 and to 2
enact sections 3310.51 to 3310.64 and 3323.052 of 3
the Revised Code to create the Special Education 4
Scholarship Pilot Program. 5

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

Section 1. That sections 109.57, 109.572, 3301.0714, 6
3317.022, 3317.03, 4776.01, and 5727.84 be amended and sections 7
3310.51, 3310.52, 3310.53, 3310.54, 3310.55, 3310.56, 3310.57, 8
3310.58, 3310.59, 3310.60, 3310.61, 3310.62, 3310.63, 3310.64, and 9
3323.052 of the Revised Code be enacted to read as follows: 10

Sec. 109.57. (A)(1) The superintendent of the bureau of 11
criminal identification and investigation shall procure from 12
wherever procurable and file for record photographs, pictures, 13
descriptions, fingerprints, measurements, and other information 14
that may be pertinent of all persons who have been convicted of 15
committing within this state a felony, any crime constituting a 16
misdemeanor on the first offense and a felony on subsequent 17
offenses, or any misdemeanor described in division (A)(1)(a) or 18
(A)(10)(a) of section 109.572 of the Revised Code, of all children 19

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

alternative residential facility, or state correctional 53
institution, except as authorized in section 2151.313 of the 54
Revised Code. 55

(2) Every clerk of a court of record in this state, other 56
than the supreme court or a court of appeals, shall send to the 57
superintendent of the bureau a weekly report containing a summary 58
of each case involving a felony, involving any crime constituting 59
a misdemeanor on the first offense and a felony on subsequent 60
offenses, involving a misdemeanor described in division (A)(1)(a) 61
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 62
an adjudication in a case in which a child under eighteen years of 63
age was alleged to be a delinquent child for committing an act 64
that would be a felony or an offense of violence if committed by 65
an adult. The clerk of the court of common pleas shall include in 66
the report and summary the clerk sends under this division all 67
information described in divisions (A)(2)(a) to (f) of this 68
section regarding a case before the court of appeals that is 69
served by that clerk. The summary shall be written on the standard 70
forms furnished by the superintendent pursuant to division (B) of 71
this section and shall include the following information: 72

(a) The incident tracking number contained on the standard 73
forms furnished by the superintendent pursuant to division (B) of 74
this section; 75

(b) The style and number of the case; 76

(c) The date of arrest; 77

(d) The date that the person was convicted of or pleaded 78
guilty to the offense, adjudicated a delinquent child for 79
committing the act that would be a felony or an offense of 80
violence if committed by an adult, found not guilty of the 81
offense, or found not to be a delinquent child for committing an 82
act that would be a felony or an offense of violence if committed 83

by an adult, the date of an entry dismissing the charge, an entry 84
declaring a mistrial of the offense in which the person is 85
discharged, an entry finding that the person or child is not 86
competent to stand trial, or an entry of a nolle prosequi, or the 87
date of any other determination that constitutes final resolution 88
of the case; 89

(e) A statement of the original charge with the section of 90
the Revised Code that was alleged to be violated; 91

(f) If the person or child was convicted, pleaded guilty, or 92
was adjudicated a delinquent child, the sentence or terms of 93
probation imposed or any other disposition of the offender or the 94
delinquent child. 95

If the offense involved the disarming of a law enforcement 96
officer or an attempt to disarm a law enforcement officer, the 97
clerk shall clearly state that fact in the summary, and the 98
superintendent shall ensure that a clear statement of that fact is 99
placed in the bureau's records. 100

(3) The superintendent shall cooperate with and assist 101
sheriffs, chiefs of police, and other law enforcement officers in 102
the establishment of a complete system of criminal identification 103
and in obtaining fingerprints and other means of identification of 104
all persons arrested on a charge of a felony, any crime 105
constituting a misdemeanor on the first offense and a felony on 106
subsequent offenses, or a misdemeanor described in division 107
(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and 108
of all children under eighteen years of age arrested or otherwise 109
taken into custody for committing an act that would be a felony or 110
an offense of violence if committed by an adult. The 111
superintendent also shall file for record the fingerprint 112
impressions of all persons confined in a county, multicounty, 113
municipal, municipal-county, or multicounty-municipal jail or 114
workhouse, community-based correctional facility, halfway house, 115

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

(4) The superintendent shall carry out Chapter 2950. of the 127
Revised Code with respect to the registration of persons who are 128
convicted of or plead guilty to a sexually oriented offense or a 129
child-victim oriented offense and with respect to all other duties 130
imposed on the bureau under that chapter. 131

(5) The bureau shall perform centralized recordkeeping 132
functions for criminal history records and services in this state 133
for purposes of the national crime prevention and privacy compact 134
set forth in section 109.571 of the Revised Code and is the 135
criminal history record repository as defined in that section for 136
purposes of that compact. The superintendent or the 137
superintendent's designee is the compact officer for purposes of 138
that compact and shall carry out the responsibilities of the 139
compact officer specified in that compact. 140

(B) The superintendent shall prepare and furnish to every 141
county, multicounty, municipal, municipal-county, or 142
multicounty-municipal jail or workhouse, community-based 143
correctional facility, halfway house, alternative residential 144
facility, or state correctional institution and to every clerk of 145
a court in this state specified in division (A)(2) of this section 146
standard forms for reporting the information required under 147

division (A) of this section. The standard forms that the 148
superintendent prepares pursuant to this division may be in a 149
tangible format, in an electronic format, or in both tangible 150
formats and electronic formats. 151

(C)(1) The superintendent may operate a center for 152
electronic, automated, or other data processing for the storage 153
and retrieval of information, data, and statistics pertaining to 154
criminals and to children under eighteen years of age who are 155
adjudicated delinquent children for committing an act that would 156
be a felony or an offense of violence if committed by an adult, 157
criminal activity, crime prevention, law enforcement, and criminal 158
justice, and may establish and operate a statewide communications 159
network to gather and disseminate information, data, and 160
statistics for the use of law enforcement agencies and for other 161
uses specified in this division. The superintendent may gather, 162
store, retrieve, and disseminate information, data, and statistics 163
that pertain to children who are under eighteen years of age and 164
that are gathered pursuant to sections 109.57 to 109.61 of the 165
Revised Code together with information, data, and statistics that 166
pertain to adults and that are gathered pursuant to those 167
sections. 168

(2) The superintendent or the superintendent's designee shall 169
gather information of the nature described in division (C)(1) of 170
this section that pertains to the offense and delinquency history 171
of a person who has been convicted of, pleaded guilty to, or been 172
adjudicated a delinquent child for committing a sexually oriented 173
offense or a child-victim oriented offense for inclusion in the 174
state registry of sex offenders and child-victim offenders 175
maintained pursuant to division (A)(1) of section 2950.13 of the 176
Revised Code and in the internet database operated pursuant to 177
division (A)(13) of that section and for possible inclusion in the 178
internet database operated pursuant to division (A)(11) of that 179

section. 180

(3) In addition to any other authorized use of information, 181
data, and statistics of the nature described in division (C)(1) of 182
this section, the superintendent or the superintendent's designee 183
may provide and exchange the information, data, and statistics 184
pursuant to the national crime prevention and privacy compact as 185
described in division (A)(5) of this section. 186

(D) The information and materials furnished to the 187
superintendent pursuant to division (A) of this section and 188
information and materials furnished to any board or person under 189
division (F) or (G) of this section are not public records under 190
section 149.43 of the Revised Code. The superintendent or the 191
superintendent's designee shall gather and retain information so 192
furnished under division (A) of this section that pertains to the 193
offense and delinquency history of a person who has been convicted 194
of, pleaded guilty to, or been adjudicated a delinquent child for 195
committing a sexually oriented offense or a child-victim oriented 196
offense for the purposes described in division (C)(2) of this 197
section. 198

(E) The attorney general shall adopt rules, in accordance 199
with Chapter 119. of the Revised Code, setting forth the procedure 200
by which a person may receive or release information gathered by 201
the superintendent pursuant to division (A) of this section. A 202
reasonable fee may be charged for this service. If a temporary 203
employment service submits a request for a determination of 204
whether a person the service plans to refer to an employment 205
position has been convicted of or pleaded guilty to an offense 206
listed in division (A)(1), (3), (4), (5), or (6) of section 207
109.572 of the Revised Code, the request shall be treated as a 208
single request and only one fee shall be charged. 209

(F)(1) As used in division (F)(2) of this section, "head 210
start agency" means an entity in this state that has been approved 211

to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, or 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code, the board of education of any school district; the director of mental retardation and developmental disabilities; any county board of mental retardation and developmental disabilities; any entity under contract with a county board of mental retardation and developmental disabilities; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed or certified under Chapter 5104. of 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; the executive director of a public children services agency; or an employer described in division (A)(2) of section 3319.391 or division (J)(2) of section 3327.10 of the Revised Code 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 245
information exists and, upon request of the person, board, or 246
entity requesting information, also shall request from the federal 247
bureau of investigation any criminal records it has pertaining to 248
that individual. The superintendent or the superintendent's 249
designee also may request criminal history records from other 250
states or the federal government pursuant to the national crime 251
prevention and privacy compact set forth in section 109.571 of the 252
Revised Code. Within thirty days of the date that the 253
superintendent receives a request, the superintendent shall send 254
to the board, entity, or person a report of any information that 255
the superintendent determines exists, including information 256
contained in records that have been sealed under section 2953.32 257
of the Revised Code, and, within thirty days of its receipt, shall 258
send the board, entity, or person a report of any information 259
received from the federal bureau of investigation, other than 260
information the dissemination of which is prohibited by federal 261
law. 262

(b) When a board of education or a registered private 263
provider is required to receive information under this section as 264
a prerequisite to employment of an individual pursuant to division 265
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 266
may accept a certified copy of records that were issued by the 267
bureau of criminal identification and investigation and that are 268
presented by an individual applying for employment with the 269
district in lieu of requesting that information itself. In such a 270
case, the board or provider shall accept the certified copy issued 271
by the bureau in order to make a photocopy of it for that 272
individual's employment application documents and shall return the 273
certified copy to the individual. In a case of that nature, a 274
district or provider only shall accept a certified copy of records 275
of that nature within one year after the date of their issuance by 276
the bureau. 277

(3) The state board of education may request, with respect to 278
any individual who has applied for employment after October 2, 279
1989, in any position with the state board or the department of 280
education, any information that a school district board of 281
education is authorized to request under division (F)(2) of this 282
section, and the superintendent of the bureau shall proceed as if 283
the request has been received from a school district board of 284
education under division (F)(2) of this section. 285

(4) When the superintendent of the bureau receives a request 286
for information under section 3319.291 of the Revised Code, the 287
superintendent shall proceed as if the request has been received 288
from a school district board of education under division (F)(2) of 289
this section. 290

(5) When a recipient of a classroom reading improvement grant 291
paid under section 3301.86 of the Revised Code requests, with 292
respect to any individual who applies to participate in providing 293
any program or service funded in whole or in part by the grant, 294
the information that a school district board of education is 295
authorized to request under division (F)(2)(a) of this section, 296
the superintendent of the bureau shall proceed as if the request 297
has been received from a school district board of education under 298
division (F)(2)(a) of this section. 299

(G) In addition to or in conjunction with any request that is 300
required to be made under section 3701.881, 3712.09, 3721.121, or 301
3722.151 of the Revised Code with respect to an individual who has 302
applied for employment in a position that involves providing 303
direct care to an older adult, the chief administrator of a home 304
health agency, hospice care program, home licensed under Chapter 305
3721. of the Revised Code, adult day-care program operated 306
pursuant to rules adopted under section 3721.04 of the Revised 307
Code, or adult care facility may request that the superintendent 308
of the bureau investigate and determine, with respect to any 309

individual who has applied after January 27, 1997, for employment 310
in a position that does not involve providing direct care to an 311
older adult, whether the bureau has any information gathered under 312
division (A) of this section that pertains to that individual. 313

In addition to or in conjunction with any request that is 314
required to be made under section 173.27 of the Revised Code with 315
respect to an individual who has applied for employment in a 316
position that involves providing ombudsperson services to 317
residents of long-term care facilities or recipients of 318
community-based long-term care services, the state long-term care 319
ombudsperson, ombudsperson's designee, or director of health may 320
request that the superintendent investigate and determine, with 321
respect to any individual who has applied for employment in a 322
position that does not involve providing such ombudsperson 323
services, whether the bureau has any information gathered under 324
division (A) of this section that pertains to that applicant. 325

In addition to or in conjunction with any request that is 326
required to be made under section 173.394 of the Revised Code with 327
respect to an individual who has applied for employment in a 328
position that involves providing direct care to an individual, the 329
chief administrator of a community-based long-term care agency may 330
request that the superintendent investigate and determine, with 331
respect to any individual who has applied for employment in a 332
position that does not involve providing direct care, whether the 333
bureau has any information gathered under division (A) of this 334
section that pertains to that applicant. 335

On receipt of a request under this division, the 336
superintendent shall determine whether that information exists 337
and, on request of the individual requesting information, shall 338
also request from the federal bureau of investigation any criminal 339
records it has pertaining to the applicant. The superintendent or 340
the superintendent's designee also may request criminal history 341

records from other states or the federal government pursuant to 342
the national crime prevention and privacy compact set forth in 343
section 109.571 of the Revised Code. Within thirty days of the 344
date a request is received, the superintendent shall send to the 345
requester a report of any information determined to exist, 346
including information contained in records that have been sealed 347
under section 2953.32 of the Revised Code, and, within thirty days 348
of its receipt, shall send the requester a report of any 349
information received from the federal bureau of investigation, 350
other than information the dissemination of which is prohibited by 351
federal law. 352

(H) Information obtained by a government entity or person 353
under this section is confidential and shall not be released or 354
disseminated. 355

(I) The superintendent may charge a reasonable fee for 356
providing information or criminal records under division (F)(2) or 357
(G) of this section. 358

(J) As used in this section, ~~"sexually:~~ 359

(1) "Sexually oriented offense" and "child-victim oriented 360
offense" have the same meanings as in section 2950.01 of the 361
Revised Code. 362

(2) "Registered private provider" means a nonpublic school or 363
entity registered with the superintendent of public instruction 364
under section 3310.41 of the Revised Code to participate in the 365
autism scholarship program or section 3310.58 of the Revised Code 366
to participate in the special education scholarship pilot program. 367

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 369
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 370
of the Revised Code, a completed form prescribed pursuant to 371

division (C)(1) of this section, and a set of fingerprint 372
impressions obtained in the manner described in division (C)(2) of 373
this section, the superintendent of the bureau of criminal 374
identification and investigation shall conduct a criminal records 375
check in the manner described in division (B) of this section to 376
determine whether any information exists that indicates that the 377
person who is the subject of the request previously has been 378
convicted of or pleaded guilty to any of the following: 379

(a) A violation of section 2903.01, 2903.02, 2903.03, 380
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 381
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 382
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 383
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 384
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 385
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 386
2925.06, or 3716.11 of the Revised Code, felonious sexual 387
penetration in violation of former section 2907.12 of the Revised 388
Code, a violation of section 2905.04 of the Revised Code as it 389
existed prior to July 1, 1996, a violation of section 2919.23 of 390
the Revised Code that would have been a violation of section 391
2905.04 of the Revised Code as it existed prior to July 1, 1996, 392
had the violation been committed prior to that date, or a 393
violation of section 2925.11 of the Revised Code that is not a 394
minor drug possession offense; 395

(b) A violation of an existing or former law of this state, 396
any other state, or the United States that is substantially 397
equivalent to any of the offenses listed in division (A)(1)(a) of 398
this section. 399

(2) On receipt of a request pursuant to section 5123.081 of 400
the Revised Code with respect to an applicant for employment in 401
any position with the department of mental retardation and 402
developmental disabilities, pursuant to section 5126.28 of the 403

Revised Code with respect to an applicant for employment in any 404
position with a county board of mental retardation and 405
developmental disabilities, or pursuant to section 5126.281 of the 406
Revised Code with respect to an applicant for employment in a 407
direct services position with an entity contracting with a county 408
board for employment, a completed form prescribed pursuant to 409
division (C)(1) of this section, and a set of fingerprint 410
impressions obtained in the manner described in division (C)(2) of 411
this section, the superintendent of the bureau of criminal 412
identification and investigation shall conduct a criminal records 413
check. The superintendent shall conduct the criminal records check 414
in the manner described in division (B) of this section to 415
determine whether any information exists that indicates that the 416
person who is the subject of the request has been convicted of or 417
pleaded guilty to any of the following: 418

(a) A violation of section 2903.01, 2903.02, 2903.03, 419
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 420
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 421
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 422
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 423
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 424
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 425
2925.03, or 3716.11 of the Revised Code; 426

(b) An existing or former municipal ordinance or law of this 427
state, any other state, or the United States that is substantially 428
equivalent to any of the offenses listed in division (A)(2)(a) of 429
this section. 430

(3) On receipt of a request pursuant to section 173.27, 431
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 432
completed form prescribed pursuant to division (C)(1) of this 433
section, and a set of fingerprint impressions obtained in the 434
manner described in division (C)(2) of this section, the 435

superintendent of the bureau of criminal identification and 436
investigation shall conduct a criminal records check with respect 437
to any person who has applied for employment in a position for 438
which a criminal records check is required by those sections. The 439
superintendent shall conduct the criminal records check in the 440
manner described in division (B) of this section to determine 441
whether any information exists that indicates that the person who 442
is the subject of the request previously has been convicted of or 443
pleaded guilty to any of the following: 444

(a) A violation of section 2903.01, 2903.02, 2903.03, 445
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 446
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 447
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 448
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 449
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 450
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 451
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 452
2925.22, 2925.23, or 3716.11 of the Revised Code; 453

(b) An existing or former law of this state, any other state, 454
or the United States that is substantially equivalent to any of 455
the offenses listed in division (A)(3)(a) of this section. 456

(4) On receipt of a request pursuant to section 3701.881 of 457
the Revised Code with respect to an applicant for employment with 458
a home health agency as a person responsible for the care, 459
custody, or control of a child, a completed form prescribed 460
pursuant to division (C)(1) of this section, and a set of 461
fingerprint impressions obtained in the manner described in 462
division (C)(2) of this section, the superintendent of the bureau 463
of criminal identification and investigation shall conduct a 464
criminal records check. The superintendent shall conduct the 465
criminal records check in the manner described in division (B) of 466
this section to determine whether any information exists that 467

indicates that the person who is the subject of the request 468
previously has been convicted of or pleaded guilty to any of the 469
following: 470

(a) A violation of section 2903.01, 2903.02, 2903.03, 471
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 472
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 473
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 474
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 475
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 476
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 477
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 478
violation of section 2925.11 of the Revised Code that is not a 479
minor drug possession offense; 480

(b) An existing or former law of this state, any other state, 481
or the United States that is substantially equivalent to any of 482
the offenses listed in division (A)(4)(a) of this section. 483

(5) On receipt of a request pursuant to section 5111.032, 484
5111.033, or 5111.034 of the Revised Code, a completed form 485
prescribed pursuant to division (C)(1) of this section, and a set 486
of fingerprint impressions obtained in the manner described in 487
division (C)(2) of this section, the superintendent of the bureau 488
of criminal identification and investigation shall conduct a 489
criminal records check. The superintendent shall conduct the 490
criminal records check in the manner described in division (B) of 491
this section to determine whether any information exists that 492
indicates that the person who is the subject of the request 493
previously has been convicted of, has pleaded guilty to, or has 494
been found eligible for intervention in lieu of conviction for any 495
of the following: 496

(a) A violation of section 2903.01, 2903.02, 2903.03, 497
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 498
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 499

2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 500
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 501
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 502
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 503
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 504
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 505
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 506
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 507
3716.11 of the Revised Code, felonious sexual penetration in 508
violation of former section 2907.12 of the Revised Code, a 509
violation of section 2905.04 of the Revised Code as it existed 510
prior to July 1, 1996, a violation of section 2919.23 of the 511
Revised Code that would have been a violation of section 2905.04 512
of the Revised Code as it existed prior to July 1, 1996, had the 513
violation been committed prior to that date; 514

(b) An existing or former law of this state, any other state, 515
or the United States that is substantially equivalent to any of 516
the offenses listed in division (A)(5)(a) of this section. 517

(6) On receipt of a request pursuant to section 3701.881 of 518
the Revised Code with respect to an applicant for employment with 519
a home health agency in a position that involves providing direct 520
care to an older adult, a completed form prescribed pursuant to 521
division (C)(1) of this section, and a set of fingerprint 522
impressions obtained in the manner described in division (C)(2) of 523
this section, the superintendent of the bureau of criminal 524
identification and investigation shall conduct a criminal records 525
check. The superintendent shall conduct the criminal records check 526
in the manner described in division (B) of this section to 527
determine whether any information exists that indicates that the 528
person who is the subject of the request previously has been 529
convicted of or pleaded guilty to any of the following: 530

(a) A violation of section 2903.01, 2903.02, 2903.03, 531

2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 532
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 533
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 534
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 535
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 536
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 537
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 538
2925.22, 2925.23, or 3716.11 of the Revised Code; 539

(b) An existing or former law of this state, any other state, 540
or the United States that is substantially equivalent to any of 541
the offenses listed in division (A)(6)(a) of this section. 542

(7) When conducting a criminal records check upon a request 543
pursuant to section 3319.39 of the Revised Code for an applicant 544
who is a teacher, in addition to the determination made under 545
division (A)(1) of this section, the superintendent shall 546
determine whether any information exists that indicates that the 547
person who is the subject of the request previously has been 548
convicted of or pleaded guilty to any offense specified in section 549
3319.31 of the Revised Code. 550

(8) On receipt of a request pursuant to section 2151.86 of 551
the Revised Code, a completed form prescribed pursuant to division 552
(C)(1) of this section, and a set of fingerprint impressions 553
obtained in the manner described in division (C)(2) of this 554
section, the superintendent of the bureau of criminal 555
identification and investigation shall conduct a criminal records 556
check in the manner described in division (B) of this section to 557
determine whether any information exists that indicates that the 558
person who is the subject of the request previously has been 559
convicted of or pleaded guilty to any of the following: 560

(a) A violation of section 2903.01, 2903.02, 2903.03, 561
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 562
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 563

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 564
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 565
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 566
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 567
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 568
violation of section 2905.04 of the Revised Code as it existed 569
prior to July 1, 1996, a violation of section 2919.23 of the 570
Revised Code that would have been a violation of section 2905.04 571
of the Revised Code as it existed prior to July 1, 1996, had the 572
violation been committed prior to that date, a violation of 573
section 2925.11 of the Revised Code that is not a minor drug 574
possession offense, or felonious sexual penetration in violation 575
of former section 2907.12 of the Revised Code; 576

(b) A violation of an existing or former law of this state, 577
any other state, or the United States that is substantially 578
equivalent to any of the offenses listed in division (A)(8)(a) of 579
this section. 580

(9) When conducting a criminal records check on a request 581
pursuant to section 5104.013 of the Revised Code for a person who 582
is an owner, licensee, or administrator of a child day-care center 583
or type A family day-care home, an authorized provider of a 584
certified type B family day-care home, or an adult residing in a 585
type A or certified type B home, or when conducting a criminal 586
records check or a request pursuant to section 5104.012 of the 587
Revised Code for a person who is an applicant for employment in a 588
center, type A home, or certified type B home, the superintendent, 589
in addition to the determination made under division (A)(1) of 590
this section, shall determine whether any information exists that 591
indicates that the person has been convicted of or pleaded guilty 592
to any of the following: 593

(a) A violation of section 2913.02, 2913.03, 2913.04, 594
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 595

2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 596
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2921.11, 597
2921.13, or 2923.01 of the Revised Code, a violation of section 598
2923.02 or 2923.03 of the Revised Code that relates to a crime 599
specified in this division or division (A)(1)(a) of this section, 600
or a second violation of section 4511.19 of the Revised Code 601
within five years of the date of application for licensure or 602
certification. 603

(b) A violation of an existing or former law of this state, 604
any other state, or the United States that is substantially 605
equivalent to any of the offenses or violations described in 606
division (A)(9)(a) of this section. 607

(10) Upon receipt of a request pursuant to section 5153.111 608
of the Revised Code, a completed form prescribed pursuant to 609
division (C)(1) of this section, and a set of fingerprint 610
impressions obtained in the manner described in division (C)(2) of 611
this section, the superintendent of the bureau of criminal 612
identification and investigation shall conduct a criminal records 613
check in the manner described in division (B) of this section to 614
determine whether any information exists that indicates that the 615
person who is the subject of the request previously has been 616
convicted of or pleaded guilty to any of the following: 617

(a) A violation of section 2903.01, 2903.02, 2903.03, 618
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 619
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 620
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 621
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 622
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 623
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 624
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 625
felonious sexual penetration in violation of former section 626
2907.12 of the Revised Code, a violation of section 2905.04 of the 627

Revised Code as it existed prior to July 1, 1996, a violation of 628
section 2919.23 of the Revised Code that would have been a 629
violation of section 2905.04 of the Revised Code as it existed 630
prior to July 1, 1996, had the violation been committed prior to 631
that date, or a violation of section 2925.11 of the Revised Code 632
that is not a minor drug possession offense; 633

(b) A violation of an existing or former law of this state, 634
any other state, or the United States that is substantially 635
equivalent to any of the offenses listed in division (A)(10)(a) of 636
this section. 637

(11) On receipt of a request for a criminal records check 638
from an individual pursuant to section 4749.03 or 4749.06 of the 639
Revised Code, accompanied by a completed copy of the form 640
prescribed in division (C)(1) of this section and a set of 641
fingerprint impressions obtained in a manner described in division 642
(C)(2) of this section, the superintendent of the bureau of 643
criminal identification and investigation shall conduct a criminal 644
records check in the manner described in division (B) of this 645
section to determine whether any information exists indicating 646
that the person who is the subject of the request has been 647
convicted of or pleaded guilty to a felony in this state or in any 648
other state. If the individual indicates that a firearm will be 649
carried in the course of business, the superintendent shall 650
require information from the federal bureau of investigation as 651
described in division (B)(2) of this section. The superintendent 652
shall report the findings of the criminal records check and any 653
information the federal bureau of investigation provides to the 654
director of public safety. 655

(12) On receipt of a request pursuant to section 1322.03, 656
1322.031, or 4763.05 of the Revised Code, a completed form 657
prescribed pursuant to division (C)(1) of this section, and a set 658
of fingerprint impressions obtained in the manner described in 659

division (C)(2) of this section, the superintendent of the bureau 660
of criminal identification and investigation shall conduct a 661
criminal records check with respect to any person who has applied 662
for a license, permit, or certification from the department of 663
commerce or a division in the department. The superintendent shall 664
conduct the criminal records check in the manner described in 665
division (B) of this section to determine whether any information 666
exists that indicates that the person who is the subject of the 667
request previously has been convicted of or pleaded guilty to any 668
of the following: a violation of section 2913.02, 2913.11, 669
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 670
criminal offense involving theft, receiving stolen property, 671
embezzlement, forgery, fraud, passing bad checks, money 672
laundering, or drug trafficking, or any criminal offense involving 673
money or securities, as set forth in Chapters 2909., 2911., 2913., 674
2915., 2921., 2923., and 2925. of the Revised Code; or any 675
existing or former law of this state, any other state, or the 676
United States that is substantially equivalent to those offenses. 677

(13) On receipt of a request for a criminal records check 678
from the treasurer of state under section 113.041 of the Revised 679
Code or from an individual under section 4701.08, 4715.101, 680
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 681
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 682
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 683
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 684
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 685
a completed form prescribed under division (C)(1) of this section 686
and a set of fingerprint impressions obtained in the manner 687
described in division (C)(2) of this section, the superintendent 688
of the bureau of criminal identification and investigation shall 689
conduct a criminal records check in the manner described in 690
division (B) of this section to determine whether any information 691
exists that indicates that the person who is the subject of the 692

request has been convicted of or pleaded guilty to any criminal 693
offense in this state or any other state. The superintendent shall 694
send the results of a check requested under section 113.041 of the 695
Revised Code to the treasurer of state and shall send the results 696
of a check requested under any of the other listed sections to the 697
licensing board specified by the individual in the request. 698

699

(14) Not later than thirty days after the date the 700
superintendent receives a request of a type described in division 701
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 702
(12) of this section, the completed form, and the fingerprint 703
impressions, the superintendent shall send the person, board, or 704
entity that made the request any information, other than 705
information the dissemination of which is prohibited by federal 706
law, the superintendent determines exists with respect to the 707
person who is the subject of the request that indicates that the 708
person previously has been convicted of or pleaded guilty to any 709
offense listed or described in division (A)(1), (2), (3), (4), 710
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 711
appropriate. The superintendent shall send the person, board, or 712
entity that made the request a copy of the list of offenses 713
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 714
(9), (10), (11), or (12) of this section, as appropriate. If the 715
request was made under section 3701.881 of the Revised Code with 716
regard to an applicant who may be both responsible for the care, 717
custody, or control of a child and involved in providing direct 718
care to an older adult, the superintendent shall provide a list of 719
the offenses specified in divisions (A)(4) and (6) of this 720
section. 721

Not later than thirty days after the superintendent receives 722
a request for a criminal records check pursuant to section 113.041 723
of the Revised Code, the completed form, and the fingerprint 724

impressions, the superintendent shall send the treasurer of state 725
any information, other than information the dissemination of which 726
is prohibited by federal law, the superintendent determines exist 727
with respect to the person who is the subject of the request that 728
indicates that the person previously has been convicted of or 729
pleaded guilty to any criminal offense in this state or any other 730
state. 731

(B) The superintendent shall conduct any criminal records 732
check requested under section 113.041, 121.08, 173.27, 173.394, 733
1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 734
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 735
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 736
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 737
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 738
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 739
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 740
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 741
5153.111 of the Revised Code as follows: 742

(1) The superintendent shall review or cause to be reviewed 743
any relevant information gathered and compiled by the bureau under 744
division (A) of section 109.57 of the Revised Code that relates to 745
the person who is the subject of the request, including any 746
relevant information contained in records that have been sealed 747
under section 2953.32 of the Revised Code; 748

(2) If the request received by the superintendent asks for 749
information from the federal bureau of investigation, the 750
superintendent shall request from the federal bureau of 751
investigation any information it has with respect to the person 752
who is the subject of the request and shall review or cause to be 753
reviewed any information the superintendent receives from that 754
bureau. 755

(3) The superintendent or the superintendent's designee may 756

request criminal history records from other states or the federal 757
government pursuant to the national crime prevention and privacy 758
compact set forth in section 109.571 of the Revised Code. 759

(C)(1) The superintendent shall prescribe a form to obtain 760
the information necessary to conduct a criminal records check from 761
any person for whom a criminal records check is requested under 762
section 113.041 of the Revised Code or required by section 121.08, 763
173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 764
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 765
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 766
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 767
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 768
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 769
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 770
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 771
5126.281, or 5153.111 of the Revised Code. The form that the 772
superintendent prescribes pursuant to this division may be in a 773
tangible format, in an electronic format, or in both tangible and 774
electronic formats. 775

(2) The superintendent shall prescribe standard impression 776
sheets to obtain the fingerprint impressions of any person for 777
whom a criminal records check is requested under section 113.041 778
of the Revised Code or required by section 121.08, 173.27, 779
173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 780
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 781
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 782
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 783
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 784
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 785
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 786
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 787
5126.281, or 5153.111 of the Revised Code. Any person for whom a 788

records check is requested under or required by any of those 789
sections shall obtain the fingerprint impressions at a county 790
sheriff's office, municipal police department, or any other entity 791
with the ability to make fingerprint impressions on the standard 792
impression sheets prescribed by the superintendent. The office, 793
department, or entity may charge the person a reasonable fee for 794
making the impressions. The standard impression sheets the 795
superintendent prescribes pursuant to this division may be in a 796
tangible format, in an electronic format, or in both tangible and 797
electronic formats. 798

(3) Subject to division (D) of this section, the 799
superintendent shall prescribe and charge a reasonable fee for 800
providing a criminal records check requested under section 801
113.041, 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 802
3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 803
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 804
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 805
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 806
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 807
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 808
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 809
5126.281, or 5153.111 of the Revised Code. The person making a 810
criminal records request under section 113.041, 121.08, 173.27, 811
173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 812
3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 813
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 814
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 815
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 816
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 817
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 818
5104.013, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 819
5153.111 of the Revised Code shall pay the fee prescribed pursuant 820
to this division. A person making a request under section 3701.881 821

of the Revised Code for a criminal records check for an applicant 822
who may be both responsible for the care, custody, or control of a 823
child and involved in providing direct care to an older adult 824
shall pay one fee for the request. In the case of a request under 825
section 5111.032 of the Revised Code, the fee shall be paid in the 826
manner specified in that section. 827

828

(4) The superintendent of the bureau of criminal 829
identification and investigation may prescribe methods of 830
forwarding fingerprint impressions and information necessary to 831
conduct a criminal records check, which methods shall include, but 832
not be limited to, an electronic method. 833

(D) A determination whether any information exists that 834
indicates that a person previously has been convicted of or 835
pleaded guilty to any offense listed or described in division 836
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 837
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 838
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section, 839
or that indicates that a person previously has been convicted of 840
or pleaded guilty to any criminal offense in this state or any 841
other state regarding a criminal records check of a type described 842
in division (A)(13) of this section, and that is made by the 843
superintendent with respect to information considered in a 844
criminal records check in accordance with this section is valid 845
for the person who is the subject of the criminal records check 846
for a period of one year from the date upon which the 847
superintendent makes the determination. During the period in which 848
the determination in regard to a person is valid, if another 849
request under this section is made for a criminal records check 850
for that person, the superintendent shall provide the information 851
that is the basis for the superintendent's initial determination 852
at a lower fee than the fee prescribed for the initial criminal 853

records check. 854

(E) When the superintendent receives a request for 855
information from a registered private provider, the superintendent 856
shall proceed as if the request was received from a school 857
district board of education under section 3319.39 of the Revised 858
Code. The superintendent shall apply division (A)(7) of this 859
section to any such request for an applicant who is a teacher. 860

(F) As used in this section: 861

(1) "Criminal records check" means any criminal records check 862
conducted by the superintendent of the bureau of criminal 863
identification and investigation in accordance with division (B) 864
of this section. 865

(2) "Minor drug possession offense" has the same meaning as 866
in section 2925.01 of the Revised Code. 867

(3) "Older adult" means a person age sixty or older. 868

(4) "Registered private provider" means a nonpublic school or 869
entity registered with the superintendent of public instruction 870
under section 3310.41 of the Revised Code to participate in the 871
autism scholarship program or section 3310.58 of the Revised Code 872
to participate in the special education scholarship pilot program. 873
874

Sec. 3301.0714. (A) The state board of education shall adopt 875
rules for a statewide education management information system. The 876
rules shall require the state board to establish guidelines for 877
the establishment and maintenance of the system in accordance with 878
this section and the rules adopted under this section. The 879
guidelines shall include: 880

(1) Standards identifying and defining the types of data in 881
the system in accordance with divisions (B) and (C) of this 882
section; 883

(2) Procedures for annually collecting and reporting the data	884
to the state board in accordance with division (D) of this	885
section;	886
(3) Procedures for annually compiling the data in accordance	887
with division (G) of this section;	888
(4) Procedures for annually reporting the data to the public	889
in accordance with division (H) of this section.	890
(B) The guidelines adopted under this section shall require	891
the data maintained in the education management information system	892
to include at least the following:	893
(1) Student participation and performance data, for each	894
grade in each school district as a whole and for each grade in	895
each school building in each school district, that includes:	896
(a) The numbers of students receiving each category of	897
instructional service offered by the school district, such as	898
regular education instruction, vocational education instruction,	899
specialized instruction programs or enrichment instruction that is	900
part of the educational curriculum, instruction for gifted	901
students, instruction for students with disabilities, and remedial	902
instruction. The guidelines shall require instructional services	903
under this division to be divided into discrete categories if an	904
instructional service is limited to a specific subject, a specific	905
type of student, or both, such as regular instructional services	906
in mathematics, remedial reading instructional services,	907
instructional services specifically for students gifted in	908
mathematics or some other subject area, or instructional services	909
for students with a specific type of disability. The categories of	910
instructional services required by the guidelines under this	911
division shall be the same as the categories of instructional	912
services used in determining cost units pursuant to division	913
(C)(3) of this section.	914

(b) The numbers of students receiving support or	915
extracurricular services for each of the support services or	916
extracurricular programs offered by the school district, such as	917
counseling services, health services, and extracurricular sports	918
and fine arts programs. The categories of services required by the	919
guidelines under this division shall be the same as the categories	920
of services used in determining cost units pursuant to division	921
(C)(4)(a) of this section.	922
(c) Average student grades in each subject in grades nine	923
through twelve;	924
(d) Academic achievement levels as assessed by the testing of	925
student achievement under sections 3301.0710 and 3301.0711 of the	926
Revised Code;	927
(e) The number of students designated as having a disabling	928
condition pursuant to division (C)(1) of section 3301.0711 of the	929
Revised Code;	930
(f) The numbers of students reported to the state board	931
pursuant to division (C)(2) of section 3301.0711 of the Revised	932
Code;	933
(g) Attendance rates and the average daily attendance for the	934
year. For purposes of this division, a student shall be counted as	935
present for any field trip that is approved by the school	936
administration.	937
(h) Expulsion rates;	938
(i) Suspension rates;	939
(j) The percentage of students receiving corporal punishment;	940
(k) Dropout rates;	941
(l) Rates of retention in grade;	942
(m) For pupils in grades nine through twelve, the average	943
number of carnegie units, as calculated in accordance with state	944

board of education rules; 945

(n) Graduation rates, to be calculated in a manner specified 946
by the department of education that reflects the rate at which 947
students who were in the ninth grade three years prior to the 948
current year complete school and that is consistent with 949
nationally accepted reporting requirements; 950

(o) Results of diagnostic assessments administered to 951
kindergarten students as required under section 3301.0715 of the 952
Revised Code to permit a comparison of the academic readiness of 953
kindergarten students. However, no district shall be required to 954
report to the department the results of any diagnostic assessment 955
administered to a kindergarten student if the parent of that 956
student requests the district not to report those results. 957

(2) Personnel and classroom enrollment data for each school 958
district, including: 959

(a) The total numbers of licensed employees and nonlicensed 960
employees and the numbers of full-time equivalent licensed 961
employees and nonlicensed employees providing each category of 962
instructional service, instructional support service, and 963
administrative support service used pursuant to division (C)(3) of 964
this section. The guidelines adopted under this section shall 965
require these categories of data to be maintained for the school 966
district as a whole and, wherever applicable, for each grade in 967
the school district as a whole, for each school building as a 968
whole, and for each grade in each school building. 969

(b) The total number of employees and the number of full-time 970
equivalent employees providing each category of service used 971
pursuant to divisions (C)(4)(a) and (b) of this section, and the 972
total numbers of licensed employees and nonlicensed employees and 973
the numbers of full-time equivalent licensed employees and 974
nonlicensed employees providing each category used pursuant to 975

division (C)(4)(c) of this section. The guidelines adopted under 976
this section shall require these categories of data to be 977
maintained for the school district as a whole and, wherever 978
applicable, for each grade in the school district as a whole, for 979
each school building as a whole, and for each grade in each school 980
building. 981

(c) The total number of regular classroom teachers teaching 982
classes of regular education and the average number of pupils 983
enrolled in each such class, in each of grades kindergarten 984
through five in the district as a whole and in each school 985
building in the school district. 986

(d) The number of master teachers employed by each school 987
district and each school building, once a definition of master 988
teacher has been developed by the educator standards board 989
pursuant to section 3319.61 of the Revised Code. 990

(3)(a) Student demographic data for each school district, 991
including information regarding the gender ratio of the school 992
district's pupils, the racial make-up of the school district's 993
pupils, the number of limited English proficient students in the 994
district, and an appropriate measure of the number of the school 995
district's pupils who reside in economically disadvantaged 996
households. The demographic data shall be collected in a manner to 997
allow correlation with data collected under division (B)(1) of 998
this section. Categories for data collected pursuant to division 999
(B)(3) of this section shall conform, where appropriate, to 1000
standard practices of agencies of the federal government. 1001

(b) With respect to each student entering kindergarten, 1002
whether the student previously participated in a public preschool 1003
program, a private preschool program, or a head start program, and 1004
the number of years the student participated in each of these 1005
programs. 1006

(4) Any data required to be collected pursuant to federal law. 1007
1008

(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following: 1009
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(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code. 1018
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(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building. 1024
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(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for 1030
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each category of service and, as a breakdown of the total cost, a 1039
cost for each of the following components: 1040

(a) The cost of each instructional services category required 1041
by guidelines adopted under division (B)(1)(a) of this section 1042
that is provided directly to students by a classroom teacher; 1043

(b) The cost of the instructional support services, such as 1044
services provided by a speech-language pathologist, classroom 1045
aide, multimedia aide, or librarian, provided directly to students 1046
in conjunction with each instructional services category; 1047

(c) The cost of the administrative support services related 1048
to each instructional services category, such as the cost of 1049
personnel that develop the curriculum for the instructional 1050
services category and the cost of personnel supervising or 1051
coordinating the delivery of the instructional services category. 1052

(4) Support or extracurricular services costs for each 1053
category of service directly provided to students and required by 1054
guidelines adopted pursuant to division (B)(1)(b) of this section. 1055
The guidelines shall require the cost units under division (C)(4) 1056
of this section to be designed so that each of them may be 1057
compiled and reported in terms of average expenditure per pupil 1058
receiving the service in the school district as a whole and 1059
average expenditure per pupil receiving the service in each 1060
building in the school district and in terms of a total cost for 1061
each category of service and, as a breakdown of the total cost, a 1062
cost for each of the following components: 1063

(a) The cost of each support or extracurricular services 1064
category required by guidelines adopted under division (B)(1)(b) 1065
of this section that is provided directly to students by a 1066
licensed employee, such as services provided by a guidance 1067
counselor or any services provided by a licensed employee under a 1068
supplemental contract; 1069

(b) The cost of each such services category provided directly to students by a nonlicensed employee, such as janitorial services, cafeteria services, or services of a sports trainer;

(c) The cost of the administrative services related to each services category in division (C)(4)(a) or (b) of this section, such as the cost of any licensed or nonlicensed employees that develop, supervise, coordinate, or otherwise are involved in administering or aiding the delivery of each services category.

(D)(1) The guidelines adopted under this section shall require school districts to collect information about individual students, staff members, or both in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines may also require school districts to report information about individual staff members in connection with any data required by division (B) or (C) of this section or other reporting requirements established in the Revised Code. The guidelines shall not authorize school districts to request social security numbers of individual students. The guidelines shall prohibit the reporting under this section of a student's name, address, and social security number to the state board of education or the department of education. The guidelines shall also prohibit the reporting under this section of any personally identifiable information about any student, except for the purpose of assigning the data verification code required by division (D)(2) of this section, to any other person unless such person is employed by the school district or the information technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring of tests administered under section 3301.0711 or 3301.0712 of the Revised Code. The guidelines may

require school districts to provide the social security numbers of 1102
individual staff members. 1103

(2) The guidelines shall provide for each school district or 1104
community school to assign a data verification code that is unique 1105
on a statewide basis over time to each student whose initial Ohio 1106
enrollment is in that district or school and to report all 1107
required individual student data for that student utilizing such 1108
code. The guidelines shall also provide for assigning data 1109
verification codes to all students enrolled in districts or 1110
community schools on the effective date of the guidelines 1111
established under this section. 1112

Individual student data shall be reported to the department 1113
through the information technology centers utilizing the code but, 1114
except as provided in ~~section~~ sections 3310.11 and 3310.63 of the 1115
Revised Code, at no time shall the state board or the department 1116
have access to information that would enable any data verification 1117
code to be matched to personally identifiable student data. 1118

Each school district shall ensure that the data verification 1119
code is included in the student's records reported to any 1120
subsequent school district or community school in which the 1121
student enrolls. Any such subsequent district or school shall 1122
utilize the same identifier in its reporting of data under this 1123
section. 1124

The director of health shall request and receive, pursuant to 1125
sections 3301.0723 and 3701.62 of the Revised Code, a data 1126
verification code for a child who is receiving services under 1127
division (A)(2) of section 3701.61 of the Revised Code. 1128

(E) The guidelines adopted under this section may require 1129
school districts to collect and report data, information, or 1130
reports other than that described in divisions (A), (B), and (C) 1131
of this section for the purpose of complying with other reporting 1132

requirements established in the Revised Code. The other data, 1133
information, or reports may be maintained in the education 1134
management information system but are not required to be compiled 1135
as part of the profile formats required under division (G) of this 1136
section or the annual statewide report required under division (H) 1137
of this section. 1138

(F) Beginning with the school year that begins July 1, 1991, 1139
the board of education of each school district shall annually 1140
collect and report to the state board, in accordance with the 1141
guidelines established by the board, the data required pursuant to 1142
this section. A school district may collect and report these data 1143
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 1144

(G) The state board shall, in accordance with the procedures 1145
it adopts, annually compile the data reported by each school 1146
district pursuant to division (D) of this section. The state board 1147
shall design formats for profiling each school district as a whole 1148
and each school building within each district and shall compile 1149
the data in accordance with these formats. These profile formats 1150
shall: 1151

(1) Include all of the data gathered under this section in a 1152
manner that facilitates comparison among school districts and 1153
among school buildings within each school district; 1154

(2) Present the data on academic achievement levels as 1155
assessed by the testing of student achievement maintained pursuant 1156
to division (B)(1)(d) of this section. 1157

(H)(1) The state board shall, in accordance with the 1158
procedures it adopts, annually prepare a statewide report for all 1159
school districts and the general public that includes the profile 1160
of each of the school districts developed pursuant to division (G) 1161
of this section. Copies of the report shall be sent to each school 1162
district. 1163

(2) The state board shall, in accordance with the procedures 1164
it adopts, annually prepare an individual report for each school 1165
district and the general public that includes the profiles of each 1166
of the school buildings in that school district developed pursuant 1167
to division (G) of this section. Copies of the report shall be 1168
sent to the superintendent of the district and to each member of 1169
the district board of education. 1170

(3) Copies of the reports received from the state board under 1171
divisions (H)(1) and (2) of this section shall be made available 1172
to the general public at each school district's offices. Each 1173
district board of education shall make copies of each report 1174
available to any person upon request and payment of a reasonable 1175
fee for the cost of reproducing the report. The board shall 1176
annually publish in a newspaper of general circulation in the 1177
school district, at least twice during the two weeks prior to the 1178
week in which the reports will first be available, a notice 1179
containing the address where the reports are available and the 1180
date on which the reports will be available. 1181

(I) Any data that is collected or maintained pursuant to this 1182
section and that identifies an individual pupil is not a public 1183
record for the purposes of section 149.43 of the Revised Code. 1184

(J) As used in this section: 1185

(1) "School district" means any city, local, exempted 1186
village, or joint vocational school district and, in accordance 1187
with section 3314.17 of the Revised Code, any community school. As 1188
used in division (L) of this section, "school district" also 1189
includes any educational service center or other educational 1190
entity required to submit data using the system established under 1191
this section. 1192

(2) "Cost" means any expenditure for operating expenses made 1193
by a school district excluding any expenditures for debt 1194

retirement except for payments made to any commercial lending 1195
institution for any loan approved pursuant to section 3313.483 of 1196
the Revised Code. 1197

(K) Any person who removes data from the information system 1198
established under this section for the purpose of releasing it to 1199
any person not entitled under law to have access to such 1200
information is subject to section 2913.42 of the Revised Code 1201
prohibiting tampering with data. 1202

(L)(1) In accordance with division (L)(2) of this section and 1203
the rules adopted under division (L)(10) of this section, the 1204
department of education may sanction any school district that 1205
reports incomplete or inaccurate data, reports data that does not 1206
conform to data requirements and descriptions published by the 1207
department, fails to report data in a timely manner, or otherwise 1208
does not make a good faith effort to report data as required by 1209
this section. 1210

(2) If the department decides to sanction a school district 1211
under this division, the department shall take the following 1212
sequential actions: 1213

(a) Notify the district in writing that the department has 1214
determined that data has not been reported as required under this 1215
section and require the district to review its data submission and 1216
submit corrected data by a deadline established by the department. 1217
The department also may require the district to develop a 1218
corrective action plan, which shall include provisions for the 1219
district to provide mandatory staff training on data reporting 1220
procedures. 1221

(b) Withhold up to ten per cent of the total amount of state 1222
funds due to the district for the current fiscal year and, if not 1223
previously required under division (L)(2)(a) of this section, 1224
require the district to develop a corrective action plan in 1225

accordance with that division;	1226
(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;	1227 1228 1229
(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:	1230 1231 1232 1233
(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;	1234 1235
(ii) Conduct a site visit and evaluation of the district;	1236
(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;	1237 1238 1239
(iv) Continue monitoring the district's data reporting;	1240
(v) Assign department staff to supervise the district's data management system;	1241 1242
(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;	1243 1244 1245
(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;	1246 1247 1248 1249
(viii) If the district is issued a report card under section 3302.03 of the Revised Code and incomplete or inaccurate data submitted by the district likely caused the district to receive a higher performance rating than it deserved under that section, issue a revised report card for the district;	1250 1251 1252 1253 1254
(ix) Any other action designed to correct the district's data	1255

reporting problems. 1256

(3) Any time the department takes an action against a school 1257
district under division (L)(2) of this section, the department 1258
shall make a report of the circumstances that prompted the action. 1259
The department shall send a copy of the report to the district 1260
superintendent or chief administrator and maintain a copy of the 1261
report in its files. 1262

(4) If any action taken under division (L)(2) of this section 1263
resolves a school district's data reporting problems to the 1264
department's satisfaction, the department shall not take any 1265
further actions described by that division. If the department 1266
withheld funds from the district under that division, the 1267
department may release those funds to the district, except that if 1268
the department withheld funding under division (L)(2)(c) of this 1269
section, the department shall not release the funds withheld under 1270
division (L)(2)(b) of this section and, if the department withheld 1271
funding under division (L)(2)(d) of this section, the department 1272
shall not release the funds withheld under division (L)(2)(b) or 1273
(c) of this section. 1274

(5) Notwithstanding anything in this section to the contrary, 1275
the department may use its own staff or an outside entity to 1276
conduct an audit of a school district's data reporting practices 1277
any time the department has reason to believe the district has not 1278
made a good faith effort to report data as required by this 1279
section. If any audit conducted by an outside entity under 1280
division (L)(2)(d)(i) or (5) of this section confirms that a 1281
district has not made a good faith effort to report data as 1282
required by this section, the district shall reimburse the 1283
department for the full cost of the audit. The department may 1284
withhold state funds due to the district for this purpose. 1285

(6) Prior to issuing a revised report card for a school 1286
district under division (L)(2)(d)(viii) of this section, the 1287

department may hold a hearing to provide the district with an 1288
opportunity to demonstrate that it made a good faith effort to 1289
report data as required by this section. The hearing shall be 1290
conducted by a referee appointed by the department. Based on the 1291
information provided in the hearing, the referee shall recommend 1292
whether the department should issue a revised report card for the 1293
district. If the referee affirms the department's contention that 1294
the district did not make a good faith effort to report data as 1295
required by this section, the district shall bear the full cost of 1296
conducting the hearing and of issuing any revised report card. 1297

(7) If the department determines that any inaccurate data 1298
reported under this section caused a school district to receive 1299
excess state funds in any fiscal year, the district shall 1300
reimburse the department an amount equal to the excess funds, in 1301
accordance with a payment schedule determined by the department. 1302
The department may withhold state funds due to the district for 1303
this purpose. 1304

(8) Any school district that has funds withheld under 1305
division (L)(2) of this section may appeal the withholding in 1306
accordance with Chapter 119. of the Revised Code. 1307

(9) In all cases of a disagreement between the department and 1308
a school district regarding the appropriateness of an action taken 1309
under division (L)(2) of this section, the burden of proof shall 1310
be on the district to demonstrate that it made a good faith effort 1311
to report data as required by this section. 1312

(10) The state board of education shall adopt rules under 1313
Chapter 119. of the Revised Code to implement division (L) of this 1314
section. 1315

(M) No information technology center or school district shall 1316
acquire, change, or update its student administration software 1317
package to manage and report data required to be reported to the 1318

department unless it converts to a student software package that 1319
is certified by the department. 1320

(N) The state board of education, in accordance with sections 1321
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1322
license as defined under division (A) of section 3319.31 of the 1323
Revised Code that has been issued to any school district employee 1324
found to have willfully reported erroneous, inaccurate, or 1325
incomplete data to the education management information system. 1326

(O) No person shall release or maintain any information about 1327
any student in violation of this section. Whoever violates this 1328
division is guilty of a misdemeanor of the fourth degree. 1329

(P) The department shall disaggregate the data collected 1330
under division (B)(1)(o) of this section according to the race and 1331
socioeconomic status of the students assessed. No data collected 1332
under that division shall be included on the report cards required 1333
by section 3302.03 of the Revised Code. 1334

(Q) If the department cannot compile any of the information 1335
required by division (C)(5) of section 3302.03 of the Revised Code 1336
based upon the data collected under this section, the department 1337
shall develop a plan and a reasonable timeline for the collection 1338
of any data necessary to comply with that division. 1339

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the 1340
Revised Code: 1341

(A) "Alternative public provider" means either of the 1342
following providers that agrees to enroll a child in the 1343
provider's special education program to implement the child's 1344
individualized education program and to which the eligible 1345
applicant owes fees for the services provided to the child: 1346

(1) A school district that is not the school district in 1347
which the child is entitled to attend school or the child's school 1348

district of residence, if different; 1349

(2) A public entity other than a school district. 1350

(B) "Applicable special education weight" means the multiple 1351
specified in section 3317.013 of the Revised Code for a disability 1352
described in that section. 1353

(C) "Category one through six special education ADM" means 1354
the respective categories prescribed in divisions (F)(1) to (6) of 1355
section 3317.02 of the Revised Code. 1356

(D) "Child with a disability" and "individualized education 1357
program" have the same meanings as in section 3323.01 of the 1358
Revised Code. 1359

(E) "Eligible applicant" means any of the following: 1360

(1) Either of the natural or adoptive parents of a qualified 1361
special education child, except as otherwise specified in this 1362
division. When the marriage of the natural or adoptive parents of 1363
the student has been terminated by a divorce, dissolution of 1364
marriage, or annulment, or when the natural or adoptive parents of 1365
the student are living separate and apart under a legal separation 1366
decree, and a court has issued an order allocating the parental 1367
rights and responsibilities with respect to the child, "eligible 1368
applicant" means the residential parent as designated by the 1369
court. If the court issues a shared parenting decree, "eligible 1370
applicant" means either parent. "Eligible applicant" does not mean 1371
a parent whose custodial rights have been terminated. 1372

(2) The custodian of a qualified special education child, 1373
when a court has granted temporary, legal, or permanent custody of 1374
the child to an individual other than either of the natural or 1375
adoptive parents of the child or to a government agency; 1376

(3) The guardian of a qualified special education child, when 1377
a court has appointed a guardian for the child; 1378

(4) The grandparent of a qualified special education child, 1379
when the grandparent is the child's attorney in fact under a power 1380
of attorney executed under sections 3109.51 to 3109.62 of the 1381
Revised Code or when the grandparent has executed a caregiver 1382
authorization affidavit under sections 3109.65 to 3109.73 of the 1383
Revised Code; 1384

(5) The surrogate parent appointed for a qualified special 1385
education child pursuant to division (B) of section 3323.05 and 1386
section 3323.051 of the Revised Code; 1387

(6) A qualified special education child, if the child does 1388
not have a custodian or guardian and the child is at least 1389
eighteen years of age. 1390

(F) "Entitled to attend school" means entitled to attend 1391
school in a school district under sections 3313.64 and 3313.65 of 1392
the Revised Code. 1393

(G) "Formula ADM" and "formula amount" have the same meanings 1394
as in section 3317.02 of the Revised Code. 1395

(H) "Qualified special education child" is a child for whom 1396
all of the following conditions apply: 1397

(1) The child is at least five years of age and less than 1398
twenty-two years of age; 1399

(2) The school district in which the child is entitled to 1400
attend school, or the child's school district of residence if 1401
different, has identified the child as a child with a disability; 1402

(3) The school district in which the child is entitled to 1403
attend school, or the child's school district of residence if 1404
different, has developed an individualized education program under 1405
Chapter 3323. of the Revised Code for the child; 1406

(4) The child either: 1407

(a) Was enrolled in the schools of the school district in 1408

which the child is entitled to attend school in any grade from 1409
kindergarten through twelve in the school year prior to the school 1410
year in which a scholarship is first sought for the child; 1411

(b) Is eligible to enter school in any grade kindergarten 1412
through twelve in the school district in which the child is 1413
entitled to attend school in the school year in which a 1414
scholarship is first sought for the child. 1415

(5) The department of education has not approved a 1416
scholarship for the child under the autism scholarship program 1417
under section 3310.41 of the Revised Code for the same school year 1418
in which a scholarship under the special education scholarship 1419
pilot program is sought. 1420

(I) "Registered private provider" means a nonpublic school or 1421
other nonpublic entity that has been registered by the 1422
superintendent of public instruction under section 3310.58 of the 1423
Revised Code. 1424

(J) "Scholarship" means a scholarship awarded under the 1425
special education scholarship pilot program pursuant to sections 1426
3310.51 to 3310.64 of the Revised Code. 1427

(K) "School district of residence" has the same meaning as in 1428
section 3323.01 of the Revised Code. A community school 1429
established under Chapter 3314. of the Revised Code is not a 1430
"school district of residence" for purposes of sections 3310.51 to 1431
3310.64 of the Revised Code. 1432

(L) "School year" has the same meaning as in section 3313.62 1433
of the Revised Code. 1434

(M) "Special education program" means a school or facility 1435
that provides special education and related services to children 1436
with disabilities. 1437

Sec. 3310.52. (A) The special education scholarship pilot 1438

program is hereby established. Under the program, in fiscal years 1439
2010 through 2015, subject to division (B) of this section, the 1440
department of education annually shall pay a scholarship to an 1441
eligible applicant for services provided by an alternative public 1442
provider or a registered private provider for a qualified special 1443
education child. The scholarship shall be used only to pay all or 1444
part of the fees for the child to attend the special education 1445
program operated by the alternative public provider or registered 1446
private provider to implement the child's individualized education 1447
program in lieu of the child's attending the special education 1448
program operated by the school district in which the child is 1449
entitled to attend school. 1450

(B) The number of scholarships awarded under the pilot 1451
program in any fiscal year shall not exceed three per cent of the 1452
total number of students residing in the state identified as 1453
children with disabilities during the previous fiscal year. 1454

(C) No scholarship or renewal of a scholarship shall be 1455
awarded to an eligible applicant on behalf of a qualified special 1456
education child for the next school year, unless on or before the 1457
fifteenth day of April the eligible applicant completes the 1458
application for the scholarship or renewal, in the manner 1459
prescribed by the department, and notifies the school district in 1460
which the child is entitled to attend school that the eligible 1461
applicant has applied for the scholarship or renewal. 1462

Sec. 3310.53. (A) Except for development of the child's 1463
individualized education program, as specified in division (B) of 1464
this section, the school district in which a qualified special 1465
education child is entitled to attend school and the child's 1466
school district of residence, if different, are not obligated to 1467
provide the child with a free appropriate public education under 1468
Chapter 3323. of the Revised Code for as long as the child 1469

continues to attend the special education program operated by 1470
either an alternative public provider or a registered private 1471
provider for which a scholarship is awarded under the special 1472
education scholarship pilot program. If at any time, the eligible 1473
applicant for the child decides no longer to accept scholarship 1474
payments and enrolls the child in the special education program of 1475
the school district in which the child is entitled to attend 1476
school, that district shall provide the child with a free 1477
appropriate public education under Chapter 3323. of the Revised 1478
Code. 1479

(B) Each eligible applicant and each qualified special 1480
education child have a continuing right to the development of an 1481
individualized education program for the child that complies with 1482
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 1483
administrative rules or guidelines adopted by the Ohio department 1484
of education or the United States department of education. The 1485
school district in which a qualified special education child is 1486
entitled to attend school, or the child's school district of 1487
residence if different, shall develop each individualized 1488
education program for the child in accordance with those 1489
provisions. 1490

(C) Each school district shall notify an eligible applicant 1491
of the applicant's and qualified special education child's rights 1492
under sections 3310.51 to 3310.64 of the Revised Code by providing 1493
to each eligible applicant the comparison document prescribed in 1494
section 3323.052 of the Revised Code. An eligible applicant's 1495
receipt of that document, as acknowledged in a format prescribed 1496
by the department of education, shall constitute notice that the 1497
eligible applicant has been informed of those rights. Upon receipt 1498
of that document, subsequent acceptance of a scholarship 1499
constitutes the eligible applicant's informed consent to the 1500
provisions of sections 3310.51 to 3310.64 of the Revised Code. 1501

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 pilot 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. A qualified special education child shall not be counted in the formula ADM or category one through six special education ADM of any other school district.

Sec. 3310.55. The department of education shall deduct from a school district's state education aid, as defined in section 3317.02 of the Revised Code, and, if necessary, from its payment under 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 and the category one through six special education ADM of that school district.

Sec. 3310.56. The amount of the scholarship awarded and paid to an eligible applicant for services for a qualified special education child under the special education scholarship pilot program in each school year shall be the least of the following:

(A) The amount of fees charged for that school year by the alternative public provider or registered private provider;

(B) The sum of the amounts calculated under divisions (B)(1) and (2) of this section:

(1) The sum of the formula amount 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;

(2) The formula amount times the applicable special education weight for the child's disability; 1531
1532

(C) Twenty thousand dollars. 1533

Sec. 3310.57. The department of education shall make periodic payments to an eligible applicant for services for each qualified special education child for whom a scholarship has been awarded. 1534
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The total of all payments made to an applicant in each school year shall not exceed the amount calculated for the child under section 3310.56 of the Revised Code. 1537
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The scholarship amount shall be proportionately reduced in the case of a child who is not enrolled in the special education program of an alternative public provider or a registered private provider for the entire school year. 1540
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In accordance with division (A) of section 3310.62 of the Revised Code, the department shall make no payments to an applicant for a first-time scholarship for a qualified special education child while any administrative or judicial mediation or proceedings with respect to the content of the child's individualized education program are pending. 1544
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Sec. 3310.58. No nonpublic school or entity shall receive payments from an eligible applicant for services for a qualified special education child under the special education scholarship pilot program until the school or entity registers with the superintendent of public instruction. The superintendent shall register and designate as a registered private provider any nonpublic school or entity that meets the following requirements: 1550
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(A) The special education program operated by the school or entity meets the minimum education standards established by the state board of education. 1557
1558
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(B) The school or entity complies with the antidiscrimination 1560

provisions of 42 U.S.C. 2000d, regardless of whether the school or 1561
entity receives federal financial assistance. 1562

(C) If the school or entity is not chartered by the state 1563
board under section 3301.16 of the Revised Code, the school or 1564
entity agrees to comply with section 3319.39 of the Revised Code 1565
as if it were a school district. 1566

(D) The teaching and nonteaching professionals employed by 1567
the school or entity, or employed by any subcontractors of the 1568
school or entity, hold credentials determined by the state board 1569
to be appropriate for the qualified special education children 1570
enrolled in the special education program it operates. 1571

(E) The school or entity meets applicable health and safety 1572
standards established by law for school buildings. 1573

(F) The school or entity agrees to retain on file 1574
documentation as required by the department of education. 1575

(G) The school or entity demonstrates fiscal soundness to the 1576
satisfaction of the department. 1577

(H) The school or entity agrees to meet other requirements 1578
established by rule of the state board under section 3310.63 of 1579
the Revised Code. 1580

Sec. 3310.59. The superintendent of public instruction shall 1581
revoke the registration of any school or entity if, after a 1582
hearing, the superintendent determines that the school or entity 1583
is in violation of any provision of section 3310.58 of the Revised 1584
Code. 1585

Sec. 3310.60. A qualified special education child attending a 1586
special education program at an alternative public provider or a 1587
registered private provider with a scholarship shall be entitled 1588
to transportation to and from that program in the manner 1589

prescribed by law for any child with a disability attending a 1590
nonpublic special education program. 1591

Sec. 3310.61. An eligible applicant on behalf of a child who 1592
currently attends a public special education program under a 1593
contract, compact, or other bilateral agreement, or on behalf of a 1594
child who currently attends a community school, shall not be 1595
prohibited from applying for and accepting a scholarship so that 1596
the applicant may withdraw the child from that program or 1597
community school and use the scholarship for the child to attend a 1598
special education program operated by an alternative public 1599
provider or a registered private provider. 1600

Sec. 3310.62. (A) A scholarship under the special education 1601
scholarship pilot program shall not be awarded for the first time 1602
to an eligible applicant on behalf of a qualified special 1603
education child while the child's individualized education program 1604
is being developed by the school district in which the child is 1605
entitled to attend school, or by the child's school district of 1606
residence if different, or while any administrative or judicial 1607
mediation or proceedings with respect to the content of that 1608
individualized education program are pending. 1609

(B) Development of individualized education programs 1610
subsequent to the one developed for the child the first time a 1611
scholarship was awarded on behalf of the child and the 1612
prosecuting, by the eligible applicant on behalf of the child, of 1613
administrative or judicial mediation or proceedings with respect 1614
to any of those subsequent individualized education programs do 1615
not affect the applicant's and the child's continued eligibility 1616
for scholarship payments. 1617

(C) In the case of any child for whom a scholarship has been 1618
awarded, if the school district in which the child is entitled to 1619

attend school has agreed to provide some services for the child 1620
under an agreement entered into with the eligible applicant or 1621
with the alternative public provider or registered private 1622
provider implementing the child's individualized education 1623
program, or if the district is required by law to provide some 1624
services for the child, including transportation services under 1625
sections 3310.60 and 3327.01 of the Revised Code, the district 1626
shall not discontinue the services it is providing pending 1627
completion of any administrative proceedings regarding those 1628
services. The prosecuting, by the eligible applicant on behalf of 1629
the child, of administrative proceedings regarding the services 1630
provided by the district does not affect the applicant's and the 1631
child's continued eligibility for scholarship payments. 1632

(D) The department of education shall continue to make 1633
payments to the eligible applicant under section 3310.57 of the 1634
Revised Code while either of the following are pending: 1635

(1) Administrative or judicial mediation or proceedings with 1636
respect to a subsequent individualized education program for the 1637
child referred to in division (B) of this section; 1638

(2) Administrative proceedings regarding services provided by 1639
the district under division (C) of this section. 1640

Sec. 3310.63. (A) Only for the purpose of administering the 1641
special education scholarship pilot program, the department of 1642
education may request from any of the following entities the data 1643
verification code assigned under division (D)(2) of section 1644
3301.0714 of the Revised Code to any qualified special education 1645
child for whom a scholarship is sought under the program: 1646

(1) The school district in which the child is entitled to 1647
attend school; 1648

(2) If applicable, the community school in which the child is 1649

enrolled; 1650

(3) The independent contractor engaged to create and maintain data verification codes. 1651
1652

(B) Upon a request by the department under division (A) of this section for the data verification code of a qualified special education child or a request by the eligible applicant for the child for that code, the school district or community school shall submit that code to the department or applicant in the manner specified by the department. If the child has not been assigned a code, because the child will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that child and submit the code to the department or applicant by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child. 1653
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The department annually shall submit to each school district the name and data verification code of each child residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division. 1666
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(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law. 1671
1672
1673

(D) Any document relative to the special education scholarship pilot program that the department holds in its files that contains both a qualified special education child's name or other personally identifiable information and the child's data verification code shall not be a public record under section 149.43 of the Revised Code. 1674
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Sec. 3310.64. The state board of education shall adopt rules 1680
in accordance with Chapter 119. of the Revised Code prescribing 1681
procedures necessary to implement sections 3310.51 to 3310.62 of 1682
the Revised Code including, but not limited to, procedures for 1683
parents to apply for scholarships, standards for registered 1684
private providers, and procedures for registration of private 1685
providers. 1686

Sec. 3317.022. (A)(1) The department of education shall 1687
compute and distribute state base cost funding to each eligible 1688
school district for the fiscal year, using the information 1689
obtained under section 3317.021 of the Revised Code in the 1690
calendar year in which the fiscal year begins, according to the 1691
following formula: 1692

{[the formula amount X (formula ADM + 1693
preschool scholarship ADM)] + 1694
the sum of the base funding supplements 1695
prescribed in divisions (C)(1) to (4) 1696
of section 3317.012 of the Revised Code} - 1697
[.023 x (the sum of recognized valuation 1698
and property exemption value)] + 1699
the amounts calculated for the district under 1700
sections 3317.029 and 3317.0217 of the Revised Code 1701

If the difference obtained is a negative number, the 1702
district's computation shall be zero. 1703

(2)(a) For each school district for which the tax exempt 1704
value of the district equals or exceeds twenty-five per cent of 1705
the potential value of the district, the department of education 1706
shall calculate the difference between the district's tax exempt 1707
value and twenty-five per cent of the district's potential value. 1708

(b) For each school district to which division (A)(2)(a) of 1709

this section applies, the department shall adjust the recognized 1710
valuation used in the calculation under division (A)(1) of this 1711
section by subtracting from it the amount calculated under 1712
division (A)(2)(a) of this section. 1713

(B) As used in this section: 1714

(1) The "total special education weight" for a district means 1715
the sum of the following amounts: 1716

(a) The district's category one special education ADM 1717
multiplied by the multiple specified in division (A) of section 1718
3317.013 of the Revised Code; 1719

(b) The district's category two special education ADM 1720
multiplied by the multiple specified in division (B) of section 1721
3317.013 of the Revised Code; 1722

(c) The district's category three special education ADM 1723
multiplied by the multiple specified in division (C) of section 1724
3317.013 of the Revised Code; 1725

(d) The district's category four special education ADM 1726
multiplied by the multiple specified in division (D) of section 1727
3317.013 of the Revised Code; 1728

(e) The district's category five special education ADM 1729
multiplied by the multiple specified in division (E) of section 1730
3317.013 of the Revised Code; 1731

(f) The district's category six special education ADM 1732
multiplied by the multiple specified in division (F) of section 1733
3317.013 of the Revised Code. 1734

(2) "State share percentage" means the percentage calculated 1735
for a district as follows: 1736

(a) Calculate the state base cost funding amount for the 1737
district for the fiscal year under division (A) of this section. 1738
If the district would not receive any state base cost funding for 1739

that year under that division, the district's state share percentage is zero.

(b) If the district would receive state base cost funding under that division, divide that amount by an amount equal to the following:

(the formula amount X formula ADM) +
the sum of the base funding supplements
prescribed in divisions (C)(1) to (4)
of section 3317.012 of the Revised Code +
the sum of the amounts calculated for the district under
sections 3317.029 and 3317.0217 of the Revised Code

The resultant number is the district's state share percentage.

(3) "Related services" includes:

(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(b) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(c) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;

(d) Any service included in units funded under former division (O)(1) of section 3317.024 of the Revised Code;

(e) Any other related service needed by children with disabilities in accordance with their individualized education programs.	1771 1772 1773
(4) The "total vocational education weight" for a district means the sum of the following amounts:	1774 1775
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	1776 1777 1778
(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.	1779 1780 1781
(5) "Preschool scholarship ADM" means the number of preschool children with disabilities reported under division (B)(3)(h) of section 3317.03 of the Revised Code.	1782 1783 1784
(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following formula:	1785 1786 1787 1788
The district's state share percentage X	1789
the formula amount for the year for which	1790
the aid is calculated X the district's	1791
total special education weight	1792
(2) The attributed local share of special education and related services additional weighted costs equals:	1793 1794
(1 - the district's state share percentage) X the district's	1795
total special education weight X the formula amount	1796
(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the	1797 1798 1799 1800 1801

threshold catastrophic cost for serving the student, the district 1802
may submit to the superintendent of public instruction 1803
documentation, as prescribed by the superintendent, of all its 1804
costs for that student. Upon submission of documentation for a 1805
student of the type and in the manner prescribed, the department 1806
shall pay to the district an amount equal to the sum of the 1807
following: 1808

(i) One-half of the district's costs for the student in 1809
excess of the threshold catastrophic cost; 1810

(ii) The product of one-half of the district's costs for the 1811
student in excess of the threshold catastrophic cost multiplied by 1812
the district's state share percentage. 1813

(b) For purposes of division (C)(3)(a) of this section, the 1814
threshold catastrophic cost for serving a student equals: 1815

(i) For a student in the school district's category two, 1816
three, four, or five special education ADM, twenty-seven thousand 1817
three hundred seventy-five dollars in fiscal years 2008 and 2009; 1818

(ii) For a student in the district's category six special 1819
education ADM, thirty-two thousand eight hundred fifty dollars in 1820
fiscal years 2008 and 2009. 1821

(c) The district shall only report under division (C)(3)(a) 1822
of this section, and the department shall only pay for, the costs 1823
of educational expenses and the related services provided to the 1824
student in accordance with the student's individualized education 1825
program. Any legal fees, court costs, or other costs associated 1826
with any cause of action relating to the student may not be 1827
included in the amount. 1828

(4)(a) As used in this division, the "personnel allowance" 1829
means thirty thousand dollars in fiscal years 2008 and 2009. 1830

(b) For the provision of speech language pathology services 1831

to students, including students who do not have individualized 1832
education programs prepared for them under Chapter 3323. of the 1833
Revised Code, and for no other purpose, the department of 1834
education shall pay each school district an amount calculated 1835
under the following formula: 1836

(formula ADM divided by 2000) X 1837
the personnel allowance X 1838
the state share percentage 1839

(5) In any fiscal year, a school district shall spend for 1840
purposes that the department designates as approved for special 1841
education and related services expenses at least the amount 1842
calculated as follows: 1843

(formula amount X the sum of categories 1844
one through six special education ADM) + 1845
(total special education weight X formula amount) 1846

The purposes approved by the department for special education 1847
expenses shall include, but shall not be limited to, 1848
identification of children with disabilities, compliance with 1849
state rules governing the education of children with disabilities 1850
and prescribing the continuum of program options for children with 1851
disabilities, provision of speech language pathology services, and 1852
the portion of the school district's overall administrative and 1853
overhead costs that are attributable to the district's special 1854
education student population. 1855

The scholarships deducted from the school district's account 1856
under section 3310.41 or 3310.55 of the Revised Code shall be 1857
considered to be an approved special education and related 1858
services expense for the purpose of the school district's 1859
compliance with division (C)(5) of this section. 1860

The department shall require school districts to report data 1861
annually to allow for monitoring compliance with division (C)(5) 1862
of this section. The department shall annually report to the 1863

governor and the general assembly the amount of money spent by 1864
each school district for special education and related services. 1865

(6) In any fiscal year, a school district shall spend for the 1866
provision of speech language pathology services not less than the 1867
sum of the amount calculated under division (C)(1) of this section 1868
for the students in the district's category one special education 1869
ADM and the amount calculated under division (C)(4) of this 1870
section. 1871

The scholarships deducted from the school district's account 1872
under section 3310.55 of the Revised Code for students counted in 1873
the district's category one special education ADM shall be 1874
considered to be an approved speech language pathology services 1875
expense for the purpose of the school district's compliance with 1876
division (C)(6) of this section. 1877

(D)(1) As used in this division: 1878

(a) "Daily bus miles per student" equals the number of bus 1879
miles traveled per day, divided by transportation base. 1880

(b) "Transportation base" equals total student count as 1881
defined in section 3301.011 of the Revised Code, minus the number 1882
of students enrolled in units for preschool children with 1883
disabilities, plus the number of nonpublic school students 1884
included in transportation ADM. 1885

(c) "Transported student percentage" equals transportation 1886
ADM divided by transportation base. 1887

(d) "Transportation cost per student" equals total operating 1888
costs for board-owned or contractor-operated school buses divided 1889
by transportation base. 1890

(2) Analysis of student transportation cost data has resulted 1891
in a finding that an average efficient transportation use cost per 1892
student can be calculated by means of a regression formula that 1893

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%	1926
2002	57.5%	1927
2003 and thereafter	The greater of 60% or the district's state share percentage	1928

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:

$$\text{(per rough mile subsidy X total rough road miles)} \\ \text{X density multiplier}$$

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 1954
is rated by the department of transportation as type A, B, C, E2, 1955
or F in the county in which the school district is located or, if 1956
the district is located in more than one county, the county to 1957
which it is assigned for purposes of determining its 1958
cost-of-doing-business factor. 1959

(iii) "Statewide rough road percentage" means the percentage 1960
of the statewide total mileage of state, municipal, county, and 1961
township roads that is rated as type A, B, C, E2, or F by the 1962
department of transportation. 1963

(b) "Total rough road miles" means a school district's total 1964
bus miles traveled in one year times its county rough road 1965
percentage. 1966

(c) "Density multiplier" means a figure calculated in 1967
accordance with the following formula: 1968

$$1 - \left[\frac{\text{minimum student density} - \text{district student}}{\text{minimum student density} - \text{statewide student density}} \right]$$

1969
1970
1971

(i) "Minimum student density" means the lowest district 1972
student density in the state. 1973

(ii) "District student density" means a school district's 1974
transportation base divided by the number of square miles in the 1975
district. 1976

(iii) "Statewide student density" means the sum of the 1977
transportation bases for all school districts divided by the sum 1978
of the square miles in all school districts. 1979

(6) In addition to funds paid under divisions (D)(2) to (5) 1980
of this section, each district shall receive in accordance with 1981
rules adopted by the state board of education a payment for 1982
students transported by means other than board-owned or 1983
contractor-operated buses and whose transportation is not funded 1984

under division (G) of section 3317.024 of the Revised Code. The 1985
rules shall include provisions for school district reporting of 1986
such students. 1987

(E)(1) The department shall compute and distribute state 1988
vocational education additional weighted costs funds to each 1989
school district in accordance with the following formula: 1990

state share percentage X 1991
the formula amount X 1992
total vocational education weight 1993

In any fiscal year, a school district receiving funds under 1994
division (E)(1) of this section shall spend those funds only for 1995
the purposes that the department designates as approved for 1996
vocational education expenses. Vocational educational expenses 1997
approved by the department shall include only expenses connected 1998
to the delivery of career-technical programming to 1999
career-technical students. The department shall require the school 2000
district to report data annually so that the department may 2001
monitor the district's compliance with the requirements regarding 2002
the manner in which funding received under division (E)(1) of this 2003
section may be spent. 2004

(2) The department shall compute for each school district 2005
state funds for vocational education associated services in 2006
accordance with the following formula: 2007

state share percentage X .05 X the formula amount X 2008
the sum of categories one and two vocational education ADM 2009

In any fiscal year, a school district receiving funds under 2010
division (E)(2) of this section, or through a transfer of funds 2011
pursuant to division (L) of section 3317.023 of the Revised Code, 2012
shall spend those funds only for the purposes that the department 2013
designates as approved for vocational education associated 2014
services expenses, which may include such purposes as 2015
apprenticeship coordinators, coordinators for other vocational 2016

education services, vocational evaluation, and other purposes 2017
designated by the department. The department may deny payment 2018
under division (E)(2) of this section to any district that the 2019
department determines is not operating those services or is using 2020
funds paid under division (E)(2) of this section, or through a 2021
transfer of funds pursuant to division (L) of section 3317.023 of 2022
the Revised Code, for other purposes. 2023

(F) The actual local share in any fiscal year for the 2024
combination of special education and related services additional 2025
weighted costs funding calculated under division (C)(1) of this 2026
section, transportation funding calculated under divisions (D)(2) 2027
and (3) of this section, and vocational education and associated 2028
services additional weighted costs funding calculated under 2029
divisions (E)(1) and (2) of this section shall not exceed for any 2030
school district the product of three and three-tenths mills times 2031
the district's recognized valuation. The department annually shall 2032
pay each school district as an excess cost supplement any amount 2033
by which the sum of the district's attributed local shares for 2034
that funding exceeds that product. For purposes of calculating the 2035
excess cost supplement: 2036

(1) The attributed local share for special education and 2037
related services additional weighted costs funding is the amount 2038
specified in division (C)(2) of this section. 2039

(2) The attributed local share of transportation funding 2040
equals the difference of the total amount calculated for the 2041
district using the formula developed under division (D)(2) of this 2042
section minus the actual amount paid to the district after 2043
applying the percentage specified in division (D)(3) of this 2044
section. 2045

(3) The attributed local share of vocational education and 2046
associated services additional weighted costs funding is the 2047
amount determined as follows: 2048

(1 - state share percentage) X 2049
[(total vocational education weight X 2050
the formula amount) + the payment under 2051
division (E)(2) of this section] 2052

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 2053
(C) of this section, except as provided in division (A)(2)(h) of 2054
this section, any student enrolled in kindergarten more than half 2055
time shall be reported as one-half student under this section. 2056

(A) The superintendent of each city and exempted village 2057
school district and of each educational service center shall, for 2058
the schools under the superintendent's supervision, certify to the 2059
state board of education on or before the fifteenth day of October 2060
in each year for the first full school week in October the formula 2061
ADM. Beginning in fiscal year 2007, each superintendent also shall 2062
certify to the state board, for the schools under the 2063
superintendent's supervision, the formula ADM for the first full 2064
week in February. If a school under the superintendent's 2065
supervision is closed for one or more days during that week due to 2066
hazardous weather conditions or other circumstances described in 2067
the first paragraph of division (B) of section 3317.01 of the 2068
Revised Code, the superintendent may apply to the superintendent 2069
of public instruction for a waiver, under which the superintendent 2070
of public instruction may exempt the district superintendent from 2071
certifying the formula ADM for that school for that week and 2072
specify an alternate week for certifying the formula ADM of that 2073
school. 2074

The formula ADM shall consist of the average daily membership 2075
during such week of the sum of the following: 2076

(1) On an FTE basis, the number of students in grades 2077
kindergarten through twelve receiving any educational services 2078
from the district, except that the following categories of 2079

students shall not be included in the determination: 2080

(a) Students enrolled in adult education classes; 2081

(b) Adjacent or other district students enrolled in the 2082
district under an open enrollment policy pursuant to section 2083
3313.98 of the Revised Code; 2084

(c) Students receiving services in the district pursuant to a 2085
compact, cooperative education agreement, or a contract, but who 2086
are entitled to attend school in another district pursuant to 2087
section 3313.64 or 3313.65 of the Revised Code; 2088

(d) Students for whom tuition is payable pursuant to sections 2089
3317.081 and 3323.141 of the Revised Code; 2090

(e) Students receiving services in the district through a 2091
scholarship awarded under either section 3310.41 or sections 2092
3310.51 to 3310.64 of the Revised Code. 2093

(2) On an FTE basis, except as provided in division (A)(2)(h) 2094
of this section, the number of students entitled to attend school 2095
in the district pursuant to section 3313.64 or 3313.65 of the 2096
Revised Code, but receiving educational services in grades 2097
kindergarten through twelve from one or more of the following 2098
entities: 2099

(a) A community school pursuant to Chapter 3314. of the 2100
Revised Code, including any participation in a college pursuant to 2101
Chapter 3365. of the Revised Code while enrolled in such community 2102
school; 2103

(b) An alternative school pursuant to sections 3313.974 to 2104
3313.979 of the Revised Code as described in division (I)(2)(a) or 2105
(b) of this section; 2106

(c) A college pursuant to Chapter 3365. of the Revised Code, 2107
except when the student is enrolled in the college while also 2108
enrolled in a community school pursuant to Chapter 3314. or a 2109

science, technology, engineering, and mathematics school	2110
established under Chapter 3326. of the Revised Code;	2111
(d) An adjacent or other school district under an open	2112
enrollment policy adopted pursuant to section 3313.98 of the	2113
Revised Code;	2114
(e) An educational service center or cooperative education	2115
district;	2116
(f) Another school district under a cooperative education	2117
agreement, compact, or contract;	2118
(g) A chartered nonpublic school with a scholarship paid	2119
under section 3310.08 of the Revised Code;	2120
(h) An alternative public provider or a registered private	2121
provider with a scholarship awarded under <u>either</u> section 3310.41	2122
<u>or sections 3310.51 to 3310.64</u> of the Revised Code. Each such	2123
scholarship student who is enrolled in kindergarten shall be	2124
counted as one full-time-equivalent student.	2125
As used in this section, "alternative public provider" and	2126
"registered private provider" have the same meanings as in section	2127
3310.41 <u>or 3310.51</u> of the Revised Code, <u>as applicable</u> .	2128
(i) A science, technology, engineering, and mathematics	2129
school established under Chapter 3326. of the Revised Code,	2130
including any participation in a college pursuant to Chapter 3365.	2131
of the Revised Code while enrolled in the school.	2132
(3) Twenty per cent of the number of students enrolled in a	2133
joint vocational school district or under a vocational education	2134
compact, excluding any students entitled to attend school in the	2135
district under section 3313.64 or 3313.65 of the Revised Code who	2136
are enrolled in another school district through an open enrollment	2137
policy as reported under division (A)(2)(d) of this section and	2138
then enroll in a joint vocational school district or under a	2139

vocational education compact; 2140

(4) The number of children with disabilities, other than 2141
preschool children with disabilities, entitled to attend school in 2142
the district pursuant to section 3313.64 or 3313.65 of the Revised 2143
Code who are placed by the district with a county MR/DD board, 2144
minus the number of such children placed with a county MR/DD board 2145
in fiscal year 1998. If this calculation produces a negative 2146
number, the number reported under division (A)(4) of this section 2147
shall be zero. 2148

(5) Beginning in fiscal year 2007, in the case of the report 2149
submitted for the first full week in February, or the alternative 2150
week if specified by the superintendent of public instruction, the 2151
number of students reported under division (A)(1) or (2) of this 2152
section for the first full week of the preceding October but who 2153
since that week have received high school diplomas. 2154

(B) To enable the department of education to obtain the data 2155
needed to complete the calculation of payments pursuant to this 2156
chapter, in addition to the formula ADM, each superintendent shall 2157
report separately the following student counts for the same week 2158
for which formula ADM is certified: 2159

(1) The total average daily membership in regular day classes 2160
included in the report under division (A)(1) or (2) of this 2161
section for kindergarten, and each of grades one through twelve in 2162
schools under the superintendent's supervision; 2163

(2) The number of all preschool children with disabilities 2164
enrolled as of the first day of December in classes in the 2165
district that are eligible for approval under division (B) of 2166
section 3317.05 of the Revised Code and the number of those 2167
classes, which shall be reported not later than the fifteenth day 2168
of December, in accordance with rules adopted under that section; 2169

(3) The number of children entitled to attend school in the 2170

district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:	2171
	2172
(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	2173
	2174
	2175
(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. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	2176
	2177
	2178
	2179
	2180
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	2181
	2182
(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;	2183
	2184
	2185
	2186
	2187
	2188
(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;	2189
	2190
	2191
	2192
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	2193
	2194
(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 3310.64</u> of the Revised Code;	2195
	2196
	2197
	2198
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with	2199
	2200

a scholarship awarded under section 3310.41 of the Revised Code;	2201
(i) Participating in a program operated by a county MR/DD board or a state institution;	2202 2203
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.	2204 2205 2206 2207
(4) The number of pupils enrolled in joint vocational schools;	2208 2209
(5) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, <u>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 3310.64 of the Revised Code;</u>	2210 2211 2212 2213 2214 2215 2216 2217
(6) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, <u>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 3310.64 of the Revised Code;</u>	2218 2219 2220 2221 2222 2223 2224 2225
(7) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, <u>including children attending a special education program operated by an alternative public provider or a registered</u>	2226 2227 2228 2229 2230 2231

private provider with a scholarship awarded under sections 3310.51 2232
to 3310.64 of the Revised Code; 2233

(8) The combined average daily membership of children with 2234
disabilities reported under division (A)(1) or (2) of this section 2235
receiving special education services for category four 2236
disabilities described in division (D) of section 3317.013 of the 2237
Revised Code, including children attending a special education 2238
program operated by an alternative public provider or a registered 2239
private provider with a scholarship awarded under sections 3310.51 2240
to 3310.64 of the Revised Code; 2241

(9) The combined average daily membership of children with 2242
disabilities reported under division (A)(1) or (2) of this section 2243
receiving special education services for the category five 2244
disabilities described in division (E) of section 3317.013 of the 2245
Revised Code, including children attending a special education 2246
program operated by an alternative public provider or a registered 2247
private provider with a scholarship awarded under sections 3310.51 2248
to 3310.64 of the Revised Code; 2249

(10) The combined average daily membership of children with 2250
disabilities reported under division (A)(1) or (2) and under 2251
division (B)(3)(h) of this section receiving special education 2252
services for category six disabilities described in division (F) 2253
of section 3317.013 of the Revised Code, including children 2254
attending a special education program operated by an alternative 2255
public provider or a registered private provider with a 2256
scholarship awarded under either section 3310.41 or sections 2257
3310.51 to 3310.64 of the Revised Code; 2258

(11) The average daily membership of pupils reported under 2259
division (A)(1) or (2) of this section enrolled in category one 2260
vocational education programs or classes, described in division 2261
(A) of section 3317.014 of the Revised Code, operated by the 2262
school district or by another district, other than a joint 2263

vocational school district, or by an educational service center, 2264
excluding any student reported under division (B)(3)(e) of this 2265
section as enrolled in an internet- or computer-based community 2266
school, notwithstanding division (C) of section 3317.02 of the 2267
Revised Code and division (C)(3) of this section; 2268

(12) The average daily membership of pupils reported under 2269
division (A)(1) or (2) of this section enrolled in category two 2270
vocational education programs or services, described in division 2271
(B) of section 3317.014 of the Revised Code, operated by the 2272
school district or another school district, other than a joint 2273
vocational school district, or by an educational service center, 2274
excluding any student reported under division (B)(3)(e) of this 2275
section as enrolled in an internet- or computer-based community 2276
school, notwithstanding division (C) of section 3317.02 of the 2277
Revised Code and division (C)(3) of this section; 2278

(13) The average number of children transported by the school 2279
district on board-owned or contractor-owned and -operated buses, 2280
reported in accordance with rules adopted by the department of 2281
education; 2282

(14)(a) The number of children, other than preschool children 2283
with disabilities, the district placed with a county MR/DD board 2284
in fiscal year 1998; 2285

(b) The number of children with disabilities, other than 2286
preschool children with disabilities, placed with a county MR/DD 2287
board in the current fiscal year to receive special education 2288
services for the category one disability described in division (A) 2289
of section 3317.013 of the Revised Code; 2290

(c) The number of children with disabilities, other than 2291
preschool children with disabilities, placed with a county MR/DD 2292
board in the current fiscal year to receive special education 2293
services for category two disabilities described in division (B) 2294

of section 3317.013 of the Revised Code;	2295
(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	2296 2297 2298 2299 2300
(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	2301 2302 2303 2304 2305
(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	2306 2307 2308 2309 2310
(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD board in the current fiscal year to receive special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code.	2311 2312 2313 2314 2315
(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.	2316 2317 2318 2319 2320 2321 2322
(2) A student enrolled in a community school established under Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised	2323 2324 2325

Code shall be counted in the formula ADM and, if applicable, the 2326
category one, two, three, four, five, or six special education ADM 2327
of the school district in which the student is entitled to attend 2328
school under section 3313.64 or 3313.65 of the Revised Code for 2329
the same proportion of the school year that the student is counted 2330
in the enrollment of the community school or the science, 2331
technology, engineering, and mathematics school for purposes of 2332
section 3314.08 or 3326.33 of the Revised Code. Notwithstanding 2333
the number of students reported pursuant to division (B)(3)(d), 2334
(e), or (j) of this section, the department may adjust the formula 2335
ADM of a school district to account for students entitled to 2336
attend school in the district under section 3313.64 or 3313.65 of 2337
the Revised Code who are enrolled in a community school or a 2338
science, technology, engineering, and mathematics school for only 2339
a portion of the school year. 2340

(3) No child shall be counted as more than a total of one 2341
child in the sum of the average daily memberships of a school 2342
district under division (A), divisions (B)(1) to (12), or division 2343
(D) of this section, except as follows: 2344

(a) A child with a disability described in section 3317.013 2345
of the Revised Code may be counted both in formula ADM and in 2346
category one, two, three, four, five, or six special education ADM 2347
and, if applicable, in category one or two vocational education 2348
ADM. As provided in division (C) of section 3317.02 of the Revised 2349
Code, such a child shall be counted in category one, two, three, 2350
four, five, or six special education ADM in the same proportion 2351
that the child is counted in formula ADM. 2352

(b) A child enrolled in vocational education programs or 2353
classes described in section 3317.014 of the Revised Code may be 2354
counted both in formula ADM and category one or two vocational 2355
education ADM and, if applicable, in category one, two, three, 2356
four, five, or six special education ADM. Such a child shall be 2357

counted in category one or two vocational education ADM in the 2358
same proportion as the percentage of time that the child spends in 2359
the vocational education programs or classes. 2360

(4) Based on the information reported under this section, the 2361
department of education shall determine the total student count, 2362
as defined in section 3301.011 of the Revised Code, for each 2363
school district. 2364

(D)(1) The superintendent of each joint vocational school 2365
district shall certify to the superintendent of public instruction 2366
on or before the fifteenth day of October in each year for the 2367
first full school week in October the formula ADM. Beginning in 2368
fiscal year 2007, each superintendent also shall certify to the 2369
state superintendent the formula ADM for the first full week in 2370
February. If a school operated by the joint vocational school 2371
district is closed for one or more days during that week due to 2372
hazardous weather conditions or other circumstances described in 2373
the first paragraph of division (B) of section 3317.01 of the 2374
Revised Code, the superintendent may apply to the superintendent 2375
of public instruction for a waiver, under which the superintendent 2376
of public instruction may exempt the district superintendent from 2377
certifying the formula ADM for that school for that week and 2378
specify an alternate week for certifying the formula ADM of that 2379
school. 2380

The formula ADM, except as otherwise provided in this 2381
division, shall consist of the average daily membership during 2382
such week, on an FTE basis, of the number of students receiving 2383
any educational services from the district, including students 2384
enrolled in a community school established under Chapter 3314. or 2385
a science, technology, engineering, and mathematics school 2386
established under Chapter 3326. of the Revised Code who are 2387
attending the joint vocational district under an agreement between 2388
the district board of education and the governing authority of the 2389

community school or the science, technology, engineering, and 2390
mathematics school and are entitled to attend school in a city, 2391
local, or exempted village school district whose territory is part 2392
of the territory of the joint vocational district. Beginning in 2393
fiscal year 2007, in the case of the report submitted for the 2394
first week in February, or the alternative week if specified by 2395
the superintendent of public instruction, the superintendent of 2396
the joint vocational school district may include the number of 2397
students reported under division (D)(1) of this section for the 2398
first full week of the preceding October but who since that week 2399
have received high school diplomas. 2400

2401

The following categories of students shall not be included in 2402
the determination made under division (D)(1) of this section: 2403

(a) Students enrolled in adult education classes; 2404

(b) Adjacent or other district joint vocational students 2405
enrolled in the district under an open enrollment policy pursuant 2406
to section 3313.98 of the Revised Code; 2407

(c) Students receiving services in the district pursuant to a 2408
compact, cooperative education agreement, or a contract, but who 2409
are entitled to attend school in a city, local, or exempted 2410
village school district whose territory is not part of the 2411
territory of the joint vocational district; 2412

(d) Students for whom tuition is payable pursuant to sections 2413
3317.081 and 3323.141 of the Revised Code. 2414

(2) To enable the department of education to obtain the data 2415
needed to complete the calculation of payments pursuant to this 2416
chapter, in addition to the formula ADM, each superintendent shall 2417
report separately the average daily membership included in the 2418
report under division (D)(1) of this section for each of the 2419
following categories of students for the same week for which 2420

formula ADM is certified:	2421
(a) Students enrolled in each grade included in the joint vocational district schools;	2422 2423
(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	2424 2425 2426
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	2427 2428 2429
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	2430 2431 2432
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	2433 2434 2435
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	2436 2437 2438
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	2439 2440 2441
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	2442 2443 2444
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	2445 2446 2447
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	2448 2449 2450

to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(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:

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) or (3) of that section;

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

termination of war or their honorable discharge. 2482

If, however, any veteran described by division (E)(4) of this 2483
section elects to enroll in special courses organized for veterans 2484
for whom tuition is paid under the provisions of federal laws, or 2485
otherwise, that veteran shall not be included in average daily 2486
membership. 2487

Notwithstanding division (E)(3) of this section, the 2488
membership of any school may include a pupil who did not take a 2489
test required by section 3301.0711 of the Revised Code if the 2490
superintendent of public instruction grants a waiver from the 2491
requirement to take the test to the specific pupil and a parent is 2492
not paying tuition for the pupil pursuant to section 3313.6410 of 2493
the Revised Code. The superintendent may grant such a waiver only 2494
for good cause in accordance with rules adopted by the state board 2495
of education. 2496

Except as provided in divisions (B)(2) and (F) of this 2497
section, the average daily membership figure of any local, city, 2498
exempted village, or joint vocational school district shall be 2499
determined by dividing the figure representing the sum of the 2500
number of pupils enrolled during each day the school of attendance 2501
is actually open for instruction during the week for which the 2502
formula ADM is being certified by the total number of days the 2503
school was actually open for instruction during that week. For 2504
purposes of state funding, "enrolled" persons are only those 2505
pupils who are attending school, those who have attended school 2506
during the current school year and are absent for authorized 2507
reasons, and those children with disabilities currently receiving 2508
home instruction. 2509

The average daily membership figure of any cooperative 2510
education school district shall be determined in accordance with 2511
rules adopted by the state board of education. 2512

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

(2) If on the first school day of April the total number of classes or units for preschool children with disabilities that are eligible for approval under division (B) of section 3317.05 of the Revised Code exceeds the number of units that have been approved for the year under that division, the superintendent of schools of any city, exempted village, or cooperative education school district or educational service center shall make the certifications required by this section for that day. If the department determines additional units can be approved for the fiscal year within any limitations set forth in the acts appropriating moneys for the funding of such units, the department shall approve additional units for the fiscal year on the basis of such average daily membership. For each unit so approved, the department shall pay an amount computed in the manner prescribed in section 3317.052 or 3317.19 and section 3317.053 of the Revised Code.

(3) If a student attending a community school under Chapter

3314. or a science, technology, engineering, and mathematics 2545
school established under Chapter 3326. of the Revised Code is not 2546
included in the formula ADM certified for the school district in 2547
which the student is entitled to attend school under section 2548
3313.64 or 3313.65 of the Revised Code, the department of 2549
education shall adjust the formula ADM of that school district to 2550
include the student in accordance with division (C)(2) of this 2551
section, and shall recalculate the school district's payments 2552
under this chapter for the entire fiscal year on the basis of that 2553
adjusted formula ADM. This requirement applies regardless of 2554
whether the student was enrolled, as defined in division (E) of 2555
this section, in the community school or the science, technology, 2556
engineering, and mathematics school during the week for which the 2557
formula ADM is being certified. 2558

(4) If a student awarded an educational choice scholarship is 2559
not included in the formula ADM of the school district from which 2560
the department deducts funds for the scholarship under section 2561
3310.08 of the Revised Code, the department shall adjust the 2562
formula ADM of that school district to include the student to the 2563
extent necessary to account for the deduction, and shall 2564
recalculate the school district's payments under this chapter for 2565
the entire fiscal year on the basis of that adjusted formula ADM. 2566
This requirement applies regardless of whether the student was 2567
enrolled, as defined in division (E) of this section, in the 2568
chartered nonpublic school, the school district, or a community 2569
school during the week for which the formula ADM is being 2570
certified. 2571

(5) If a student awarded a scholarship under the special 2572
education scholarship pilot program is not included in the formula 2573
ADM of the school district from which the department deducts funds 2574
for the scholarship under section 3310.55 of the Revised Code, the 2575
department shall adjust the formula ADM of that school district to 2576

include the student to the extent necessary to account for the 2577
deduction, and shall recalculate the school district's payments 2578
under this chapter for the entire fiscal year on the basis of that 2579
adjusted formula ADM. This requirement applies regardless of 2580
whether the student was enrolled, as defined in division (E) of 2581
this section, in an alternative public provider, a registered 2582
private provider, or the school district during the week for which 2583
the formula ADM is being certified. 2584

(G)(1)(a) The superintendent of an institution operating a 2585
special education program pursuant to section 3323.091 of the 2586
Revised Code shall, for the programs under such superintendent's 2587
supervision, certify to the state board of education, in the 2588
manner prescribed by the superintendent of public instruction, 2589
both of the following: 2590

(i) The average daily membership of all children with 2591
disabilities other than preschool children with disabilities 2592
receiving services at the institution for each category of 2593
disability described in divisions (A) to (F) of section 3317.013 2594
of the Revised Code; 2595

(ii) The average daily membership of all preschool children 2596
with disabilities in classes or programs approved annually by the 2597
department of education for unit funding under section 3317.05 of 2598
the Revised Code. 2599

(b) The superintendent of an institution with vocational 2600
education units approved under division (A) of section 3317.05 of 2601
the Revised Code shall, for the units under the superintendent's 2602
supervision, certify to the state board of education the average 2603
daily membership in those units, in the manner prescribed by the 2604
superintendent of public instruction. 2605

(2) The superintendent of each county MR/DD board that 2606
maintains special education classes under section 3317.20 of the 2607

Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following:

(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;

(b) Certify to the state board, in the manner prescribed by the board, the number of all preschool children with disabilities enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes.

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

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

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the

Revised Code, that pupil's membership shall not be included in 2639
that district's membership figure used in the calculation of that 2640
district's formula ADM or included in the determination of any 2641
unit approved for the district under section 3317.05 of the 2642
Revised Code. The reporting official shall report separately the 2643
average daily membership of all pupils whose attendance in the 2644
district is unauthorized attendance, and the membership of each 2645
such pupil shall be credited to the school district in which the 2646
pupil is entitled to attend school under division (B) of section 2647
3313.64 or section 3313.65 of the Revised Code as determined by 2648
the department of education. 2649

(I)(1) A city, local, exempted village, or joint vocational 2650
school district admitting a scholarship student of a pilot project 2651
district pursuant to division (C) of section 3313.976 of the 2652
Revised Code may count such student in its average daily 2653
membership. 2654

(2) In any year for which funds are appropriated for pilot 2655
project scholarship programs, a school district implementing a 2656
state-sponsored pilot project scholarship program that year 2657
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 2658
count in average daily membership: 2659

(a) All children residing in the district and utilizing a 2660
scholarship to attend kindergarten in any alternative school, as 2661
defined in section 3313.974 of the Revised Code; 2662

(b) All children who were enrolled in the district in the 2663
preceding year who are utilizing a scholarship to attend any such 2664
alternative school. 2665

(J) The superintendent of each cooperative education school 2666
district shall certify to the superintendent of public 2667
instruction, in a manner prescribed by the state board of 2668
education, the applicable average daily memberships for all 2669

students in the cooperative education district, also indicating 2670
the city, local, or exempted village district where each pupil is 2671
entitled to attend school under section 3313.64 or 3313.65 of the 2672
Revised Code. 2673

(K) If the superintendent of public instruction determines 2674
that a component of the formula ADM certified or reported by a 2675
district superintendent, or other reporting entity, is not 2676
correct, the superintendent of public instruction may order that 2677
the formula ADM used for the purposes of payments under any 2678
section of Title XXXVIII of the Revised Code be adjusted in the 2679
amount of the error. 2680

Sec. 3323.052. Not later than January 31, 2009, the 2681
department of education shall develop a document that compares a 2682
parent's and child's rights under this chapter and 20 U.S.C. 1400 2683
et seq. with the parent's and child's rights under the special 2684
education scholarship pilot program, established in sections 2685
3310.51 to 3310.64 of the Revised Code, including the deadline for 2686
application for a scholarship or renewal of a scholarship and 2687
notice of that application to the child's school district, 2688
prescribed in division (C) of section 3310.52 of the Revised Code, 2689
and the provisions of divisions (A) and (B) of section 3310.53 of 2690
the Revised Code. The department shall revise that document as 2691
necessary to reflect any pertinent changes in state or federal 2692
statutory law, rule, or regulation enacted or adopted after the 2693
initial document is developed. The department and each school 2694
district shall ensure that the document prescribed in this section 2695
is included in, appended to, or otherwise distributed in 2696
conjunction with the notice required under 20 U.S.C. 1415(d), and 2697
any provision of the Code of Federal Regulations implementing that 2698
requirement, in the manner and at all the times specified for such 2699
notice in federal law or regulation. As used in this section, a 2700
"child's school district" means the school district in which the 2701

child is entitled to attend school under section 3313.64 or 2702
3313.65 of the Revised Code. 2703

Sec. 4776.01. As used in this chapter: 2704

(A) "License" means any of the following: 2705

(1) An authorization evidenced by a license, certificate, 2706
registration, permit, card, or other authority that is issued or 2707
conferred by a licensing agency described in division (C)(1) of 2708
this section to a licensee or to an applicant for an initial 2709
license by which the licensee or initial license applicant has or 2710
claims the privilege to engage in a profession, occupation, or 2711
occupational activity, or to have control of and operate certain 2712
specific equipment, machinery, or premises, over which the 2713
licensing agency has jurisdiction. 2714

(2) An authorization evidenced by a license or certificate 2715
that is issued by a licensing agency described in division (C)(2) 2716
of this section pursuant to section 4715.12, 4715.16, 4715.21, or 2717
4715.27 of the Revised Code to a licensee or to an applicant for 2718
an initial license by which the licensee or initial license 2719
applicant has or claims the privilege to engage in a profession, 2720
occupation, or occupational activity over which the licensing 2721
agency has jurisdiction. 2722

(B) "Licensee" means the person to whom the license is issued 2723
by a licensing agency. 2724

(C) "Licensing agency" means any of the following: 2725

(1) The board authorized by Chapters 4701., 4717., 4725., 2726
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 2727
4759., 4760., 4761., 4762., and 4779. of the Revised Code to issue 2728
a license to engage in a specific profession, occupation, or 2729
occupational activity, or to have charge of and operate certain 2730
specified equipment, machinery, or premises. 2731

(2) The state dental board, relative to its authority to 2732
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 2733
4715.27 of the Revised Code. 2734

(D) "Applicant for an initial license" includes persons 2735
seeking a license for the first time and persons seeking a license 2736
by reciprocity, endorsement, or similar manner of a license issued 2737
in another state. 2738

(E) "Applicant for a restored license" includes persons 2739
seeking restoration of a certificate under section 4730.14, 2740
4731.281, 4760.06, or 4762.06 of the Revised Code. 2741

(F) "Criminal records check" has the same meaning as in 2742
division ~~(E)~~(F) of section 109.572 of the Revised Code. 2743

Sec. 5727.84. (A) As used in this section and sections 2744
5727.85, 5727.86, and 5727.87 of the Revised Code: 2745

(1) "School district" means a city, local, or exempted 2746
village school district. 2747

(2) "Joint vocational school district" means a joint 2748
vocational school district created under section 3311.16 of the 2749
Revised Code, and includes a cooperative education school district 2750
created under section 3311.52 or 3311.521 of the Revised Code and 2751
a county school financing district created under section 3311.50 2752
of the Revised Code. 2753

(3) "Local taxing unit" means a subdivision or taxing unit, 2754
as defined in section 5705.01 of the Revised Code, a park district 2755
created under Chapter 1545. of the Revised Code, or a township 2756
park district established under section 511.23 of the Revised 2757
Code, but excludes school districts and joint vocational school 2758
districts. 2759

(4) "State education aid," for a school district, means the 2760
sum of state aid amounts computed for the district under divisions 2761

(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 2762
divisions (B), (C), and (D) of section 3317.023; divisions (G), 2763
(L), and (N) of section 3317.024; and sections 3317.029, 2764
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 2765
the Revised Code; and the adjustments required by: division (C) of 2766
section 3310.08; division (C)(2) of section 3310.41; section 2767
3310.55; division (C) of section 3314.08; division (D)(2) of 2768
section 3314.091; division (D) of section 3314.13; divisions (E), 2769
(K), (L), (M), (N), and (O) of section 3317.023; division (C) of 2770
section 3317.20; and sections 3313.979 and 3313.981 of the Revised 2771
Code. However, when calculating state education aid for a school 2772
district for fiscal years 2008 and 2009, include the amount 2773
computed for the district under Section 269.20.80 of H.B. 119 of 2774
the 127th general assembly, as subsequently amended, instead of 2775
division (D) of section 3317.022 of the Revised Code; and include 2776
amounts calculated under Section 269.30.80 of this act, as 2777
subsequently amended; ~~and account for adjustments under division~~ 2778
~~(C)(2) of section 3310.41 of the Revised Code.~~ 2779

(5) "State education aid," for a joint vocational school 2781
district, means the sum of the state aid amounts computed for the 2782
district under division (N) of section 3317.024 and section 2783
3317.16 of the Revised Code. However, when calculating state 2784
education aid for a joint vocational school district for fiscal 2785
years 2008 and 2009, include the amount computed for the district 2786
under Section 269.30.90 of H.B. 119 of the 127th general assembly, 2787
as subsequently amended. 2788

(6) "State education aid offset" means the amount determined 2789
for each school district or joint vocational school district under 2790
division (A)(1) of section 5727.85 of the Revised Code. 2791

(7) "Recognized valuation" has the same meaning as in section 2792
3317.02 of the Revised Code. 2793

(8) "Electric company tax value loss" means the amount determined under division (D) of this section.	2794 2795
(9) "Natural gas company tax value loss" means the amount determined under division (E) of this section.	2796 2797
(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	2798 2799
(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	2800 2801
(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	2802 2803
(13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code.	2804 2805 2806 2807 2808
(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	2809 2810
(15) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.	2811 2812 2813
(B) The kilowatt-hour tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.81 of the Revised Code. All money in the kilowatt-hour tax receipts fund shall be credited as follows:	2814 2815 2816 2817
(1) Sixty-three per cent shall be credited to the general revenue fund.	2818 2819
(2) Twenty-five and four-tenths per cent shall be credited to the school district property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.85 of the Revised Code.	2820 2821 2822 2823

(3) Eleven and six-tenths per cent shall be credited to the local government property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.86 of the Revised Code.

(C) The natural gas tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.811 of the Revised Code. All money in the fund shall be credited as follows:

(1) Sixty-eight and seven-tenths per cent shall be credited to the school district property tax replacement fund for the purpose of making the payments described in section 5727.85 of the Revised Code.

(2) Thirty-one and three-tenths per cent shall be credited to the local government property tax replacement fund for the purpose of making the payments described in section 5727.86 of the Revised Code.

(D) Not later than January 1, 2002, the tax commissioner shall determine for each taxing district its electric company tax value loss, which is the sum of the applicable amounts described in divisions (D)(1) to (4) of this section:

(1) The difference obtained by subtracting the amount described in division (D)(1)(b) from the amount described in division (D)(1)(a) of this section.

(a) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 1999, and as apportioned to the taxing district for tax year 1998;

(b) The value of electric company and rural electric company tangible personal property as assessed by the tax commissioner for tax year 1998 had the property been apportioned to the taxing

district for tax year 2001, and assessed at the rates in effect 2855
for tax year 2001. 2856

(2) The difference obtained by subtracting the amount 2857
described in division (D)(2)(b) from the amount described in 2858
division (D)(2)(a) of this section. 2859

(a) The three-year average for tax years 1996, 1997, and 1998 2860
of the assessed value from nuclear fuel materials and assemblies 2861
assessed against a person under Chapter 5711. of the Revised Code 2862
from the leasing of them to an electric company for those 2863
respective tax years, as reflected in the preliminary assessments; 2864

(b) The three-year average assessed value from nuclear fuel 2865
materials and assemblies assessed under division (D)(2)(a) of this 2866
section for tax years 1996, 1997, and 1998, as reflected in the 2867
preliminary assessments, using an assessment rate of twenty-five 2868
per cent. 2869

(3) In the case of a taxing district having a nuclear power 2870
plant within its territory, any amount, resulting in an electric 2871
company tax value loss, obtained by subtracting the amount 2872
described in division (D)(1) of this section from the difference 2873
obtained by subtracting the amount described in division (D)(3)(b) 2874
of this section from the amount described in division (D)(3)(a) of 2875
this section. 2876

(a) The value of electric company tangible personal property 2877
as assessed by the tax commissioner for tax year 2000 on a 2878
preliminary assessment, or an amended preliminary assessment if 2879
issued prior to March 1, 2001, and as apportioned to the taxing 2880
district for tax year 2000; 2881

(b) The value of electric company tangible personal property 2882
as assessed by the tax commissioner for tax year 2001 on a 2883
preliminary assessment, or an amended preliminary assessment if 2884
issued prior to March 1, 2002, and as apportioned to the taxing 2885

district for tax year 2001. 2886

(4) In the case of a taxing district having a nuclear power 2887
plant within its territory, the difference obtained by subtracting 2888
the amount described in division (D)(4)(b) of this section from 2889
the amount described in division (D)(4)(a) of this section, 2890
provided that such difference is greater than ten per cent of the 2891
amount described in division (D)(4)(a) of this section. 2892

(a) The value of electric company tangible personal property 2893
as assessed by the tax commissioner for tax year 2005 on a 2894
preliminary assessment, or an amended preliminary assessment if 2895
issued prior to March 1, 2006, and as apportioned to the taxing 2896
district for tax year 2005; 2897

(b) The value of electric company tangible personal property 2898
as assessed by the tax commissioner for tax year 2006 on a 2899
preliminary assessment, or an amended preliminary assessment if 2900
issued prior to March 1, 2007, and as apportioned to the taxing 2901
district for tax year 2006. 2902

(E) Not later than January 1, 2002, the tax commissioner 2903
shall determine for each taxing district its natural gas company 2904
tax value loss, which is the sum of the amounts described in 2905
divisions (E)(1) and (2) of this section: 2906

(1) The difference obtained by subtracting the amount 2907
described in division (E)(1)(b) from the amount described in 2908
division (E)(1)(a) of this section. 2909

(a) The value of all natural gas company tangible personal 2910
property, other than property described in division (E)(2) of this 2911
section, as assessed by the tax commissioner for tax year 1999 on 2912
a preliminary assessment, or an amended preliminary assessment if 2913
issued prior to March 1, 2000, and apportioned to the taxing 2914
district for tax year 1999; 2915

(b) The value of all natural gas company tangible personal 2916

property, other than property described in division (E)(2) of this section, as assessed by the tax commissioner for tax year 1999 had the property been apportioned to the taxing district for tax year 2001, and assessed at the rates in effect for tax year 2001.

(2) The difference in the value of current gas obtained by subtracting the amount described in division (E)(2)(b) from the amount described in division (E)(2)(a) of this section.

(a) The three-year average assessed value of current gas as assessed by the tax commissioner for tax years 1997, 1998, and 1999 on a preliminary assessment, or an amended preliminary assessment if issued prior to March 1, 2001, and as apportioned in the taxing district for those respective years;

(b) The three-year average assessed value from current gas under division (E)(2)(a) of this section for tax years 1997, 1998, and 1999, as reflected in the preliminary assessment, using an assessment rate of twenty-five per cent.

(F) The tax commissioner may request that natural gas companies, electric companies, and rural electric companies file a report to help determine the tax value loss under divisions (D) and (E) of this section. The report shall be filed within thirty days of the commissioner's request. A company that fails to file the report or does not timely file the report is subject to the penalty in section 5727.60 of the Revised Code.

(G) Not later than January 1, 2002, the tax commissioner shall determine for each school district, joint vocational school district, and local taxing unit its fixed-rate levy loss, which is the sum of its electric company tax value loss multiplied by the tax rate in effect in tax year 1998 for fixed-rate levies and its natural gas company tax value loss multiplied by the tax rate in effect in tax year 1999 for fixed-rate levies.

(H) Not later than January 1, 2002, the tax commissioner

shall determine for each school district, joint vocational school 2948
district, and local taxing unit its fixed-sum levy loss, which is 2949
the amount obtained by subtracting the amount described in 2950
division (H)(2) of this section from the amount described in 2951
division (H)(1) of this section: 2952

(1) The sum of the electric company tax value loss multiplied 2953
by the tax rate in effect in tax year 1998, and the natural gas 2954
company tax value loss multiplied by the tax rate in effect in tax 2955
year 1999, for fixed-sum levies for all taxing districts within 2956
each school district, joint vocational school district, and local 2957
taxing unit. For the years 2002 through 2006, this computation 2958
shall include school district emergency levies that existed in 2959
1998 in the case of the electric company tax value loss, and 1999 2960
in the case of the natural gas company tax value loss, and all 2961
other fixed-sum levies that existed in 1998 in the case of the 2962
electric company tax value loss and 1999 in the case of the 2963
natural gas company tax value loss and continue to be charged in 2964
the tax year preceding the distribution year. For the years 2007 2965
through 2016 in the case of school district emergency levies, and 2966
for all years after 2006 in the case of all other fixed-sum 2967
levies, this computation shall exclude all fixed-sum levies that 2968
existed in 1998 in the case of the electric company tax value loss 2969
and 1999 in the case of the natural gas company tax value loss, 2970
but are no longer in effect in the tax year preceding the 2971
distribution year. For the purposes of this section, an emergency 2972
levy that existed in 1998 in the case of the electric company tax 2973
value loss, and 1999 in the case of the natural gas company tax 2974
value loss, continues to exist in a year beginning on or after 2975
January 1, 2007, but before January 1, 2017, if, in that year, the 2976
board of education levies a school district emergency levy for an 2977
annual sum at least equal to the annual sum levied by the board in 2978
tax year 1998 or 1999, respectively, less the amount of the 2979
payment certified under this division for 2002. 2980

(2) The total taxable value in tax year 1999 less the tax value loss in each school district, joint vocational school district, and local taxing unit multiplied by one-fourth of one mill.

If the amount computed under division (H) of this section for any school district, joint vocational school district, or local taxing unit is greater than zero, that amount shall equal the fixed-sum levy loss reimbursed pursuant to division (E) of section 5727.85 of the Revised Code or division (A)(2) of section 5727.86 of the Revised Code, and the one-fourth of one mill that is subtracted under division (H)(2) of this section shall be apportioned among all contributing fixed-sum levies in the proportion of each levy to the sum of all fixed-sum levies within each school district, joint vocational school district, or local taxing unit.

(I) Notwithstanding divisions (D), (E), (G), and (H) of this section, in computing the tax value loss, fixed-rate levy loss, and fixed-sum levy loss, the tax commissioner shall use the greater of the 1998 tax rate or the 1999 tax rate in the case of levy losses associated with the electric company tax value loss, but the 1999 tax rate shall not include for this purpose any tax levy approved by the voters after June 30, 1999, and the tax commissioner shall use the greater of the 1999 or the 2000 tax rate in the case of levy losses associated with the natural gas company tax value loss.

(J) Not later than January 1, 2002, the tax commissioner shall certify to the department of education the tax value loss determined under divisions (D) and (E) of this section for each taxing district, the fixed-rate levy loss calculated under division (G) of this section, and the fixed-sum levy loss calculated under division (H) of this section. The calculations under divisions (G) and (H) of this section shall separately

display the levy loss for each levy eligible for reimbursement. 3013

(K) Not later than September 1, 2001, the tax commissioner 3014
shall certify the amount of the fixed-sum levy loss to the county 3015
auditor of each county in which a school district with a fixed-sum 3016
levy loss has territory. 3017

Section 2. That existing sections 109.57, 109.572, 3301.0714, 3018
3317.022, 3317.03, 4776.01, and 5727.84 of the Revised Code are 3019
hereby repealed. 3020

Section 3. The State Board of Education shall initiate 3021
rulemaking procedures for the rules for the Special Education 3022
Scholarship Pilot Program, required under section 3310.64 of the 3023
Revised Code, as enacted by this act, so that those rules are in 3024
effect by January 31, 2009. 3025

Section 4. The Department of Education shall conduct a 3026
formative evaluation of the Special Education Scholarship Pilot 3027
Program established under sections 3310.51 to 3310.64 of the 3028
Revised Code, using both quantitative and qualitative analyses, 3029
and shall report its findings to the General Assembly not later 3030
than December 31, 2011. In conducting the evaluation, the 3031
Department shall to the extent possible gather comments from 3032
parents who have been awarded scholarships under the program, 3033
school district officials, representatives of registered private 3034
providers, educators, and representatives of educational 3035
organizations for inclusion in the report required under this 3036
section. 3037