

As Reported by the House Education Committee

127th General Assembly

Regular Session

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Sub. S. B. No. 57

Senator Coughlin

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

Representatives Setzer, Peterson, Schlichter, Webster

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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, 3310.52, 3310.521, 3310.53 3
to 3310.64, and 3323.052 of the Revised Code and 4
to amend Section 3 of Am. Sub. H.B. 79 of the 5
126th General Assembly to create the Special 6
Education Scholarship Pilot Program and to extend 7
the deadline for the Partnership for Continued 8
Learning to submit a report on community schools 9
and the Educational Choice Scholarship Pilot 10
Program. 11

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

Section 1. That sections 109.57, 109.572, 3301.0714, 12
3317.022, 3317.03, 4776.01, and 5727.84 be amended and sections 13
3310.51, 3310.52, 3310.521, 3310.53, 3310.54, 3310.55, 3310.56, 14
3310.57, 3310.58, 3310.59, 3310.60, 3310.61, 3310.62, 3310.63, 15
3310.64, and 3323.052 of the Revised Code be enacted to read as 16
follows: 17

Sec. 109.57. (A)(1) The superintendent of the bureau of 18

criminal identification and investigation shall procure from 19
wherever procurable and file for record photographs, pictures, 20
descriptions, fingerprints, measurements, and other information 21
that may be pertinent of all persons who have been convicted of 22
committing within this state a felony, any crime constituting a 23
misdemeanor on the first offense and a felony on subsequent 24
offenses, or any misdemeanor described in division (A)(1)(a) or 25
(A)(10)(a) of section 109.572 of the Revised Code, of all children 26
under eighteen years of age who have been adjudicated delinquent 27
children for committing within this state an act that would be a 28
felony or an offense of violence if committed by an adult or who 29
have been convicted of or pleaded guilty to committing within this 30
state a felony or an offense of violence, and of all well-known 31
and habitual criminals. The person in charge of any county, 32
multicounty, municipal, municipal-county, or multicounty-municipal 33
jail or workhouse, community-based correctional facility, halfway 34
house, alternative residential facility, or state correctional 35
institution and the person in charge of any state institution 36
having custody of a person suspected of having committed a felony, 37
any crime constituting a misdemeanor on the first offense and a 38
felony on subsequent offenses, or any misdemeanor described in 39
division (A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised 40
Code or having custody of a child under eighteen years of age with 41
respect to whom there is probable cause to believe that the child 42
may have committed an act that would be a felony or an offense of 43
violence if committed by an adult shall furnish such material to 44
the superintendent of the bureau. Fingerprints, photographs, or 45
other descriptive information of a child who is under eighteen 46
years of age, has not been arrested or otherwise taken into 47
custody for committing an act that would be a felony or an offense 48
of violence if committed by an adult, has not been adjudicated a 49
delinquent child for committing an act that would be a felony or 50
an offense of violence if committed by an adult, has not been 51

convicted of or pleaded guilty to committing a felony or an 52
offense of violence, and is not a child with respect to whom there 53
is probable cause to believe that the child may have committed an 54
act that would be a felony or an offense of violence if committed 55
by an adult shall not be procured by the superintendent or 56
furnished by any person in charge of any county, multicounty, 57
municipal, municipal-county, or multicounty-municipal jail or 58
workhouse, community-based correctional facility, halfway house, 59
alternative residential facility, or state correctional 60
institution, except as authorized in section 2151.313 of the 61
Revised Code. 62

(2) Every clerk of a court of record in this state, other 63
than the supreme court or a court of appeals, shall send to the 64
superintendent of the bureau a weekly report containing a summary 65
of each case involving a felony, involving any crime constituting 66
a misdemeanor on the first offense and a felony on subsequent 67
offenses, involving a misdemeanor described in division (A)(1)(a) 68
or (A)(10)(a) of section 109.572 of the Revised Code, or involving 69
an adjudication in a case in which a child under eighteen years of 70
age was alleged to be a delinquent child for committing an act 71
that would be a felony or an offense of violence if committed by 72
an adult. The clerk of the court of common pleas shall include in 73
the report and summary the clerk sends under this division all 74
information described in divisions (A)(2)(a) to (f) of this 75
section regarding a case before the court of appeals that is 76
served by that clerk. The summary shall be written on the standard 77
forms furnished by the superintendent pursuant to division (B) of 78
this section and shall include the following information: 79

(a) The incident tracking number contained on the standard 80
forms furnished by the superintendent pursuant to division (B) of 81
this section; 82

(b) The style and number of the case; 83

(c) The date of arrest;	84
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	85 86 87 88 89 90 91 92 93 94 95 96
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	97 98
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	99 100 101 102
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	103 104 105 106 107
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division	108 109 110 111 112 113 114

(A)(1)(a) or (A)(10)(a) of section 109.572 of the Revised Code and 115
of all children under eighteen years of age arrested or otherwise 116
taken into custody for committing an act that would be a felony or 117
an offense of violence if committed by an adult. The 118
superintendent also shall file for record the fingerprint 119
impressions of all persons confined in a county, multicounty, 120
municipal, municipal-county, or multicounty-municipal jail or 121
workhouse, community-based correctional facility, halfway house, 122
alternative residential facility, or state correctional 123
institution for the violation of state laws and of all children 124
under eighteen years of age who are confined in a county, 125
multicounty, municipal, municipal-county, or multicounty-municipal 126
jail or workhouse, community-based correctional facility, halfway 127
house, alternative residential facility, or state correctional 128
institution or in any facility for delinquent children for 129
committing an act that would be a felony or an offense of violence 130
if committed by an adult, and any other information that the 131
superintendent may receive from law enforcement officials of the 132
state and its political subdivisions. 133

(4) The superintendent shall carry out Chapter 2950. of the 134
Revised Code with respect to the registration of persons who are 135
convicted of or plead guilty to a sexually oriented offense or a 136
child-victim oriented offense and with respect to all other duties 137
imposed on the bureau under that chapter. 138

(5) The bureau shall perform centralized recordkeeping 139
functions for criminal history records and services in this state 140
for purposes of the national crime prevention and privacy compact 141
set forth in section 109.571 of the Revised Code and is the 142
criminal history record repository as defined in that section for 143
purposes of that compact. The superintendent or the 144
superintendent's designee is the compact officer for purposes of 145
that compact and shall carry out the responsibilities of the 146

compact officer specified in that compact. 147

(B) The superintendent shall prepare and furnish to every 148
county, multicounty, municipal, municipal-county, or 149
multicounty-municipal jail or workhouse, community-based 150
correctional facility, halfway house, alternative residential 151
facility, or state correctional institution and to every clerk of 152
a court in this state specified in division (A)(2) of this section 153
standard forms for reporting the information required under 154
division (A) of this section. The standard forms that the 155
superintendent prepares pursuant to this division may be in a 156
tangible format, in an electronic format, or in both tangible 157
formats and electronic formats. 158

(C)(1) The superintendent may operate a center for 159
electronic, automated, or other data processing for the storage 160
and retrieval of information, data, and statistics pertaining to 161
criminals and to children under eighteen years of age who are 162
adjudicated delinquent children for committing an act that would 163
be a felony or an offense of violence if committed by an adult, 164
criminal activity, crime prevention, law enforcement, and criminal 165
justice, and may establish and operate a statewide communications 166
network to gather and disseminate information, data, and 167
statistics for the use of law enforcement agencies and for other 168
uses specified in this division. The superintendent may gather, 169
store, retrieve, and disseminate information, data, and statistics 170
that pertain to children who are under eighteen years of age and 171
that are gathered pursuant to sections 109.57 to 109.61 of the 172
Revised Code together with information, data, and statistics that 173
pertain to adults and that are gathered pursuant to those 174
sections. 175

(2) The superintendent or the superintendent's designee shall 176
gather information of the nature described in division (C)(1) of 177
this section that pertains to the offense and delinquency history 178

of a person who has been convicted of, pleaded guilty to, or been 179
adjudicated a delinquent child for committing a sexually oriented 180
offense or a child-victim oriented offense for inclusion in the 181
state registry of sex offenders and child-victim offenders 182
maintained pursuant to division (A)(1) of section 2950.13 of the 183
Revised Code and in the internet database operated pursuant to 184
division (A)(13) of that section and for possible inclusion in the 185
internet database operated pursuant to division (A)(11) of that 186
section. 187

(3) In addition to any other authorized use of information, 188
data, and statistics of the nature described in division (C)(1) of 189
this section, the superintendent or the superintendent's designee 190
may provide and exchange the information, data, and statistics 191
pursuant to the national crime prevention and privacy compact as 192
described in division (A)(5) of this section. 193

(D) The information and materials furnished to the 194
superintendent pursuant to division (A) of this section and 195
information and materials furnished to any board or person under 196
division (F) or (G) of this section are not public records under 197
section 149.43 of the Revised Code. The superintendent or the 198
superintendent's designee shall gather and retain information so 199
furnished under division (A) of this section that pertains to the 200
offense and delinquency history of a person who has been convicted 201
of, pleaded guilty to, or been adjudicated a delinquent child for 202
committing a sexually oriented offense or a child-victim oriented 203
offense for the purposes described in division (C)(2) of this 204
section. 205

(E) The attorney general shall adopt rules, in accordance 206
with Chapter 119. of the Revised Code, setting forth the procedure 207
by which a person may receive or release information gathered by 208
the superintendent pursuant to division (A) of this section. A 209
reasonable fee may be charged for this service. If a temporary 210

employment service submits a request for a determination of 211
whether a person the service plans to refer to an employment 212
position has been convicted of or pleaded guilty to an offense 213
listed in division (A)(1), (3), (4), (5), or (6) of section 214
109.572 of the Revised Code, the request shall be treated as a 215
single request and only one fee shall be charged. 216

(F)(1) As used in division (F)(2) of this section, "head 217
start agency" means an entity in this state that has been approved 218
to be an agency for purposes of subchapter II of the "Community 219
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 220
as amended. 221

(2)(a) In addition to or in conjunction with any request that 222
is required to be made under section 109.572, 2151.86, 3301.32, or 223
3301.541, division (C) of section 3310.58, or section 3319.39, 224
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 225
5126.28, 5126.281, or 5153.111 of the Revised Code, the board of 226
education of any school district; the director of mental 227
retardation and developmental disabilities; any county board of 228
mental retardation and developmental disabilities; any entity 229
under contract with a county board of mental retardation and 230
developmental disabilities; the chief administrator of any 231
chartered nonpublic school; the chief administrator of a 232
registered private provider that is not also a chartered nonpublic 233
school; the chief administrator of any home health agency; the 234
chief administrator of or person operating any child day-care 235
center, type A family day-care home, or type B family day-care 236
home licensed or certified under Chapter 5104. of the Revised 237
Code; the administrator of any type C family day-care home 238
certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 239
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 240
general assembly; the chief administrator of any head start 241
agency; the executive director of a public children services 242

agency; or an employer described in division (A)(2) of section 243
3319.391 or division (J)(2) of section 3327.10 of the Revised Code 244
may request that the superintendent of the bureau investigate and 245
determine, with respect to any individual who has applied for 246
employment in any position after October 2, 1989, or any 247
individual wishing to apply for employment with a board of 248
education may request, with regard to the individual, whether the 249
bureau has any information gathered under division (A) of this 250
section that pertains to that individual. On receipt of the 251
request, the superintendent shall determine whether that 252
information exists and, upon request of the person, board, or 253
entity requesting information, also shall request from the federal 254
bureau of investigation any criminal records it has pertaining to 255
that individual. The superintendent or the superintendent's 256
designee also may request criminal history records from other 257
states or the federal government pursuant to the national crime 258
prevention and privacy compact set forth in section 109.571 of the 259
Revised Code. Within thirty days of the date that the 260
superintendent receives a request, the superintendent shall send 261
to the board, entity, or person a report of any information that 262
the superintendent determines exists, including information 263
contained in records that have been sealed under section 2953.32 264
of the Revised Code, and, within thirty days of its receipt, shall 265
send the board, entity, or person a report of any information 266
received from the federal bureau of investigation, other than 267
information the dissemination of which is prohibited by federal 268
law. 269

(b) When a board of education or a registered private 270
provider is required to receive information under this section as 271
a prerequisite to employment of an individual pursuant to division 272
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 273
may accept a certified copy of records that were issued by the 274
bureau of criminal identification and investigation and that are 275

presented by an individual applying for employment with the 276
district in lieu of requesting that information itself. In such a 277
case, the board or provider shall accept the certified copy issued 278
by the bureau in order to make a photocopy of it for that 279
individual's employment application documents and shall return the 280
certified copy to the individual. In a case of that nature, a 281
district or provider only shall accept a certified copy of records 282
of that nature within one year after the date of their issuance by 283
the bureau. 284

(3) The state board of education may request, with respect to 285
any individual who has applied for employment after October 2, 286
1989, in any position with the state board or the department of 287
education, any information that a school district board of 288
education is authorized to request under division (F)(2) of this 289
section, and the superintendent of the bureau shall proceed as if 290
the request has been received from a school district board of 291
education under division (F)(2) of this section. 292

(4) When the superintendent of the bureau receives a request 293
for information under section 3319.291 of the Revised Code, the 294
superintendent shall proceed as if the request has been received 295
from a school district board of education under division (F)(2) of 296
this section. 297

(5) When a recipient of a classroom reading improvement grant 298
paid under section 3301.86 of the Revised Code requests, with 299
respect to any individual who applies to participate in providing 300
any program or service funded in whole or in part by the grant, 301
the information that a school district board of education is 302
authorized to request under division (F)(2)(a) of this section, 303
the superintendent of the bureau shall proceed as if the request 304
has been received from a school district board of education under 305
division (F)(2)(a) of this section. 306

(G) In addition to or in conjunction with any request that is 307

required to be made under section 3701.881, 3712.09, 3721.121, or 308
3722.151 of the Revised Code with respect to an individual who has 309
applied for employment in a position that involves providing 310
direct care to an older adult, the chief administrator of a home 311
health agency, hospice care program, home licensed under Chapter 312
3721. of the Revised Code, adult day-care program operated 313
pursuant to rules adopted under section 3721.04 of the Revised 314
Code, or adult care facility may request that the superintendent 315
of the bureau investigate and determine, with respect to any 316
individual who has applied after January 27, 1997, for employment 317
in a position that does not involve providing direct care to an 318
older adult, whether the bureau has any information gathered under 319
division (A) of this section that pertains to that individual. 320

In addition to or in conjunction with any request that is 321
required to be made under section 173.27 of the Revised Code with 322
respect to an individual who has applied for employment in a 323
position that involves providing ombudsperson services to 324
residents of long-term care facilities or recipients of 325
community-based long-term care services, the state long-term care 326
ombudsperson, ombudsperson's designee, or director of health may 327
request that the superintendent investigate and determine, with 328
respect to any individual who has applied for employment in a 329
position that does not involve providing such ombudsperson 330
services, whether the bureau has any information gathered under 331
division (A) of this section that pertains to that applicant. 332

In addition to or in conjunction with any request that is 333
required to be made under section 173.394 of the Revised Code with 334
respect to an individual who has applied for employment in a 335
position that involves providing direct care to an individual, the 336
chief administrator of a community-based long-term care agency may 337
request that the superintendent investigate and determine, with 338
respect to any individual who has applied for employment in a 339

position that does not involve providing direct care, whether the 340
bureau has any information gathered under division (A) of this 341
section that pertains to that applicant. 342

On receipt of a request under this division, the 343
superintendent shall determine whether that information exists 344
and, on request of the individual requesting information, shall 345
also request from the federal bureau of investigation any criminal 346
records it has pertaining to the applicant. The superintendent or 347
the superintendent's designee also may request criminal history 348
records from other states or the federal government pursuant to 349
the national crime prevention and privacy compact set forth in 350
section 109.571 of the Revised Code. Within thirty days of the 351
date a request is received, the superintendent shall send to the 352
requester a report of any information determined to exist, 353
including information contained in records that have been sealed 354
under section 2953.32 of the Revised Code, and, within thirty days 355
of its receipt, shall send the requester a report of any 356
information received from the federal bureau of investigation, 357
other than information the dissemination of which is prohibited by 358
federal law. 359

(H) Information obtained by a government entity or person 360
under this section is confidential and shall not be released or 361
disseminated. 362

(I) The superintendent may charge a reasonable fee for 363
providing information or criminal records under division (F)(2) or 364
(G) of this section. 365

(J) As used in this section, ~~"sexually:~~ 366

(1) "Sexually oriented offense" and "child-victim oriented 367
offense" have the same meanings as in section 2950.01 of the 368
Revised Code. 369

(2) "Registered private provider" means a nonpublic school or 370

entity registered with the superintendent of public instruction 371
under section 3310.41 of the Revised Code to participate in the 372
autism scholarship program or section 3310.58 of the Revised Code 373
to participate in the special education scholarship pilot program. 374
375

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 376
section 121.08, 3301.32, 3301.541, 3319.39, 5104.012, or 5104.013 377
of the Revised Code, a completed form prescribed pursuant to 378
division (C)(1) of this section, and a set of fingerprint 379
impressions obtained in the manner described in division (C)(2) of 380
this section, the superintendent of the bureau of criminal 381
identification and investigation shall conduct a criminal records 382
check in the manner described in division (B) of this section to 383
determine whether any information exists that indicates that the 384
person who is the subject of the request previously has been 385
convicted of or pleaded guilty to any of the following: 386

(a) A violation of section 2903.01, 2903.02, 2903.03, 387
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 388
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 389
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 390
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 391
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 392
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 393
2925.06, or 3716.11 of the Revised Code, felonious sexual 394
penetration in violation of former section 2907.12 of the Revised 395
Code, a violation of section 2905.04 of the Revised Code as it 396
existed prior to July 1, 1996, a violation of section 2919.23 of 397
the Revised Code that would have been a violation of section 398
2905.04 of the Revised Code as it existed prior to July 1, 1996, 399
had the violation been committed prior to that date, or a 400
violation of section 2925.11 of the Revised Code that is not a 401
minor drug possession offense; 402

(b) A violation of an existing or former law of this state, 403
any other state, or the United States that is substantially 404
equivalent to any of the offenses listed in division (A)(1)(a) of 405
this section. 406

(2) On receipt of a request pursuant to section 5123.081 of 407
the Revised Code with respect to an applicant for employment in 408
any position with the department of mental retardation and 409
developmental disabilities, pursuant to section 5126.28 of the 410
Revised Code with respect to an applicant for employment in any 411
position with a county board of mental retardation and 412
developmental disabilities, or pursuant to section 5126.281 of the 413
Revised Code with respect to an applicant for employment in a 414
direct services position with an entity contracting with a county 415
board for employment, a completed form prescribed pursuant to 416
division (C)(1) of this section, and a set of fingerprint 417
impressions obtained in the manner described in division (C)(2) of 418
this section, the superintendent of the bureau of criminal 419
identification and investigation shall conduct a criminal records 420
check. The superintendent shall conduct the criminal records check 421
in the manner described in division (B) of this section to 422
determine whether any information exists that indicates that the 423
person who is the subject of the request has been convicted of or 424
pleaded guilty to any of the following: 425

(a) A violation of section 2903.01, 2903.02, 2903.03, 426
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 427
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 428
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 429
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 430
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 431
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 432
2925.03, or 3716.11 of the Revised Code; 433

(b) An existing or former municipal ordinance or law of this 434

state, any other state, or the United States that is substantially 435
equivalent to any of the offenses listed in division (A)(2)(a) of 436
this section. 437

(3) On receipt of a request pursuant to section 173.27, 438
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 439
completed form prescribed pursuant to division (C)(1) of this 440
section, and a set of fingerprint impressions obtained in the 441
manner described in division (C)(2) of this section, the 442
superintendent of the bureau of criminal identification and 443
investigation shall conduct a criminal records check with respect 444
to any person who has applied for employment in a position for 445
which a criminal records check is required by those sections. The 446
superintendent shall conduct the criminal records check in the 447
manner described in division (B) of this section to determine 448
whether any information exists that indicates that the person who 449
is the subject of the request previously has been convicted of or 450
pleaded guilty to any of the following: 451

(a) A violation of section 2903.01, 2903.02, 2903.03, 452
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 453
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 454
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 455
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 456
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 457
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 458
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 459
2925.22, 2925.23, or 3716.11 of the Revised Code; 460

(b) An existing or former law of this state, any other state, 461
or the United States that is substantially equivalent to any of 462
the offenses listed in division (A)(3)(a) of this section. 463

(4) On receipt of a request pursuant to section 3701.881 of 464
the Revised Code with respect to an applicant for employment with 465
a home health agency as a person responsible for the care, 466

custody, or control of a child, a completed form prescribed 467
pursuant to division (C)(1) of this section, and a set of 468
fingerprint impressions obtained in the manner described in 469
division (C)(2) of this section, the superintendent of the bureau 470
of criminal identification and investigation shall conduct a 471
criminal records check. The superintendent shall conduct the 472
criminal records check in the manner described in division (B) of 473
this section to determine whether any information exists that 474
indicates that the person who is the subject of the request 475
previously has been convicted of or pleaded guilty to any of the 476
following: 477

(a) A violation of section 2903.01, 2903.02, 2903.03, 478
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 479
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 480
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 481
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 482
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 483
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 484
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 485
violation of section 2925.11 of the Revised Code that is not a 486
minor drug possession offense; 487

(b) An existing or former law of this state, any other state, 488
or the United States that is substantially equivalent to any of 489
the offenses listed in division (A)(4)(a) of this section. 490

(5) On receipt of a request pursuant to section 5111.032, 491
5111.033, or 5111.034 of the Revised Code, a completed form 492
prescribed pursuant to division (C)(1) of this section, and a set 493
of fingerprint impressions obtained in the manner described in 494
division (C)(2) of this section, the superintendent of the bureau 495
of criminal identification and investigation shall conduct a 496
criminal records check. The superintendent shall conduct the 497
criminal records check in the manner described in division (B) of 498

this section to determine whether any information exists that 499
indicates that the person who is the subject of the request 500
previously has been convicted of, has pleaded guilty to, or has 501
been found eligible for intervention in lieu of conviction for any 502
of the following: 503

(a) A violation of section 2903.01, 2903.02, 2903.03, 504
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 505
2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2907.02, 506
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 507
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 508
2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 509
2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2913.31, 510
2913.40, 2913.43, 2913.47, 2913.48, 2913.49, 2913.51, 2917.11, 511
2919.12, 2919.22, 2919.24, 2919.25, 2921.13, 2921.36, 2923.02, 512
2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 2925.04, 513
2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, or 514
3716.11 of the Revised Code, felonious sexual penetration in 515
violation of former section 2907.12 of the Revised Code, a 516
violation of section 2905.04 of the Revised Code as it existed 517
prior to July 1, 1996, a violation of section 2919.23 of the 518
Revised Code that would have been a violation of section 2905.04 519
of the Revised Code as it existed prior to July 1, 1996, had the 520
violation been committed prior to that date; 521

(b) An existing or former law of this state, any other state, 522
or the United States that is substantially equivalent to any of 523
the offenses listed in division (A)(5)(a) of this section. 524

(6) On receipt of a request pursuant to section 3701.881 of 525
the Revised Code with respect to an applicant for employment with 526
a home health agency in a position that involves providing direct 527
care to an older adult, a completed form prescribed pursuant to 528
division (C)(1) of this section, and a set of fingerprint 529
impressions obtained in the manner described in division (C)(2) of 530

this section, the superintendent of the bureau of criminal 531
identification and investigation shall conduct a criminal records 532
check. The superintendent shall conduct the criminal records check 533
in the manner described in division (B) of this section to 534
determine whether any information exists that indicates that the 535
person who is the subject of the request previously has been 536
convicted of or pleaded guilty to any of the following: 537

(a) A violation of section 2903.01, 2903.02, 2903.03, 538
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 539
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 540
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 541
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 542
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 543
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 544
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 545
2925.22, 2925.23, or 3716.11 of the Revised Code; 546

(b) An existing or former law of this state, any other state, 547
or the United States that is substantially equivalent to any of 548
the offenses listed in division (A)(6)(a) of this section. 549

(7) When conducting a criminal records check upon a request 550
pursuant to section 3319.39 of the Revised Code for an applicant 551
who is a teacher, in addition to the determination made under 552
division (A)(1) of this section, the superintendent shall 553
determine whether any information exists that indicates that the 554
person who is the subject of the request previously has been 555
convicted of or pleaded guilty to any offense specified in section 556
3319.31 of the Revised Code. 557

(8) On receipt of a request pursuant to section 2151.86 of 558
the Revised Code, a completed form prescribed pursuant to division 559
(C)(1) of this section, and a set of fingerprint impressions 560
obtained in the manner described in division (C)(2) of this 561
section, the superintendent of the bureau of criminal 562

identification and investigation shall conduct a criminal records 563
check in the manner described in division (B) of this section to 564
determine whether any information exists that indicates that the 565
person who is the subject of the request previously has been 566
convicted of or pleaded guilty to any of the following: 567

(a) A violation of section 2903.01, 2903.02, 2903.03, 568
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 569
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 570
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 571
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 572
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 573
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 574
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 575
violation of section 2905.04 of the Revised Code as it existed 576
prior to July 1, 1996, a violation of section 2919.23 of the 577
Revised Code that would have been a violation of section 2905.04 578
of the Revised Code as it existed prior to July 1, 1996, had the 579
violation been committed prior to that date, a violation of 580
section 2925.11 of the Revised Code that is not a minor drug 581
possession offense, or felonious sexual penetration in violation 582
of former section 2907.12 of the Revised Code; 583

(b) A violation of an existing or former law of this state, 584
any other state, or the United States that is substantially 585
equivalent to any of the offenses listed in division (A)(8)(a) of 586
this section. 587

(9) When conducting a criminal records check on a request 588
pursuant to section 5104.013 of the Revised Code for a person who 589
is an owner, licensee, or administrator of a child day-care center 590
or type A family day-care home, an authorized provider of a 591
certified type B family day-care home, or an adult residing in a 592
type A or certified type B home, or when conducting a criminal 593
records check or a request pursuant to section 5104.012 of the 594

Revised Code for a person who is an applicant for employment in a center, type A home, or certified type B home, the superintendent, in addition to the determination made under division (A)(1) of this section, shall determine whether any information exists that indicates that the person has been convicted of or pleaded guilty to any of the following:

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34,

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 627
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 628
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 629
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 630
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 631
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 632
felonious sexual penetration in violation of former section 633
2907.12 of the Revised Code, a violation of section 2905.04 of the 634
Revised Code as it existed prior to July 1, 1996, a violation of 635
section 2919.23 of the Revised Code that would have been a 636
violation of section 2905.04 of the Revised Code as it existed 637
prior to July 1, 1996, had the violation been committed prior to 638
that date, or a violation of section 2925.11 of the Revised Code 639
that is not a minor drug possession offense; 640

(b) A violation of an existing or former law of this state, 641
any other state, or the United States that is substantially 642
equivalent to any of the offenses listed in division (A)(10)(a) of 643
this section. 644

(11) On receipt of a request for a criminal records check 645
from an individual pursuant to section 4749.03 or 4749.06 of the 646
Revised Code, accompanied by a completed copy of the form 647
prescribed in division (C)(1) of this section and a set of 648
fingerprint impressions obtained in a manner described in division 649
(C)(2) of this section, the superintendent of the bureau of 650
criminal identification and investigation shall conduct a criminal 651
records check in the manner described in division (B) of this 652
section to determine whether any information exists indicating 653
that the person who is the subject of the request has been 654
convicted of or pleaded guilty to a felony in this state or in any 655
other state. If the individual indicates that a firearm will be 656
carried in the course of business, the superintendent shall 657
require information from the federal bureau of investigation as 658

described in division (B)(2) of this section. The superintendent 659
shall report the findings of the criminal records check and any 660
information the federal bureau of investigation provides to the 661
director of public safety. 662

(12) On receipt of a request pursuant to section 1322.03, 663
1322.031, or 4763.05 of the Revised Code, a completed form 664
prescribed pursuant to division (C)(1) of this section, and a set 665
of fingerprint impressions obtained in the manner described in 666
division (C)(2) of this section, the superintendent of the bureau 667
of criminal identification and investigation shall conduct a 668
criminal records check with respect to any person who has applied 669
for a license, permit, or certification from the department of 670
commerce or a division in the department. The superintendent shall 671
conduct the criminal records check in the manner described in 672
division (B) of this section to determine whether any information 673
exists that indicates that the person who is the subject of the 674
request previously has been convicted of or pleaded guilty to any 675
of the following: a violation of section 2913.02, 2913.11, 676
2913.31, 2913.51, or 2925.03 of the Revised Code; any other 677
criminal offense involving theft, receiving stolen property, 678
embezzlement, forgery, fraud, passing bad checks, money 679
laundering, or drug trafficking, or any criminal offense involving 680
money or securities, as set forth in Chapters 2909., 2911., 2913., 681
2915., 2921., 2923., and 2925. of the Revised Code; or any 682
existing or former law of this state, any other state, or the 683
United States that is substantially equivalent to those offenses. 684

(13) On receipt of a request for a criminal records check 685
from the treasurer of state under section 113.041 of the Revised 686
Code or from an individual under section 4701.08, 4715.101, 687
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 688
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 689
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 690

4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 691
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 692
a completed form prescribed under division (C)(1) of this section 693
and a set of fingerprint impressions obtained in the manner 694
described in division (C)(2) of this section, the superintendent 695
of the bureau of criminal identification and investigation shall 696
conduct a criminal records check in the manner described in 697
division (B) of this section to determine whether any information 698
exists that indicates that the person who is the subject of the 699
request has been convicted of or pleaded guilty to any criminal 700
offense in this state or any other state. The superintendent shall 701
send the results of a check requested under section 113.041 of the 702
Revised Code to the treasurer of state and shall send the results 703
of a check requested under any of the other listed sections to the 704
licensing board specified by the individual in the request. 705

706

(14) Not later than thirty days after the date the 707
superintendent receives a request of a type described in division 708
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 709
(12) of this section, the completed form, and the fingerprint 710
impressions, the superintendent shall send the person, board, or 711
entity that made the request any information, other than 712
information the dissemination of which is prohibited by federal 713
law, the superintendent determines exists with respect to the 714
person who is the subject of the request that indicates that the 715
person previously has been convicted of or pleaded guilty to any 716
offense listed or described in division (A)(1), (2), (3), (4), 717
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 718
appropriate. The superintendent shall send the person, board, or 719
entity that made the request a copy of the list of offenses 720
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 721
(9), (10), (11), or (12) of this section, as appropriate. If the 722
request was made under section 3701.881 of the Revised Code with 723

regard to an applicant who may be both responsible for the care, 724
custody, or control of a child and involved in providing direct 725
care to an older adult, the superintendent shall provide a list of 726
the offenses specified in divisions (A)(4) and (6) of this 727
section. 728

Not later than thirty days after the superintendent receives 729
a request for a criminal records check pursuant to section 113.041 730
of the Revised Code, the completed form, and the fingerprint 731
impressions, the superintendent shall send the treasurer of state 732
any information, other than information the dissemination of which 733
is prohibited by federal law, the superintendent determines exist 734
with respect to the person who is the subject of the request that 735
indicates that the person previously has been convicted of or 736
pleaded guilty to any criminal offense in this state or any other 737
state. 738

(B) The superintendent shall conduct any criminal records 739
check requested under section 113.041, 121.08, 173.27, 173.394, 740
1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 741
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 742
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 743
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 744
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 745
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 746
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 747
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 748
5153.111 of the Revised Code as follows: 749

(1) The superintendent shall review or cause to be reviewed 750
any relevant information gathered and compiled by the bureau under 751
division (A) of section 109.57 of the Revised Code that relates to 752
the person who is the subject of the request, including any 753
relevant information contained in records that have been sealed 754
under section 2953.32 of the Revised Code; 755

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

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

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

(2) The superintendent shall prescribe standard impression sheets to obtain the fingerprint impressions of any person for whom a criminal records check is requested under section 113.041 of the Revised Code or required by section 121.08, 173.27, 173.394, 1322.03, 1322.031, 2151.86, 3301.32, 3301.541, 3319.39,

3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 788
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 789
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 790
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 791
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 792
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 793
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 794
5126.281, or 5153.111 of the Revised Code. Any person for whom a 795
records check is requested under or required by any of those 796
sections shall obtain the fingerprint impressions at a county 797
sheriff's office, municipal police department, or any other entity 798
with the ability to make fingerprint impressions on the standard 799
impression sheets prescribed by the superintendent. The office, 800
department, or entity may charge the person a reasonable fee for 801
making the impressions. The standard impression sheets the 802
superintendent prescribes pursuant to this division may be in a 803
tangible format, in an electronic format, or in both tangible and 804
electronic formats. 805

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

4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 821
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 822
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 823
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 824
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 825
5104.013, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 826
5153.111 of the Revised Code shall pay the fee prescribed pursuant 827
to this division. A person making a request under section 3701.881 828
of the Revised Code for a criminal records check for an applicant 829
who may be both responsible for the care, custody, or control of a 830
child and involved in providing direct care to an older adult 831
shall pay one fee for the request. In the case of a request under 832
section 5111.032 of the Revised Code, the fee shall be paid in the 833
manner specified in that section. 834

(4) The superintendent of the bureau of criminal 836
identification and investigation may prescribe methods of 837
forwarding fingerprint impressions and information necessary to 838
conduct a criminal records check, which methods shall include, but 839
not be limited to, an electronic method. 840

(D) A determination whether any information exists that 841
indicates that a person previously has been convicted of or 842
pleaded guilty to any offense listed or described in division 843
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 844
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 845
(A)(9)(a) or (b), (A)(10)(a) or (b), or (A)(12) of this section, 846
or that indicates that a person previously has been convicted of 847
or pleaded guilty to any criminal offense in this state or any 848
other state regarding a criminal records check of a type described 849
in division (A)(13) of this section, and that is made by the 850
superintendent with respect to information considered in a 851
criminal records check in accordance with this section is valid 852

for the person who is the subject of the criminal records check 853
for a period of one year from the date upon which the 854
superintendent makes the determination. During the period in which 855
the determination in regard to a person is valid, if another 856
request under this section is made for a criminal records check 857
for that person, the superintendent shall provide the information 858
that is the basis for the superintendent's initial determination 859
at a lower fee than the fee prescribed for the initial criminal 860
records check. 861

(E) When the superintendent receives a request for 862
information from a registered private provider, the superintendent 863
shall proceed as if the request was received from a school 864
district board of education under section 3319.39 of the Revised 865
Code. The superintendent shall apply division (A)(7) of this 866
section to any such request for an applicant who is a teacher. 867

(F) As used in this section: 868

(1) "Criminal records check" means any criminal records check 869
conducted by the superintendent of the bureau of criminal 870
identification and investigation in accordance with division (B) 871
of this section. 872

(2) "Minor drug possession offense" has the same meaning as 873
in section 2925.01 of the Revised Code. 874

(3) "Older adult" means a person age sixty or older. 875

(4) "Registered private provider" means a nonpublic school or 876
entity registered with the superintendent of public instruction 877
under section 3310.41 of the Revised Code to participate in the 878
autism scholarship program or section 3310.58 of the Revised Code 879
to participate in the special education scholarship pilot program. 880

Sec. 3301.0714. (A) The state board of education shall adopt 882

rules for a statewide education management information system. The 883
rules shall require the state board to establish guidelines for 884
the establishment and maintenance of the system in accordance with 885
this section and the rules adopted under this section. The 886
guidelines shall include: 887

(1) Standards identifying and defining the types of data in 888
the system in accordance with divisions (B) and (C) of this 889
section; 890

(2) Procedures for annually collecting and reporting the data 891
to the state board in accordance with division (D) of this 892
section; 893

(3) Procedures for annually compiling the data in accordance 894
with division (G) of this section; 895

(4) Procedures for annually reporting the data to the public 896
in accordance with division (H) of this section. 897

(B) The guidelines adopted under this section shall require 898
the data maintained in the education management information system 899
to include at least the following: 900

(1) Student participation and performance data, for each 901
grade in each school district as a whole and for each grade in 902
each school building in each school district, that includes: 903

(a) The numbers of students receiving each category of 904
instructional service offered by the school district, such as 905
regular education instruction, vocational education instruction, 906
specialized instruction programs or enrichment instruction that is 907
part of the educational curriculum, instruction for gifted 908
students, instruction for students with disabilities, and remedial 909
instruction. The guidelines shall require instructional services 910
under this division to be divided into discrete categories if an 911
instructional service is limited to a specific subject, a specific 912
type of student, or both, such as regular instructional services 913

in mathematics, remedial reading instructional services, 914
instructional services specifically for students gifted in 915
mathematics or some other subject area, or instructional services 916
for students with a specific type of disability. The categories of 917
instructional services required by the guidelines under this 918
division shall be the same as the categories of instructional 919
services used in determining cost units pursuant to division 920
(C)(3) of this section. 921

(b) The numbers of students receiving support or 922
extracurricular services for each of the support services or 923
extracurricular programs offered by the school district, such as 924
counseling services, health services, and extracurricular sports 925
and fine arts programs. The categories of services required by the 926
guidelines under this division shall be the same as the categories 927
of services used in determining cost units pursuant to division 928
(C)(4)(a) of this section. 929

(c) Average student grades in each subject in grades nine 930
through twelve; 931

(d) Academic achievement levels as assessed by the testing of 932
student achievement under sections 3301.0710 and 3301.0711 of the 933
Revised Code; 934

(e) The number of students designated as having a disabling 935
condition pursuant to division (C)(1) of section 3301.0711 of the 936
Revised Code; 937

(f) The numbers of students reported to the state board 938
pursuant to division (C)(2) of section 3301.0711 of the Revised 939
Code; 940

(g) Attendance rates and the average daily attendance for the 941
year. For purposes of this division, a student shall be counted as 942
present for any field trip that is approved by the school 943
administration. 944

(h) Expulsion rates;	945
(i) Suspension rates;	946
(j) The percentage of students receiving corporal punishment;	947
(k) Dropout rates;	948
(l) Rates of retention in grade;	949
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	950 951 952
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	953 954 955 956 957
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	958 959 960 961 962 963 964
(2) Personnel and classroom enrollment data for each school district, including:	965 966
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in	967 968 969 970 971 972 973 974

the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

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

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

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of limited English proficient students in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division

(B)(3) of this section shall conform, where appropriate, to 1007
standard practices of agencies of the federal government. 1008

(b) With respect to each student entering kindergarten, 1009
whether the student previously participated in a public preschool 1010
program, a private preschool program, or a head start program, and 1011
the number of years the student participated in each of these 1012
programs. 1013

(4) Any data required to be collected pursuant to federal 1014
law. 1015

(C) The education management information system shall include 1016
cost accounting data for each district as a whole and for each 1017
school building in each school district. The guidelines adopted 1018
under this section shall require the cost data for each school 1019
district to be maintained in a system of mutually exclusive cost 1020
units and shall require all of the costs of each school district 1021
to be divided among the cost units. The guidelines shall require 1022
the system of mutually exclusive cost units to include at least 1023
the following: 1024

(1) Administrative costs for the school district as a whole. 1025
The guidelines shall require the cost units under this division 1026
(C)(1) to be designed so that each of them may be compiled and 1027
reported in terms of average expenditure per pupil in formula ADM 1028
in the school district, as determined pursuant to section 3317.03 1029
of the Revised Code. 1030

(2) Administrative costs for each school building in the 1031
school district. The guidelines shall require the cost units under 1032
this division (C)(2) to be designed so that each of them may be 1033
compiled and reported in terms of average expenditure per 1034
full-time equivalent pupil receiving instructional or support 1035
services in each building. 1036

(3) Instructional services costs for each category of 1037

instructional service provided directly to students and required 1038
by guidelines adopted pursuant to division (B)(1)(a) of this 1039
section. The guidelines shall require the cost units under 1040
division (C)(3) of this section to be designed so that each of 1041
them may be compiled and reported in terms of average expenditure 1042
per pupil receiving the service in the school district as a whole 1043
and average expenditure per pupil receiving the service in each 1044
building in the school district and in terms of a total cost for 1045
each category of service and, as a breakdown of the total cost, a 1046
cost for each of the following components: 1047

(a) The cost of each instructional services category required 1048
by guidelines adopted under division (B)(1)(a) of this section 1049
that is provided directly to students by a classroom teacher; 1050

(b) The cost of the instructional support services, such as 1051
services provided by a speech-language pathologist, classroom 1052
aide, multimedia aide, or librarian, provided directly to students 1053
in conjunction with each instructional services category; 1054

(c) The cost of the administrative support services related 1055
to each instructional services category, such as the cost of 1056
personnel that develop the curriculum for the instructional 1057
services category and the cost of personnel supervising or 1058
coordinating the delivery of the instructional services category. 1059

(4) Support or extracurricular services costs for each 1060
category of service directly provided to students and required by 1061
guidelines adopted pursuant to division (B)(1)(b) of this section. 1062
The guidelines shall require the cost units under division (C)(4) 1063
of this section to be designed so that each of them may be 1064
compiled and reported in terms of average expenditure per pupil 1065
receiving the service in the school district as a whole and 1066
average expenditure per pupil receiving the service in each 1067
building in the school district and in terms of a total cost for 1068
each category of service and, as a breakdown of the total cost, a 1069

cost for each of the following components: 1070

(a) The cost of each support or extracurricular services 1071
category required by guidelines adopted under division (B)(1)(b) 1072
of this section that is provided directly to students by a 1073
licensed employee, such as services provided by a guidance 1074
counselor or any services provided by a licensed employee under a 1075
supplemental contract; 1076

(b) The cost of each such services category provided directly 1077
to students by a nonlicensed employee, such as janitorial 1078
services, cafeteria services, or services of a sports trainer; 1079

(c) The cost of the administrative services related to each 1080
services category in division (C)(4)(a) or (b) of this section, 1081
such as the cost of any licensed or nonlicensed employees that 1082
develop, supervise, coordinate, or otherwise are involved in 1083
administering or aiding the delivery of each services category. 1084

(D)(1) The guidelines adopted under this section shall 1085
require school districts to collect information about individual 1086
students, staff members, or both in connection with any data 1087
required by division (B) or (C) of this section or other reporting 1088
requirements established in the Revised Code. The guidelines may 1089
also require school districts to report information about 1090
individual staff members in connection with any data required by 1091
division (B) or (C) of this section or other reporting 1092
requirements established in the Revised Code. The guidelines shall 1093
not authorize school districts to request social security numbers 1094
of individual students. The guidelines shall prohibit the 1095
reporting under this section of a student's name, address, and 1096
social security number to the state board of education or the 1097
department of education. The guidelines shall also prohibit the 1098
reporting under this section of any personally identifiable 1099
information about any student, except for the purpose of assigning 1100
the data verification code required by division (D)(2) of this 1101

section, to any other person unless such person is employed by the 1102
school district or the information technology center operated 1103
under section 3301.075 of the Revised Code and is authorized by 1104
the district or technology center to have access to such 1105
information or is employed by an entity with which the department 1106
contracts for the scoring of tests administered under section 1107
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 1108
require school districts to provide the social security numbers of 1109
individual staff members. 1110

(2) The guidelines shall provide for each school district or 1111
community school to assign a data verification code that is unique 1112
on a statewide basis over time to each student whose initial Ohio 1113
enrollment is in that district or school and to report all 1114
required individual student data for that student utilizing such 1115
code. The guidelines shall also provide for assigning data 1116
verification codes to all students enrolled in districts or 1117
community schools on the effective date of the guidelines 1118
established under this section. 1119

Individual student data shall be reported to the department 1120
through the information technology centers utilizing the code but, 1121
except as provided in ~~section~~ sections 3310.11 and 3310.63 of the 1122
Revised Code, at no time shall the state board or the department 1123
have access to information that would enable any data verification 1124
code to be matched to personally identifiable student data. 1125

Each school district shall ensure that the data verification 1126
code is included in the student's records reported to any 1127
subsequent school district or community school in which the 1128
student enrolls. Any such subsequent district or school shall 1129
utilize the same identifier in its reporting of data under this 1130
section. 1131

The director of health shall request and receive, pursuant to 1132
sections 3301.0723 and 3701.62 of the Revised Code, a data 1133

verification code for a child who is receiving services under 1134
division (A)(2) of section 3701.61 of the Revised Code. 1135

(E) The guidelines adopted under this section may require 1136
school districts to collect and report data, information, or 1137
reports other than that described in divisions (A), (B), and (C) 1138
of this section for the purpose of complying with other reporting 1139
requirements established in the Revised Code. The other data, 1140
information, or reports may be maintained in the education 1141
management information system but are not required to be compiled 1142
as part of the profile formats required under division (G) of this 1143
section or the annual statewide report required under division (H) 1144
of this section. 1145

(F) Beginning with the school year that begins July 1, 1991, 1146
the board of education of each school district shall annually 1147
collect and report to the state board, in accordance with the 1148
guidelines established by the board, the data required pursuant to 1149
this section. A school district may collect and report these data 1150
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 1151

(G) The state board shall, in accordance with the procedures 1152
it adopts, annually compile the data reported by each school 1153
district pursuant to division (D) of this section. The state board 1154
shall design formats for profiling each school district as a whole 1155
and each school building within each district and shall compile 1156
the data in accordance with these formats. These profile formats 1157
shall: 1158

(1) Include all of the data gathered under this section in a 1159
manner that facilitates comparison among school districts and 1160
among school buildings within each school district; 1161

(2) Present the data on academic achievement levels as 1162
assessed by the testing of student achievement maintained pursuant 1163
to division (B)(1)(d) of this section. 1164

(H)(1) The state board shall, in accordance with the 1165
procedures it adopts, annually prepare a statewide report for all 1166
school districts and the general public that includes the profile 1167
of each of the school districts developed pursuant to division (G) 1168
of this section. Copies of the report shall be sent to each school 1169
district. 1170

(2) The state board shall, in accordance with the procedures 1171
it adopts, annually prepare an individual report for each school 1172
district and the general public that includes the profiles of each 1173
of the school buildings in that school district developed pursuant 1174
to division (G) of this section. Copies of the report shall be 1175
sent to the superintendent of the district and to each member of 1176
the district board of education. 1177

(3) Copies of the reports received from the state board under 1178
divisions (H)(1) and (2) of this section shall be made available 1179
to the general public at each school district's offices. Each 1180
district board of education shall make copies of each report 1181
available to any person upon request and payment of a reasonable 1182
fee for the cost of reproducing the report. The board shall 1183
annually publish in a newspaper of general circulation in the 1184
school district, at least twice during the two weeks prior to the 1185
week in which the reports will first be available, a notice 1186
containing the address where the reports are available and the 1187
date on which the reports will be available. 1188

(I) Any data that is collected or maintained pursuant to this 1189
section and that identifies an individual pupil is not a public 1190
record for the purposes of section 149.43 of the Revised Code. 1191

(J) As used in this section: 1192

(1) "School district" means any city, local, exempted 1193
village, or joint vocational school district and, in accordance 1194
with section 3314.17 of the Revised Code, any community school. As 1195

used in division (L) of this section, "school district" also 1196
includes any educational service center or other educational 1197
entity required to submit data using the system established under 1198
this section. 1199

(2) "Cost" means any expenditure for operating expenses made 1200
by a school district excluding any expenditures for debt 1201
retirement except for payments made to any commercial lending 1202
institution for any loan approved pursuant to section 3313.483 of 1203
the Revised Code. 1204

(K) Any person who removes data from the information system 1205
established under this section for the purpose of releasing it to 1206
any person not entitled under law to have access to such 1207
information is subject to section 2913.42 of the Revised Code 1208
prohibiting tampering with data. 1209

(L)(1) In accordance with division (L)(2) of this section and 1210
the rules adopted under division (L)(10) of this section, the 1211
department of education may sanction any school district that 1212
reports incomplete or inaccurate data, reports data that does not 1213
conform to data requirements and descriptions published by the 1214
department, fails to report data in a timely manner, or otherwise 1215
does not make a good faith effort to report data as required by 1216
this section. 1217

(2) If the department decides to sanction a school district 1218
under this division, the department shall take the following 1219
sequential actions: 1220

(a) Notify the district in writing that the department has 1221
determined that data has not been reported as required under this 1222
section and require the district to review its data submission and 1223
submit corrected data by a deadline established by the department. 1224
The department also may require the district to develop a 1225
corrective action plan, which shall include provisions for the 1226

district to provide mandatory staff training on data reporting	1227
procedures.	1228
(b) Withhold up to ten per cent of the total amount of state	1229
funds due to the district for the current fiscal year and, if not	1230
previously required under division (L)(2)(a) of this section,	1231
require the district to develop a corrective action plan in	1232
accordance with that division;	1233
(c) Withhold an additional amount of up to twenty per cent of	1234
the total amount of state funds due to the district for the	1235
current fiscal year;	1236
(d) Direct department staff or an outside entity to	1237
investigate the district's data reporting practices and make	1238
recommendations for subsequent actions. The recommendations may	1239
include one or more of the following actions:	1240
(i) Arrange for an audit of the district's data reporting	1241
practices by department staff or an outside entity;	1242
(ii) Conduct a site visit and evaluation of the district;	1243
(iii) Withhold an additional amount of up to thirty per cent	1244
of the total amount of state funds due to the district for the	1245
current fiscal year;	1246
(iv) Continue monitoring the district's data reporting;	1247
(v) Assign department staff to supervise the district's data	1248
management system;	1249
(vi) Conduct an investigation to determine whether to suspend	1250
or revoke the license of any district employee in accordance with	1251
division (N) of this section;	1252
(vii) If the district is issued a report card under section	1253
3302.03 of the Revised Code, indicate on the report card that the	1254
district has been sanctioned for failing to report data as	1255
required by this section;	1256

(viii) If the district is issued a report card under section 1257
3302.03 of the Revised Code and incomplete or inaccurate data 1258
submitted by the district likely caused the district to receive a 1259
higher performance rating than it deserved under that section, 1260
issue a revised report card for the district; 1261

(ix) Any other action designed to correct the district's data 1262
reporting problems. 1263

(3) Any time the department takes an action against a school 1264
district under division (L)(2) of this section, the department 1265
shall make a report of the circumstances that prompted the action. 1266
The department shall send a copy of the report to the district 1267
superintendent or chief administrator and maintain a copy of the 1268
report in its files. 1269

(4) If any action taken under division (L)(2) of this section 1270
resolves a school district's data reporting problems to the 1271
department's satisfaction, the department shall not take any 1272
further actions described by that division. If the department 1273
withheld funds from the district under that division, the 1274
department may release those funds to the district, except that if 1275
the department withheld funding under division (L)(2)(c) of this 1276
section, the department shall not release the funds withheld under 1277
division (L)(2)(b) of this section and, if the department withheld 1278
funding under division (L)(2)(d) of this section, the department 1279
shall not release the funds withheld under division (L)(2)(b) or 1280
(c) of this section. 1281

(5) Notwithstanding anything in this section to the contrary, 1282
the department may use its own staff or an outside entity to 1283
conduct an audit of a school district's data reporting practices 1284
any time the department has reason to believe the district has not 1285
made a good faith effort to report data as required by this 1286
section. If any audit conducted by an outside entity under 1287
division (L)(2)(d)(i) or (5) of this section confirms that a 1288

district has not made a good faith effort to report data as 1289
required by this section, the district shall reimburse the 1290
department for the full cost of the audit. The department may 1291
withhold state funds due to the district for this purpose. 1292

(6) Prior to issuing a revised report card for a school 1293
district under division (L)(2)(d)(viii) of this section, the 1294
department may hold a hearing to provide the district with an 1295
opportunity to demonstrate that it made a good faith effort to 1296
report data as required by this section. The hearing shall be 1297
conducted by a referee appointed by the department. Based on the 1298
information provided in the hearing, the referee shall recommend 1299
whether the department should issue a revised report card for the 1300
district. If the referee affirms the department's contention that 1301
the district did not make a good faith effort to report data as 1302
required by this section, the district shall bear the full cost of 1303
conducting the hearing and of issuing any revised report card. 1304

(7) If the department determines that any inaccurate data 1305
reported under this section caused a school district to receive 1306
excess state funds in any fiscal year, the district shall 1307
reimburse the department an amount equal to the excess funds, in 1308
accordance with a payment schedule determined by the department. 1309
The department may withhold state funds due to the district for 1310
this purpose. 1311

(8) Any school district that has funds withheld under 1312
division (L)(2) of this section may appeal the withholding in 1313
accordance with Chapter 119. of the Revised Code. 1314

(9) In all cases of a disagreement between the department and 1315
a school district regarding the appropriateness of an action taken 1316
under division (L)(2) of this section, the burden of proof shall 1317
be on the district to demonstrate that it made a good faith effort 1318
to report data as required by this section. 1319

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

(M) No information technology center or school district shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department.

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

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

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

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

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

(A) "Alternative public provider" means either of the

following providers that agrees to enroll a child in the 1350
provider's special education program to implement the child's 1351
individualized education program and to which the eligible 1352
applicant owes fees for the services provided to the child: 1353

(1) A school district that is not the school district in 1354
which the child is entitled to attend school or the child's school 1355
district of residence, if different; 1356

(2) A public entity other than a school district. 1357

(B) "Applicable special education weight" means the multiple 1358
specified in section 3317.013 of the Revised Code for a disability 1359
described in that section. 1360

(C) "Category one through six special education ADM" means 1361
the respective categories prescribed in divisions (F)(1) to (6) of 1362
section 3317.02 of the Revised Code. 1363

(D) "Child with a disability" and "individualized education 1364
program" have the same meanings as in section 3323.01 of the 1365
Revised Code. 1366

(E) "Eligible applicant" means any of the following: 1367

(1) Either of the natural or adoptive parents of a qualified 1368
special education child, except as otherwise specified in this 1369
division. When the marriage of the natural or adoptive parents of 1370
the student has been terminated by a divorce, dissolution of 1371
marriage, or annulment, or when the natural or adoptive parents of 1372
the student are living separate and apart under a legal separation 1373
decree, and a court has issued an order allocating the parental 1374
rights and responsibilities with respect to the child, "eligible 1375
applicant" means the residential parent as designated by the 1376
court. If the court issues a shared parenting decree, "eligible 1377
applicant" means either parent. "Eligible applicant" does not mean 1378
a parent whose custodial rights have been terminated. 1379

(2) The custodian of a qualified special education child, 1380
when a court has granted temporary, legal, or permanent custody of 1381
the child to an individual other than either of the natural or 1382
adoptive parents of the child or to a government agency; 1383

(3) The guardian of a qualified special education child, when 1384
a court has appointed a guardian for the child; 1385

(4) The grandparent of a qualified special education child, 1386
when the grandparent is the child's attorney in fact under a power 1387
of attorney executed under sections 3109.51 to 3109.62 of the 1388
Revised Code or when the grandparent has executed a caregiver 1389
authorization affidavit under sections 3109.65 to 3109.73 of the 1390
Revised Code; 1391

(5) The surrogate parent appointed for a qualified special 1392
education child pursuant to division (B) of section 3323.05 and 1393
section 3323.051 of the Revised Code; 1394

(6) A qualified special education child, if the child does 1395
not have a custodian or guardian and the child is at least 1396
eighteen years of age. 1397

(F) "Entitled to attend school" means entitled to attend 1398
school in a school district under sections 3313.64 and 3313.65 of 1399
the Revised Code. 1400

(G) "Formula ADM" and "formula amount" have the same meanings 1401
as in section 3317.02 of the Revised Code. 1402

(H) "Qualified special education child" is a child for whom 1403
all of the following conditions apply: 1404

(1) The child is at least five years of age and less than 1405
twenty-two years of age; 1406

(2) The school district in which the child is entitled to 1407
attend school, or the child's school district of residence if 1408
different, has identified the child as a child with a disability; 1409

(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program under Chapter 3323. of the Revised Code for the child; 1410
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(4) The child either: 1414

(a) Was enrolled in the schools of the school district in which the child is entitled to attend school in any grade from kindergarten through twelve in the school year prior to the school year in which a scholarship is first sought for the child; 1415
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(b) Is eligible to enter school in any grade kindergarten through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship is first sought for the child. 1419
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(5) The department of education has not approved a scholarship for the child under the autism scholarship program under section 3310.41 of the Revised Code for the same school year in which a scholarship under the special education scholarship pilot program is sought. 1423
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(I) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code. 1428
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(J) "Scholarship" means a scholarship awarded under the special education scholarship pilot program pursuant to sections 3310.51 to 3310.64 of the Revised Code. 1432
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(K) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code. 1435
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(L) "School year" has the same meaning as in section 3313.62 1440
of the Revised Code. 1441

(M) "Special education program" means a school or facility 1442
that provides special education and related services to children 1443
with disabilities. 1444

Sec. 3310.52. (A) The special education scholarship pilot 1445
program is hereby established. Under the program, in fiscal years 1446
2010 through 2015, subject to division (B) of this section, the 1447
department of education annually shall pay a scholarship to an 1448
eligible applicant for services provided by an alternative public 1449
provider or a registered private provider for a qualified special 1450
education child. The scholarship shall be used only to pay all or 1451
part of the fees for the child to attend the special education 1452
program operated by the alternative public provider or registered 1453
private provider to implement the child's individualized education 1454
program, in lieu of the child's attending the special education 1455
program operated by the school district in which the child is 1456
entitled to attend school, and other services agreed to by the 1457
provider and eligible applicant that are not included in the 1458
individualized education program but are associated with educating 1459
the child. Upon agreement with the eligible applicant, the 1460
alternative public provider or registered private provider may 1461
modify the services provided to the child. 1462

(B) The number of scholarships awarded under the pilot 1463
program in any fiscal year shall not exceed three per cent of the 1464
total number of students residing in the state identified as 1465
children with disabilities during the previous fiscal year. 1466

(C) No scholarship or renewal of a scholarship shall be 1467
awarded to an eligible applicant on behalf of a qualified special 1468
education child for the next school year, unless on or before the 1469
fifteenth day of April the eligible applicant completes the 1470

application for the scholarship or renewal, in the manner 1471
prescribed by the department, and notifies the school district in 1472
which the child is entitled to attend school that the eligible 1473
applicant has applied for the scholarship or renewal. 1474

Sec. 3310.521. (A) As a condition of receiving payments for a 1475
scholarship, each eligible applicant shall attest to receipt of 1476
the profile prescribed by division (B) of this section. Such 1477
attestation shall be made and submitted to the department of 1478
education in the form and manner as required by the department. 1479

(B) The alternative public provider or registered private 1480
provider that enrolls a qualified special education child shall 1481
submit in writing to the eligible applicant to whom a scholarship 1482
is awarded on behalf of that child a profile of the provider's 1483
special education program, in a form as prescribed by the 1484
department, that shall contain all of the following: 1485

(1) Information regarding the financial status of the 1486
provider; 1487

(2) Methods of instruction that will be utilized by the 1488
provider to provide services to the qualified special education 1489
child; 1490

(3) Qualifications of teachers, instructors, and other 1491
persons who will be engaged by the provider to provide services to 1492
the qualified special education child; 1493

(4) Results of the evaluation of the academic program of the 1494
provider; 1495

(5) Any other information required by the department. 1496

Sec. 3310.53. (A) Except for development of the child's 1497
individualized education program, as specified in division (B) of 1498
this section, the school district in which a qualified special 1499

education child is entitled to attend school and the child's 1500
school district of residence, if different, are not obligated to 1501
provide the child with a free appropriate public education under 1502
Chapter 3323. of the Revised Code for as long as the child 1503
continues to attend the special education program operated by 1504
either an alternative public provider or a registered private 1505
provider for which a scholarship is awarded under the special 1506
education scholarship pilot program. If at any time, the eligible 1507
applicant for the child decides no longer to accept scholarship 1508
payments and enrolls the child in the special education program of 1509
the school district in which the child is entitled to attend 1510
school, that district shall provide the child with a free 1511
appropriate public education under Chapter 3323. of the Revised 1512
Code. 1513

(B) Each eligible applicant and each qualified special 1514
education child have a continuing right to the development of an 1515
individualized education program for the child that complies with 1516
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 1517
administrative rules or guidelines adopted by the Ohio department 1518
of education or the United States department of education. The 1519
school district in which a qualified special education child is 1520
entitled to attend school, or the child's school district of 1521
residence if different, shall develop each individualized 1522
education program for the child in accordance with those 1523
provisions. 1524

(C) Each school district shall notify an eligible applicant 1525
of the applicant's and qualified special education child's rights 1526
under sections 3310.51 to 3310.64 of the Revised Code by providing 1527
to each eligible applicant the comparison document prescribed in 1528
section 3323.052 of the Revised Code. An eligible applicant's 1529
receipt of that document, as acknowledged in a format prescribed 1530
by the department of education, shall constitute notice that the 1531

eligible applicant has been informed of those rights. Upon receipt 1532
of that document, subsequent acceptance of a scholarship 1533
constitutes the eligible applicant's informed consent to the 1534
provisions of sections 3310.51 to 3310.64 of the Revised Code. 1535

Sec. 3310.54. As prescribed in divisions (A)(2)(h), 1536
(B)(3)(g), and (B)(5) to (10) of section 3317.03 of the Revised 1537
Code, a qualified special education child in any of grades 1538
kindergarten through twelve for whom a scholarship is awarded 1539
under the special education scholarship pilot program shall be 1540
counted in the formula ADM and category one through six special 1541
education ADM, as appropriate, of the school district in which the 1542
child is entitled to attend school. A qualified special education 1543
child shall not be counted in the formula ADM or category one 1544
through six special education ADM of any other school district. 1545

Sec. 3310.55. The department of education shall deduct from a 1546
school district's state education aid, as defined in section 1547
3317.02 of the Revised Code, and, if necessary, from its payment 1548
under sections 321.24 and 323.156 of the Revised Code, the 1549
aggregate amount of scholarships paid under section 3310.57 of the 1550
Revised Code for qualified special education children included in 1551
the formula ADM and the category one through six special education 1552
ADM of that school district. 1553

Sec. 3310.56. The amount of the scholarship awarded and paid 1554
to an eligible applicant for services for a qualified special 1555
education child under the special education scholarship pilot 1556
program in each school year shall be the least of the following: 1557

(A) The amount of fees charged for that school year by the 1558
alternative public provider or registered private provider; 1559

(B) The sum of the amounts calculated under divisions (B)(1) 1560
and (2) of this section: 1561

(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; 1562
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1564

(2) The formula amount times the applicable special education weight for the child's disability; 1565
1566

(C) Twenty thousand dollars. 1567

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. 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. 1568
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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. 1574
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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. 1578
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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: 1584
1585
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1588
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(A) The special education program operated by the school or 1591

entity meets the minimum education standards established by the 1592
state board of education. 1593

(B) The school or entity complies with the antidiscrimination 1594
provisions of 42 U.S.C. 2000d, regardless of whether the school or 1595
entity receives federal financial assistance. 1596

(C) If the school or entity is not chartered by the state 1597
board under section 3301.16 of the Revised Code, the school or 1598
entity agrees to comply with section 3319.39 of the Revised Code 1599
as if it were a school district. 1600

(D) The teaching and nonteaching professionals employed by 1601
the school or entity, or employed by any subcontractors of the 1602
school or entity, hold credentials determined by the state board 1603
to be appropriate for the qualified special education children 1604
enrolled in the special education program it operates. 1605

(E) The school or entity meets applicable health and safety 1606
standards established by law for school buildings. 1607

(F) The school or entity agrees to retain on file 1608
documentation as required by the department of education. 1609

(G) The school or entity demonstrates fiscal soundness to the 1610
satisfaction of the department. 1611

(H) The school or entity agrees to provide a record of the 1612
implementation of the individualized education program for each 1613
qualified special education child enrolled in the school's or 1614
entity's special education program, including evaluation of the 1615
child's progress, to the school district in which the child is 1616
entitled to attend school, in the form and manner prescribed by 1617
the department. 1618

(I) The school or entity agrees that, if it declines to 1619
enroll a particular qualified special education child, it will 1620
notify in writing the eligible applicant of its reasons for 1621

declining to enroll the child. 1622

(J) The school or entity agrees to meet other requirements 1623
established by rule of the state board under section 3310.64 of 1624
the Revised Code. 1625

Sec. 3310.59. The superintendent of public instruction shall 1626
revoke the registration of any school or entity if, after a 1627
hearing, the superintendent determines that the school or entity 1628
is in violation of any provision of section 3310.58 of the Revised 1629
Code. 1630

Sec. 3310.60. A qualified special education child attending a 1631
special education program at an alternative public provider or a 1632
registered private provider with a scholarship shall be entitled 1633
to transportation to and from that program in the manner 1634
prescribed by law for any child with a disability attending a 1635
nonpublic special education program. 1636

Sec. 3310.61. An eligible applicant on behalf of a child who 1637
currently attends a public special education program under a 1638
contract, compact, or other bilateral agreement, or on behalf of a 1639
child who currently attends a community school, shall not be 1640
prohibited from applying for and accepting a scholarship so that 1641
the applicant may withdraw the child from that program or 1642
community school and use the scholarship for the child to attend a 1643
special education program operated by an alternative public 1644
provider or a registered private provider. 1645

Sec. 3310.62. (A) A scholarship under the special education 1646
scholarship pilot program shall not be awarded for the first time 1647
to an eligible applicant on behalf of a qualified special 1648
education child while the child's individualized education program 1649
is being developed by the school district in which the child is 1650

entitled to attend school, or by the child's school district of 1651
residence if different, or while any administrative or judicial 1652
mediation or proceedings with respect to the content of that 1653
individualized education program are pending. 1654

(B) Development of individualized education programs 1655
subsequent to the one developed for the child the first time a 1656
scholarship was awarded on behalf of the child and the 1657
prosecuting, by the eligible applicant on behalf of the child, of 1658
administrative or judicial mediation or proceedings with respect 1659
to any of those subsequent individualized education programs do 1660
not affect the applicant's and the child's continued eligibility 1661
for scholarship payments. 1662

(C) In the case of any child for whom a scholarship has been 1663
awarded, if the school district in which the child is entitled to 1664
attend school has agreed to provide some services for the child 1665
under an agreement entered into with the eligible applicant or 1666
with the alternative public provider or registered private 1667
provider implementing the child's individualized education 1668
program, or if the district is required by law to provide some 1669
services for the child, including transportation services under 1670
sections 3310.60 and 3327.01 of the Revised Code, the district 1671
shall not discontinue the services it is providing pending 1672
completion of any administrative proceedings regarding those 1673
services. The prosecuting, by the eligible applicant on behalf of 1674
the child, of administrative proceedings regarding the services 1675
provided by the district does not affect the applicant's and the 1676
child's continued eligibility for scholarship payments. 1677

(D) The department of education shall continue to make 1678
payments to the eligible applicant under section 3310.57 of the 1679
Revised Code while either of the following are pending: 1680

(1) Administrative or judicial mediation or proceedings with 1681
respect to a subsequent individualized education program for the 1682

child referred to in division (B) of this section; 1683

(2) Administrative proceedings regarding services provided by 1684

the district under division (C) of this section. 1685

Sec. 3310.63. (A) Only for the purpose of administering the 1686

special education scholarship pilot program, the department of 1687

education may request from any of the following entities the data 1688

verification code assigned under division (D)(2) of section 1689

3301.0714 of the Revised Code to any qualified special education 1690

child for whom a scholarship is sought under the program: 1691

(1) The school district in which the child is entitled to 1692

attend school; 1693

(2) If applicable, the community school in which the child is 1694

enrolled; 1695

(3) The independent contractor engaged to create and maintain 1696

data verification codes. 1697

(B) Upon a request by the department under division (A) of 1698

this section for the data verification code of a qualified special 1699

education child or a request by the eligible applicant for the 1700

child for that code, the school district or community school shall 1701

submit that code to the department or applicant in the manner 1702

specified by the department. If the child has not been assigned a 1703

code, because the child will be entering kindergarten during the 1704

school year for which the scholarship is sought, the district 1705

shall assign a code to that child and submit the code to the 1706

department or applicant by a date specified by the department. If 1707

the district does not assign a code to the child by the specified 1708

date, the department shall assign a code to the child. 1709

1710

The department annually shall submit to each school district 1711

the name and data verification code of each child residing in the 1712

district who is entering kindergarten, who has been awarded a 1713
scholarship under the program, and for whom the department has 1714
assigned a code under this division. 1715

(C) The department shall not release any data verification 1716
code that it receives under this section to any person except as 1717
provided by law. 1718

(D) Any document relative to the special education 1719
scholarship pilot program that the department holds in its files 1720
that contains both a qualified special education child's name or 1721
other personally identifiable information and the child's data 1722
verification code shall not be a public record under section 1723
149.43 of the Revised Code. 1724

Sec. 3310.64. The state board of education shall adopt rules 1725
in accordance with Chapter 119. of the Revised Code prescribing 1726
procedures necessary to implement sections 3310.51 to 3310.62 of 1727
the Revised Code including, but not limited to, procedures for 1728
parents to apply for scholarships, standards for registered 1729
private providers, and procedures for registration of private 1730
providers. 1731

Sec. 3317.022. (A)(1) The department of education shall 1732
compute and distribute state base cost funding to each eligible 1733
school district for the fiscal year, using the information 1734
obtained under section 3317.021 of the Revised Code in the 1735
calendar year in which the fiscal year begins, according to the 1736
following formula: 1737

{[the formula amount X (formula ADM + 1738
preschool scholarship ADM)] + 1739
the sum of the base funding supplements 1740
prescribed in divisions (C)(1) to (4) 1741
of section 3317.012 of the Revised Code} - 1742

[.023 x (the sum of recognized valuation 1743
and property exemption value)] + 1744
the amounts calculated for the district under 1745
sections 3317.029 and 3317.0217 of the Revised Code 1746

If the difference obtained is a negative number, the 1747
district's computation shall be zero. 1748

(2)(a) For each school district for which the tax exempt 1749
value of the district equals or exceeds twenty-five per cent of 1750
the potential value of the district, the department of education 1751
shall calculate the difference between the district's tax exempt 1752
value and twenty-five per cent of the district's potential value. 1753

(b) For each school district to which division (A)(2)(a) of 1754
this section applies, the department shall adjust the recognized 1755
valuation used in the calculation under division (A)(1) of this 1756
section by subtracting from it the amount calculated under 1757
division (A)(2)(a) of this section. 1758

(B) As used in this section: 1759

(1) The "total special education weight" for a district means 1760
the sum of the following amounts: 1761

(a) The district's category one special education ADM 1762
multiplied by the multiple specified in division (A) of section 1763
3317.013 of the Revised Code; 1764

(b) The district's category two special education ADM 1765
multiplied by the multiple specified in division (B) of section 1766
3317.013 of the Revised Code; 1767

(c) The district's category three special education ADM 1768
multiplied by the multiple specified in division (C) of section 1769
3317.013 of the Revised Code; 1770

(d) The district's category four special education ADM 1771
multiplied by the multiple specified in division (D) of section 1772

3317.013 of the Revised Code;	1773
(e) The district's category five special education ADM	1774
multiplied by the multiple specified in division (E) of section	1775
3317.013 of the Revised Code;	1776
(f) The district's category six special education ADM	1777
multiplied by the multiple specified in division (F) of section	1778
3317.013 of the Revised Code.	1779
(2) "State share percentage" means the percentage calculated	1780
for a district as follows:	1781
(a) Calculate the state base cost funding amount for the	1782
district for the fiscal year under division (A) of this section.	1783
If the district would not receive any state base cost funding for	1784
that year under that division, the district's state share	1785
percentage is zero.	1786
(b) If the district would receive state base cost funding	1787
under that division, divide that amount by an amount equal to the	1788
following:	1789
(the formula amount X formula ADM) +	1790
the sum of the base funding supplements	1791
prescribed in divisions (C)(1) to (4)	1792
of section 3317.012 of the Revised Code +	1793
the sum of the amounts calculated for the district under	1794
sections 3317.029 and 3317.0217 of the Revised Code	1795
The resultant number is the district's state share	1796
percentage.	1797
(3) "Related services" includes:	1798
(a) Child study, special education supervisors and	1799
coordinators, speech and hearing services, adaptive physical	1800
development services, occupational or physical therapy, teacher	1801
assistants for children with disabilities whose disabilities are	1802

described in division (B) of section 3317.013 or division (F)(3) 1803
of section 3317.02 of the Revised Code, behavioral intervention, 1804
interpreter services, work study, nursing services, and 1805
specialized integrative services as those terms are defined by the 1806
department; 1807

(b) Speech and language services provided to any student with 1808
a disability, including any student whose primary or only 1809
disability is a speech and language disability; 1810

(c) Any related service not specifically covered by other 1811
state funds but specified in federal law, including but not 1812
limited to, audiology and school psychological services; 1813

(d) Any service included in units funded under former 1814
division (O)(1) of section 3317.024 of the Revised Code; 1815

(e) Any other related service needed by children with 1816
disabilities in accordance with their individualized education 1817
programs. 1818

(4) The "total vocational education weight" for a district 1819
means the sum of the following amounts: 1820

(a) The district's category one vocational education ADM 1821
multiplied by the multiple specified in division (A) of section 1822
3317.014 of the Revised Code; 1823

(b) The district's category two vocational education ADM 1824
multiplied by the multiple specified in division (B) of section 1825
3317.014 of the Revised Code. 1826

(5) "Preschool scholarship ADM" means the number of preschool 1827
children with disabilities reported under division (B)(3)(h) of 1828
section 3317.03 of the Revised Code. 1829

(C)(1) The department shall compute and distribute state 1830
special education and related services additional weighted costs 1831
funds to each school district in accordance with the following 1832

formula: 1833

 The district's state share percentage X 1834

 the formula amount for the year for which 1835

 the aid is calculated X the district's 1836

 total special education weight 1837

(2) The attributed local share of special education and 1838

related services additional weighted costs equals: 1839

(1 - the district's state share percentage) X the district's 1840

 total special education weight X the formula amount 1841

(3)(a) The department shall compute and pay in accordance 1842

with this division additional state aid to school districts for 1843

students in categories two through six special education ADM. If a 1844

district's costs for the fiscal year for a student in its 1845

categories two through six special education ADM exceed the 1846

threshold catastrophic cost for serving the student, the district 1847

may submit to the superintendent of public instruction 1848

documentation, as prescribed by the superintendent, of all its 1849

costs for that student. Upon submission of documentation for a 1850

student of the type and in the manner prescribed, the department 1851

shall pay to the district an amount equal to the sum of the 1852

following: 1853

(i) One-half of the district's costs for the student in 1854

excess of the threshold catastrophic cost; 1855

(ii) The product of one-half of the district's costs for the 1856

student in excess of the threshold catastrophic cost multiplied by 1857

the district's state share percentage. 1858

(b) For purposes of division (C)(3)(a) of this section, the 1859

threshold catastrophic cost for serving a student equals: 1860

(i) For a student in the school district's category two, 1861

three, four, or five special education ADM, twenty-seven thousand 1862

three hundred seventy-five dollars in fiscal years 2008 and 2009; 1863

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

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

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

(b) For the provision of speech language pathology services to students, including students who do not have individualized education programs prepared for them under Chapter 3323. of the Revised Code, and for no other purpose, the department of education shall pay each school district an amount calculated under the following formula:

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

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

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

The purposes approved by the department for special education expenses shall include, but shall not be limited to, identification of children with disabilities, compliance with

state rules governing the education of children with disabilities 1895
and prescribing the continuum of program options for children with 1896
disabilities, provision of speech language pathology services, and 1897
the portion of the school district's overall administrative and 1898
overhead costs that are attributable to the district's special 1899
education student population. 1900

The scholarships deducted from the school district's account 1901
under section 3310.41 or 3310.55 of the Revised Code shall be 1902
considered to be an approved special education and related 1903
services expense for the purpose of the school district's 1904
compliance with division (C)(5) of this section. 1905

The department shall require school districts to report data 1906
annually to allow for monitoring compliance with division (C)(5) 1907
of this section. The department shall annually report to the 1908
governor and the general assembly the amount of money spent by 1909
each school district for special education and related services. 1910

(6) In any fiscal year, a school district shall spend for the 1911
provision of speech language pathology services not less than the 1912
sum of the amount calculated under division (C)(1) of this section 1913
for the students in the district's category one special education 1914
ADM and the amount calculated under division (C)(4) of this 1915
section. 1916

The scholarships deducted from the school district's account 1917
under section 3310.55 of the Revised Code for students counted in 1918
the district's category one special education ADM shall be 1919
considered to be an approved speech language pathology services 1920
expense for the purpose of the school district's compliance with 1921
division (C)(6) of this section. 1922

(D)(1) As used in this division: 1923

(a) "Daily bus miles per student" equals the number of bus 1924
miles traveled per day, divided by transportation base. 1925

(b) "Transportation base" equals total student count as 1926
defined in section 3301.011 of the Revised Code, minus the number 1927
of students enrolled in units for preschool children with 1928
disabilities, plus the number of nonpublic school students 1929
included in transportation ADM. 1930

(c) "Transported student percentage" equals transportation 1931
ADM divided by transportation base. 1932

(d) "Transportation cost per student" equals total operating 1933
costs for board-owned or contractor-operated school buses divided 1934
by transportation base. 1935

(2) Analysis of student transportation cost data has resulted 1936
in a finding that an average efficient transportation use cost per 1937
student can be calculated by means of a regression formula that 1938
has as its two independent variables the number of daily bus miles 1939
per student and the transported student percentage. For fiscal 1940
year 1998 transportation cost data, the average efficient 1941
transportation use cost per student is expressed as follows: 1942

$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + 1943 \\ (116.25573 \times \text{transported student percentage}) 1944$$

The department of education shall annually determine the 1945
average efficient transportation use cost per student in 1946
accordance with the principles stated in division (D)(2) of this 1947
section, updating the intercept and regression coefficients of the 1948
regression formula modeled in this division, based on an annual 1949
statewide analysis of each school district's daily bus miles per 1950
student, transported student percentage, and transportation cost 1951
per student data. The department shall conduct the annual update 1952
using data, including daily bus miles per student, transported 1953
student percentage, and transportation cost per student data, from 1954
the prior fiscal year. The department shall notify the office of 1955
budget and management of such update by the fifteenth day of 1956
February of each year. 1957

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

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: 1987
(per rough mile subsidy X total rough road miles) 1988
X density multiplier 1989

where: 1990

(a) "Per rough mile subsidy" equals the amount calculated in 1991
accordance with the following formula: 1992
 $0.75 - \{0.75 \times [(\text{maximum rough road percentage} -$ 1993
 $\text{county rough road percentage}) / (\text{maximum rough road}$ 1994
 $\text{percentage} - \text{statewide rough road percentage})]\}$ 1995

(i) "Maximum rough road percentage" means the highest county 1996
rough road percentage in the state. 1997

(ii) "County rough road percentage" equals the percentage of 1998
the mileage of state, municipal, county, and township roads that 1999
is rated by the department of transportation as type A, B, C, E2, 2000
or F in the county in which the school district is located or, if 2001
the district is located in more than one county, the county to 2002
which it is assigned for purposes of determining its 2003
cost-of-doing-business factor. 2004

(iii) "Statewide rough road percentage" means the percentage 2005
of the statewide total mileage of state, municipal, county, and 2006
township roads that is rated as type A, B, C, E2, or F by the 2007
department of transportation. 2008

(b) "Total rough road miles" means a school district's total 2009
bus miles traveled in one year times its county rough road 2010
percentage. 2011

(c) "Density multiplier" means a figure calculated in 2012
accordance with the following formula: 2013
 $1 - [(\text{minimum student density} - \text{district student}$ 2014
 $\text{density}) / (\text{minimum student density} -$ 2015
 $\text{statewide student density})]$ 2016

(i) "Minimum student density" means the lowest district student density in the state. 2017
2018

(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district. 2019
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(iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts. 2022
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(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board-owned or contractor-operated buses and whose transportation is not funded under division (G) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students. 2025
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(E)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula: 2033
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state share percentage X 2036

the formula amount X 2037

total vocational education weight 2038

In any fiscal year, a school district receiving funds under division (E)(1) of this section shall spend those funds only for the purposes that the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding 2039
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the manner in which funding received under division (E)(1) of this section may be spent.

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

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

In any fiscal year, a school district receiving funds under division (E)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for vocational education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other vocational education services, vocational evaluation, and other purposes designated by the department. The department may deny payment under division (E)(2) of this section to any district that the department determines is not operating those services or is using funds paid under division (E)(2) of this section, or through a transfer of funds pursuant to division (L) of section 3317.023 of the Revised Code, for other purposes.

(F) The actual local share in any fiscal year for the combination of special education and related services additional weighted costs funding calculated under division (C)(1) of this section, transportation funding calculated under divisions (D)(2) and (3) of this section, and vocational education and associated services additional weighted costs funding calculated under divisions (E)(1) and (2) of this section shall not exceed for any school district the product of three and three-tenths mills times the district's recognized valuation. The department annually shall pay each school district as an excess cost supplement any amount by which the sum of the district's attributed local shares for

that funding exceeds that product. For purposes of calculating the excess cost supplement:

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

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

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

$$(1 - \text{state share percentage}) \times [(\text{total vocational education weight} \times \text{the formula amount}) + \text{the payment under division (E)(2) of this section}]$$

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

(A) The superintendent of each city and exempted village school district and of each educational service center shall, for the schools under the superintendent's supervision, certify to the state board of education on or before the fifteenth day of October in each year for the first full school week in October the formula ADM. Beginning in fiscal year 2007, each superintendent also shall certify to the state board, for the schools under the superintendent's supervision, the formula ADM for the first full week in February. If a school under the superintendent's

supervision is closed for one or more days during that week due to 2111
hazardous weather conditions or other circumstances described in 2112
the first paragraph of division (B) of section 3317.01 of the 2113
Revised Code, the superintendent may apply to the superintendent 2114
of public instruction for a waiver, under which the superintendent 2115
of public instruction may exempt the district superintendent from 2116
certifying the formula ADM for that school for that week and 2117
specify an alternate week for certifying the formula ADM of that 2118
school. 2119

The formula ADM shall consist of the average daily membership 2120
during such week of the sum of the following: 2121

(1) On an FTE basis, the number of students in grades 2122
kindergarten through twelve receiving any educational services 2123
from the district, except that the following categories of 2124
students shall not be included in the determination: 2125

(a) Students enrolled in adult education classes; 2126

(b) Adjacent or other district students enrolled in the 2127
district under an open enrollment policy pursuant to section 2128
3313.98 of the Revised Code; 2129

(c) Students receiving services in the district pursuant to a 2130
compact, cooperative education agreement, or a contract, but who 2131
are entitled to attend school in another district pursuant to 2132
section 3313.64 or 3313.65 of the Revised Code; 2133

(d) Students for whom tuition is payable pursuant to sections 2134
3317.081 and 3323.141 of the Revised Code; 2135

(e) Students receiving services in the district through a 2136
scholarship awarded under either section 3310.41 or sections 2137
3310.51 to 3310.64 of the Revised Code. 2138

(2) On an FTE basis, except as provided in division (A)(2)(h) 2139
of this section, the number of students entitled to attend school 2140

in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

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

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

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

(e) An educational service center or cooperative education district;

(f) Another school district under a cooperative education agreement, compact, or contract;

(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code. Each such scholarship student who is enrolled in kindergarten shall be counted as one full-time-equivalent student.

As used in this section, "alternative public provider" and 2171
"registered private provider" have the same meanings as in section 2172
3310.41 or 3310.51 of the Revised Code, as applicable. 2173

(i) A science, technology, engineering, and mathematics 2174
school established under Chapter 3326. of the Revised Code, 2175
including any participation in a college pursuant to Chapter 3365. 2176
of the Revised Code while enrolled in the school. 2177

(3) Twenty per cent of the number of students enrolled in a 2178
joint vocational school district or under a vocational education 2179
compact, excluding any students entitled to attend school in the 2180
district under section 3313.64 or 3313.65 of the Revised Code who 2181
are enrolled in another school district through an open enrollment 2182
policy as reported under division (A)(2)(d) of this section and 2183
then enroll in a joint vocational school district or under a 2184
vocational education compact; 2185

(4) The number of children with disabilities, other than 2186
preschool children with disabilities, entitled to attend school in 2187
the district pursuant to section 3313.64 or 3313.65 of the Revised 2188
Code who are placed by the district with a county MR/DD board, 2189
minus the number of such children placed with a county MR/DD board 2190
in fiscal year 1998. If this calculation produces a negative 2191
number, the number reported under division (A)(4) of this section 2192
shall be zero. 2193

(5) Beginning in fiscal year 2007, in the case of the report 2194
submitted for the first full week in February, or the alternative 2195
week if specified by the superintendent of public instruction, the 2196
number of students reported under division (A)(1) or (2) of this 2197
section for the first full week of the preceding October but who 2198
since that week have received high school diplomas. 2199

(B) To enable the department of education to obtain the data 2200
needed to complete the calculation of payments pursuant to this 2201

chapter, in addition to the formula ADM, each superintendent shall 2202
report separately the following student counts for the same week 2203
for which formula ADM is certified: 2204

(1) The total average daily membership in regular day classes 2205
included in the report under division (A)(1) or (2) of this 2206
section for kindergarten, and each of grades one through twelve in 2207
schools under the superintendent's supervision; 2208

(2) The number of all preschool children with disabilities 2209
enrolled as of the first day of December in classes in the 2210
district that are eligible for approval under division (B) of 2211
section 3317.05 of the Revised Code and the number of those 2212
classes, which shall be reported not later than the fifteenth day 2213
of December, in accordance with rules adopted under that section; 2214

(3) The number of children entitled to attend school in the 2215
district pursuant to section 3313.64 or 3313.65 of the Revised 2216
Code who are: 2217

(a) Participating in a pilot project scholarship program 2218
established under sections 3313.974 to 3313.979 of the Revised 2219
Code as described in division (I)(2)(a) or (b) of this section; 2220

(b) Enrolled in a college under Chapter 3365. of the Revised 2221
Code, except when the student is enrolled in the college while 2222
also enrolled in a community school pursuant to Chapter 3314. or a 2223
science, technology, engineering, and mathematics school 2224
established under Chapter 3326. of the Revised Code; 2225

(c) Enrolled in an adjacent or other school district under 2226
section 3313.98 of the Revised Code; 2227

(d) Enrolled in a community school established under Chapter 2228
3314. of the Revised Code that is not an internet- or 2229
computer-based community school as defined in section 3314.02 of 2230
the Revised Code, including any participation in a college 2231
pursuant to Chapter 3365. of the Revised Code while enrolled in 2232

such community school;	2233
(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;	2234 2235 2236 2237
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	2238 2239
(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;	2240 2241 2242 2243
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	2244 2245 2246
(i) Participating in a program operated by a county MR/DD board or a state institution;	2247 2248
(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.	2249 2250 2251 2252
(4) The number of pupils enrolled in joint vocational schools;	2253 2254
(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>	2255 2256 2257 2258 2259 2260 2261 2262

(6) The combined average daily membership of children with 2263
disabilities reported under division (A)(1) or (2) of this section 2264
receiving special education services for category two disabilities 2265
described in division (B) of section 3317.013 of the Revised Code, 2266
including children attending a special education program operated 2267
by an alternative public provider or a registered private provider 2268
with a scholarship awarded under sections 3310.51 to 3310.64 of 2269
the Revised Code; 2270

(7) The combined average daily membership of children with 2271
disabilities reported under division (A)(1) or (2) of this section 2272
receiving special education services for category three 2273
disabilities described in division (C) of section 3317.013 of the 2274
Revised Code, including children attending a special education 2275
program operated by an alternative public provider or a registered 2276
private provider with a scholarship awarded under sections 3310.51 2277
to 3310.64 of the Revised Code; 2278

(8) The combined average daily membership of children with 2279
disabilities reported under division (A)(1) or (2) of this section 2280
receiving special education services for category four 2281
disabilities described in division (D) of section 3317.013 of the 2282
Revised Code, including children attending a special education 2283
program operated by an alternative public provider or a registered 2284
private provider with a scholarship awarded under sections 3310.51 2285
to 3310.64 of the Revised Code; 2286

(9) The combined average daily membership of children with 2287
disabilities reported under division (A)(1) or (2) of this section 2288
receiving special education services for the category five 2289
disabilities described in division (E) of section 3317.013 of the 2290
Revised Code, including children attending a special education 2291
program operated by an alternative public provider or a registered 2292
private provider with a scholarship awarded under sections 3310.51 2293
to 3310.64 of the Revised Code; 2294

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

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

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

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

education;	2327
(14)(a) The number of children, other than preschool children with disabilities, the district placed with a county MR/DD board in fiscal year 1998;	2328 2329 2330
(b) 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 one disability described in division (A) of section 3317.013 of the Revised Code;	2331 2332 2333 2334 2335
(c) 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 two disabilities described in division (B) of section 3317.013 of the Revised Code;	2336 2337 2338 2339 2340
(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;	2341 2342 2343 2344 2345
(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;	2346 2347 2348 2349 2350
(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;	2351 2352 2353 2354 2355
(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county MR/DD	2356 2357

board in the current fiscal year to receive special education 2358
services for category six disabilities described in division (F) 2359
of section 3317.013 of the Revised Code. 2360

(C)(1) Except as otherwise provided in this section for 2361
kindergarten students, the average daily membership in divisions 2362
(B)(1) to (12) of this section shall be based upon the number of 2363
full-time equivalent students. The state board of education shall 2364
adopt rules defining full-time equivalent students and for 2365
determining the average daily membership therefrom for the 2366
purposes of divisions (A), (B), and (D) of this section. 2367

(2) A student enrolled in a community school established 2368
under Chapter 3314. or a science, technology, engineering, and 2369
mathematics school established under Chapter 3326. of the Revised 2370
Code shall be counted in the formula ADM and, if applicable, the 2371
category one, two, three, four, five, or six special education ADM 2372
of the school district in which the student is entitled to attend 2373
school under section 3313.64 or 3313.65 of the Revised Code for 2374
the same proportion of the school year that the student is counted 2375
in the enrollment of the community school or the science, 2376
technology, engineering, and mathematics school for purposes of 2377
section 3314.08 or 3326.33 of the Revised Code. Notwithstanding 2378
the number of students reported pursuant to division (B)(3)(d), 2379
(e), or (j) of this section, the department may adjust the formula 2380
ADM of a school district to account for students entitled to 2381
attend school in the district under section 3313.64 or 3313.65 of 2382
the Revised Code who are enrolled in a community school or a 2383
science, technology, engineering, and mathematics school for only 2384
a portion of the school year. 2385

(3) No child shall be counted as more than a total of one 2386
child in the sum of the average daily memberships of a school 2387
district under division (A), divisions (B)(1) to (12), or division 2388
(D) of this section, except as follows: 2389

(a) A child with a disability described in section 3317.013 2390
of the Revised Code may be counted both in formula ADM and in 2391
category one, two, three, four, five, or six special education ADM 2392
and, if applicable, in category one or two vocational education 2393
ADM. As provided in division (C) of section 3317.02 of the Revised 2394
Code, such a child shall be counted in category one, two, three, 2395
four, five, or six special education ADM in the same proportion 2396
that the child is counted in formula ADM. 2397

(b) A child enrolled in vocational education programs or 2398
classes described in section 3317.014 of the Revised Code may be 2399
counted both in formula ADM and category one or two vocational 2400
education ADM and, if applicable, in category one, two, three, 2401
four, five, or six special education ADM. Such a child shall be 2402
counted in category one or two vocational education ADM in the 2403
same proportion as the percentage of time that the child spends in 2404
the vocational education programs or classes. 2405

(4) Based on the information reported under this section, the 2406
department of education shall determine the total student count, 2407
as defined in section 3301.011 of the Revised Code, for each 2408
school district. 2409

(D)(1) The superintendent of each joint vocational school 2410
district shall certify to the superintendent of public instruction 2411
on or before the fifteenth day of October in each year for the 2412
first full school week in October the formula ADM. Beginning in 2413
fiscal year 2007, each superintendent also shall certify to the 2414
state superintendent the formula ADM for the first full week in 2415
February. If a school operated by the joint vocational school 2416
district is closed for one or more days during that week due to 2417
hazardous weather conditions or other circumstances described in 2418
the first paragraph of division (B) of section 3317.01 of the 2419
Revised Code, the superintendent may apply to the superintendent 2420
of public instruction for a waiver, under which the superintendent 2421

of public instruction may exempt the district superintendent from 2422
certifying the formula ADM for that school for that week and 2423
specify an alternate week for certifying the formula ADM of that 2424
school. 2425

The formula ADM, except as otherwise provided in this 2426
division, shall consist of the average daily membership during 2427
such week, on an FTE basis, of the number of students receiving 2428
any educational services from the district, including students 2429
enrolled in a community school established under Chapter 3314. or 2430
a science, technology, engineering, and mathematics school 2431
established under Chapter 3326. of the Revised Code who are 2432
attending the joint vocational district under an agreement between 2433
the district board of education and the governing authority of the 2434
community school or the science, technology, engineering, and 2435
mathematics school and are entitled to attend school in a city, 2436
local, or exempted village school district whose territory is part 2437
of the territory of the joint vocational district. Beginning in 2438
fiscal year 2007, in the case of the report submitted for the 2439
first week in February, or the alternative week if specified by 2440
the superintendent of public instruction, the superintendent of 2441
the joint vocational school district may include the number of 2442
students reported under division (D)(1) of this section for the 2443
first full week of the preceding October but who since that week 2444
have received high school diplomas. 2445

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The following categories of students shall not be included in 2447
the determination made under division (D)(1) of this section: 2448

(a) Students enrolled in adult education classes; 2449

(b) Adjacent or other district joint vocational students 2450
enrolled in the district under an open enrollment policy pursuant 2451
to section 3313.98 of the Revised Code; 2452

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

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

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

(a) Students enrolled in each grade included in the joint vocational district schools;

(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;

(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;

(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;

(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;

(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;	2483
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	2484 2485 2486
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	2487 2488 2489
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	2490 2491 2492
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	2493 2494 2495 2496 2497
(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:	2498 2499 2500 2501 2502 2503 2504 2505 2506 2507 2508 2509 2510 2511 2512
(1) Any pupil who has graduated from the twelfth grade of a	2513

public or nonpublic high school;	2514
(2) Any pupil who is not a resident of the state;	2515
(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;	2516 2517 2518 2519 2520
(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.	2521 2522 2523 2524 2525 2526 2527
If, however, any veteran described by division (E)(4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in average daily membership.	2528 2529 2530 2531 2532
Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take a test required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the test to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.	2533 2534 2535 2536 2537 2538 2539 2540 2541
Except as provided in divisions (B)(2) and (F) of this section, the average daily membership figure of any local, city, exempted village, or joint vocational school district shall be	2542 2543 2544

determined by dividing the figure representing the sum of the 2545
number of pupils enrolled during each day the school of attendance 2546
is actually open for instruction during the week for which the 2547
formula ADM is being certified by the total number of days the 2548
school was actually open for instruction during that week. For 2549
purposes of state funding, "enrolled" persons are only those 2550
pupils who are attending school, those who have attended school 2551
during the current school year and are absent for authorized 2552
reasons, and those children with disabilities currently receiving 2553
home instruction. 2554

The average daily membership figure of any cooperative 2555
education school district shall be determined in accordance with 2556
rules adopted by the state board of education. 2557

(F)(1) If the formula ADM for the first full school week in 2558
February is at least three per cent greater than that certified 2559
for the first full school week in the preceding October, the 2560
superintendent of schools of any city, exempted village, or joint 2561
vocational school district or educational service center shall 2562
certify such increase to the superintendent of public instruction. 2563
Such certification shall be submitted no later than the fifteenth 2564
day of February. For the balance of the fiscal year, beginning 2565
with the February payments, the superintendent of public 2566
instruction shall use the increased formula ADM in calculating or 2567
recalculating the amounts to be allocated in accordance with 2568
section 3317.022 or 3317.16 of the Revised Code. In no event shall 2569
the superintendent use an increased membership certified to the 2570
superintendent after the fifteenth day of February. Division 2571
(F)(1) of this section does not apply after fiscal year 2006. 2572

(2) If on the first school day of April the total number of 2573
classes or units for preschool children with disabilities that are 2574
eligible for approval under division (B) of section 3317.05 of the 2575
Revised Code exceeds the number of units that have been approved 2576

for the year under that division, the superintendent of schools of 2577
any city, exempted village, or cooperative education school 2578
district or educational service center shall make the 2579
certifications required by this section for that day. If the 2580
department determines additional units can be approved for the 2581
fiscal year within any limitations set forth in the acts 2582
appropriating moneys for the funding of such units, the department 2583
shall approve additional units for the fiscal year on the basis of 2584
such average daily membership. For each unit so approved, the 2585
department shall pay an amount computed in the manner prescribed 2586
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 2587
Code. 2588

(3) If a student attending a community school under Chapter 2589
3314. or a science, technology, engineering, and mathematics 2590
school established under Chapter 3326. of the Revised Code is not 2591
included in the formula ADM certified for the school district in 2592
which the student is entitled to attend school under section 2593
3313.64 or 3313.65 of the Revised Code, the department of 2594
education shall adjust the formula ADM of that school district to 2595
include the student in accordance with division (C)(2) of this 2596
section, and shall recalculate the school district's payments 2597
under this chapter for the entire fiscal year on the basis of that 2598
adjusted formula ADM. This requirement applies regardless of 2599
whether the student was enrolled, as defined in division (E) of 2600
this section, in the community school or the science, technology, 2601
engineering, and mathematics school during the week for which the 2602
formula ADM is being certified. 2603

(4) If a student awarded an educational choice scholarship is 2604
not included in the formula ADM of the school district from which 2605
the department deducts funds for the scholarship under section 2606
3310.08 of the Revised Code, the department shall adjust the 2607
formula ADM of that school district to include the student to the 2608

extent necessary to account for the deduction, and shall 2609
recalculate the school district's payments under this chapter for 2610
the entire fiscal year on the basis of that adjusted formula ADM. 2611
This requirement applies regardless of whether the student was 2612
enrolled, as defined in division (E) of this section, in the 2613
chartered nonpublic school, the school district, or a community 2614
school during the week for which the formula ADM is being 2615
certified. 2616

(5) If a student awarded a scholarship under the special 2617
education scholarship pilot program is not included in the formula 2618
ADM of the school district from which the department deducts funds 2619
for the scholarship under section 3310.55 of the Revised Code, the 2620
department shall adjust the formula ADM of that school district to 2621
include the student to the extent necessary to account for the 2622
deduction, and shall recalculate the school district's payments 2623
under this chapter for the entire fiscal year on the basis of that 2624
adjusted formula ADM. This requirement applies regardless of 2625
whether the student was enrolled, as defined in division (E) of 2626
this section, in an alternative public provider, a registered 2627
private provider, or the school district during the week for which 2628
the formula ADM is being certified. 2629

(G)(1)(a) The superintendent of an institution operating a 2630
special education program pursuant to section 3323.091 of the 2631
Revised Code shall, for the programs under such superintendent's 2632
supervision, certify to the state board of education, in the 2633
manner prescribed by the superintendent of public instruction, 2634
both of the following: 2635

(i) The average daily membership of all children with 2636
disabilities other than preschool children with disabilities 2637
receiving services at the institution for each category of 2638
disability described in divisions (A) to (F) of section 3317.013 2639
of the Revised Code; 2640

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

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

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

(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 2672
set forth in the acts appropriating moneys for the funding of the 2673
classes and units described in division (G)(3)(a) of this section, 2674
the department shall approve and fund additional units for the 2675
fiscal year on the basis of such average daily membership. For 2676
each unit so approved, the department shall pay an amount computed 2677
in the manner prescribed in sections 3317.052 and 3317.053 of the 2678
Revised Code. 2679

(H) Except as provided in division (I) of this section, when 2680
any city, local, or exempted village school district provides 2681
instruction for a nonresident pupil whose attendance is 2682
unauthorized attendance as defined in section 3327.06 of the 2683
Revised Code, that pupil's membership shall not be included in 2684
that district's membership figure used in the calculation of that 2685
district's formula ADM or included in the determination of any 2686
unit approved for the district under section 3317.05 of the 2687
Revised Code. The reporting official shall report separately the 2688
average daily membership of all pupils whose attendance in the 2689
district is unauthorized attendance, and the membership of each 2690
such pupil shall be credited to the school district in which the 2691
pupil is entitled to attend school under division (B) of section 2692
3313.64 or section 3313.65 of the Revised Code as determined by 2693
the department of education. 2694

(I)(1) A city, local, exempted village, or joint vocational 2695
school district admitting a scholarship student of a pilot project 2696
district pursuant to division (C) of section 3313.976 of the 2697
Revised Code may count such student in its average daily 2698
membership. 2699

(2) In any year for which funds are appropriated for pilot 2700
project scholarship programs, a school district implementing a 2701
state-sponsored pilot project scholarship program that year 2702
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 2703

count in average daily membership: 2704

(a) All children residing in the district and utilizing a 2705
scholarship to attend kindergarten in any alternative school, as 2706
defined in section 3313.974 of the Revised Code; 2707

(b) All children who were enrolled in the district in the 2708
preceding year who are utilizing a scholarship to attend any such 2709
alternative school. 2710

(J) The superintendent of each cooperative education school 2711
district shall certify to the superintendent of public 2712
instruction, in a manner prescribed by the state board of 2713
education, the applicable average daily memberships for all 2714
students in the cooperative education district, also indicating 2715
the city, local, or exempted village district where each pupil is 2716
entitled to attend school under section 3313.64 or 3313.65 of the 2717
Revised Code. 2718

(K) If the superintendent of public instruction determines 2719
that a component of the formula ADM certified or reported by a 2720
district superintendent, or other reporting entity, is not 2721
correct, the superintendent of public instruction may order that 2722
the formula ADM used for the purposes of payments under any 2723
section of Title XXXVIII of the Revised Code be adjusted in the 2724
amount of the error. 2725

Sec. 3323.052. Not later than January 31, 2009, the 2726
department of education shall develop a document that compares a 2727
parent's and child's rights under this chapter and 20 U.S.C. 1400 2728
et seq. with the parent's and child's rights under the special 2729
education scholarship pilot program, established in sections 2730
3310.51 to 3310.64 of the Revised Code, including the deadline for 2731
application for a scholarship or renewal of a scholarship and 2732
notice of that application to the child's school district, 2733
prescribed in division (C) of section 3310.52 of the Revised Code, 2734

and the provisions of divisions (A) and (B) of section 3310.53 of 2735
the Revised Code. The department shall revise that document as 2736
necessary to reflect any pertinent changes in state or federal 2737
statutory law, rule, or regulation enacted or adopted after the 2738
initial document is developed. The department and each school 2739
district shall ensure that the document prescribed in this section 2740
is included in, appended to, or otherwise distributed in 2741
conjunction with the notice required under 20 U.S.C. 1415(d), and 2742
any provision of the Code of Federal Regulations implementing that 2743
requirement, in the manner and at all the times specified for such 2744
notice in federal law or regulation. As used in this section, a 2745
"child's school district" means the school district in which the 2746
child is entitled to attend school under section 3313.64 or 2747
3313.65 of the Revised Code. 2748

Sec. 4776.01. As used in this chapter: 2749

(A) "License" means any of the following: 2750

(1) An authorization evidenced by a license, certificate, 2751
registration, permit, card, or other authority that is issued or 2752
conferred by a licensing agency described in division (C)(1) of 2753
this section to a licensee or to an applicant for an initial 2754
license by which the licensee or initial license applicant has or 2755
claims the privilege to engage in a profession, occupation, or 2756
occupational activity, or to have control of and operate certain 2757
specific equipment, machinery, or premises, over which the 2758
licensing agency has jurisdiction. 2759

(2) An authorization evidenced by a license or certificate 2760
that is issued by a licensing agency described in division (C)(2) 2761
of this section pursuant to section 4715.12, 4715.16, 4715.21, or 2762
4715.27 of the Revised Code to a licensee or to an applicant for 2763
an initial license by which the licensee or initial license 2764
applicant has or claims the privilege to engage in a profession, 2765

occupation, or occupational activity over which the licensing agency has jurisdiction.	2766 2767
(B) "Licensee" means the person to whom the license is issued by a licensing agency.	2768 2769
(C) "Licensing agency" means any of the following:	2770
(1) The board authorized by Chapters 4701., 4717., 4725., 4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 4759., 4760., 4761., 4762., and 4779. of the Revised Code to issue a license to engage in a specific profession, occupation, or occupational activity, or to have charge of and operate certain specified equipment, machinery, or premises.	2771 2772 2773 2774 2775 2776
(2) The state dental board, relative to its authority to issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code.	2777 2778 2779
(D) "Applicant for an initial license" includes persons seeking a license for the first time and persons seeking a license by reciprocity, endorsement, or similar manner of a license issued in another state.	2780 2781 2782 2783
(E) "Applicant for a restored license" includes persons seeking restoration of a certificate under section 4730.14, 4731.281, 4760.06, or 4762.06 of the Revised Code.	2784 2785 2786
(F) "Criminal records check" has the same meaning as in division (E) (F) of section 109.572 of the Revised Code.	2787 2788
Sec. 5727.84. (A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code:	2789 2790
(1) "School district" means a city, local, or exempted village school district.	2791 2792
(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the	2793 2794

Revised Code, and includes a cooperative education school district 2795
created under section 3311.52 or 3311.521 of the Revised Code and 2796
a county school financing district created under section 3311.50 2797
of the Revised Code. 2798

(3) "Local taxing unit" means a subdivision or taxing unit, 2799
as defined in section 5705.01 of the Revised Code, a park district 2800
created under Chapter 1545. of the Revised Code, or a township 2801
park district established under section 511.23 of the Revised 2802
Code, but excludes school districts and joint vocational school 2803
districts. 2804

(4) "State education aid," for a school district, means the 2805
sum of state aid amounts computed for the district under divisions 2806
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 2807
divisions (B), (C), and (D) of section 3317.023; divisions (G), 2808
(L), and (N) of section 3317.024; and sections 3317.029, 2809
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 2810
the Revised Code; and the adjustments required by: division (C) of 2811
section 3310.08; division (C)(2) of section 3310.41; section 2812
3310.55; division (C) of section 3314.08; division (D)(2) of 2813
section 3314.091; division (D) of section 3314.13; divisions (E), 2814
(K), (L), (M), (N), and (O) of section 3317.023; division (C) of 2815
section 3317.20; and sections 3313.979 and 3313.981 of the Revised 2816
Code. However, when calculating state education aid for a school 2817
district for fiscal years 2008 and 2009, include the amount 2818
computed for the district under Section 269.20.80 of H.B. 119 of 2819
the 127th general assembly, as subsequently amended, instead of 2820
division (D) of section 3317.022 of the Revised Code; and include 2821
amounts calculated under Section 269.30.80 of this act, as 2822
subsequently amended; ~~and account for adjustments under division~~ 2823
~~(C)(2) of section 3310.41 of the Revised Code.~~ 2824

(5) "State education aid," for a joint vocational school 2825
2826

district, means the sum of the state aid amounts computed for the 2827
district under division (N) of section 3317.024 and section 2828
3317.16 of the Revised Code. However, when calculating state 2829
education aid for a joint vocational school district for fiscal 2830
years 2008 and 2009, include the amount computed for the district 2831
under Section 269.30.90 of H.B. 119 of the 127th general assembly, 2832
as subsequently amended. 2833

(6) "State education aid offset" means the amount determined 2834
for each school district or joint vocational school district under 2835
division (A)(1) of section 5727.85 of the Revised Code. 2836

(7) "Recognized valuation" has the same meaning as in section 2837
3317.02 of the Revised Code. 2838

(8) "Electric company tax value loss" means the amount 2839
determined under division (D) of this section. 2840

(9) "Natural gas company tax value loss" means the amount 2841
determined under division (E) of this section. 2842

(10) "Tax value loss" means the sum of the electric company 2843
tax value loss and the natural gas company tax value loss. 2844

(11) "Fixed-rate levy" means any tax levied on property other 2845
than a fixed-sum levy. 2846

(12) "Fixed-rate levy loss" means the amount determined under 2847
division (G) of this section. 2848

(13) "Fixed-sum levy" means a tax levied on property at 2849
whatever rate is required to produce a specified amount of tax 2850
money or levied in excess of the ten-mill limitation to pay debt 2851
charges, and includes school district emergency levies imposed 2852
pursuant to section 5705.194 of the Revised Code. 2853

(14) "Fixed-sum levy loss" means the amount determined under 2854
division (H) of this section. 2855

(15) "Consumer price index" means the consumer price index 2856

(all items, all urban consumers) prepared by the bureau of labor 2857
statistics of the United States department of labor. 2858

(B) The kilowatt-hour tax receipts fund is hereby created in 2859
the state treasury and shall consist of money arising from the tax 2860
imposed by section 5727.81 of the Revised Code. All money in the 2861
kilowatt-hour tax receipts fund shall be credited as follows: 2862

(1) Sixty-three per cent shall be credited to the general 2863
revenue fund. 2864

(2) Twenty-five and four-tenths per cent shall be credited to 2865
the school district property tax replacement fund, which is hereby 2866
created in the state treasury for the purpose of making the 2867
payments described in section 5727.85 of the Revised Code. 2868

(3) Eleven and six-tenths per cent shall be credited to the 2869
local government property tax replacement fund, which is hereby 2870
created in the state treasury for the purpose of making the 2871
payments described in section 5727.86 of the Revised Code. 2872

(C) The natural gas tax receipts fund is hereby created in 2873
the state treasury and shall consist of money arising from the tax 2874
imposed by section 5727.811 of the Revised Code. All money in the 2875
fund shall be credited as follows: 2876

(1) Sixty-eight and seven-tenths per cent shall be credited 2877
to the school district property tax replacement fund for the 2878
purpose of making the payments described in section 5727.85 of the 2879
Revised Code. 2880

(2) Thirty-one and three-tenths per cent shall be credited to 2881
the local government property tax replacement fund for the purpose 2882
of making the payments described in section 5727.86 of the Revised 2883
Code. 2884

(D) Not later than January 1, 2002, the tax commissioner 2885
shall determine for each taxing district its electric company tax 2886

value loss, which is the sum of the applicable amounts described	2887
in divisions (D)(1) to (4) of this section:	2888
(1) The difference obtained by subtracting the amount	2889
described in division (D)(1)(b) from the amount described in	2890
division (D)(1)(a) of this section.	2891
(a) The value of electric company and rural electric company	2892
tangible personal property as assessed by the tax commissioner for	2893
tax year 1998 on a preliminary assessment, or an amended	2894
preliminary assessment if issued prior to March 1, 1999, and as	2895
apportioned to the taxing district for tax year 1998;	2896
(b) The value of electric company and rural electric company	2897
tangible personal property as assessed by the tax commissioner for	2898
tax year 1998 had the property been apportioned to the taxing	2899
district for tax year 2001, and assessed at the rates in effect	2900
for tax year 2001.	2901
(2) The difference obtained by subtracting the amount	2902
described in division (D)(2)(b) from the amount described in	2903
division (D)(2)(a) of this section.	2904
(a) The three-year average for tax years 1996, 1997, and 1998	2905
of the assessed value from nuclear fuel materials and assemblies	2906
assessed against a person under Chapter 5711. of the Revised Code	2907
from the leasing of them to an electric company for those	2908
respective tax years, as reflected in the preliminary assessments;	2909
(b) The three-year average assessed value from nuclear fuel	2910
materials and assemblies assessed under division (D)(2)(a) of this	2911
section for tax years 1996, 1997, and 1998, as reflected in the	2912
preliminary assessments, using an assessment rate of twenty-five	2913
per cent.	2914
(3) In the case of a taxing district having a nuclear power	2915
plant within its territory, any amount, resulting in an electric	2916
company tax value loss, obtained by subtracting the amount	2917

described in division (D)(1) of this section from the difference 2918
obtained by subtracting the amount described in division (D)(3)(b) 2919
of this section from the amount described in division (D)(3)(a) of 2920
this section. 2921

(a) The value of electric company tangible personal property 2922
as assessed by the tax commissioner for tax year 2000 on a 2923
preliminary assessment, or an amended preliminary assessment if 2924
issued prior to March 1, 2001, and as apportioned to the taxing 2925
district for tax year 2000; 2926

(b) The value of electric company tangible personal property 2927
as assessed by the tax commissioner for tax year 2001 on a 2928
preliminary assessment, or an amended preliminary assessment if 2929
issued prior to March 1, 2002, and as apportioned to the taxing 2930
district for tax year 2001. 2931

(4) In the case of a taxing district having a nuclear power 2932
plant within its territory, the difference obtained by subtracting 2933
the amount described in division (D)(4)(b) of this section from 2934
the amount described in division (D)(4)(a) of this section, 2935
provided that such difference is greater than ten per cent of the 2936
amount described in division (D)(4)(a) of this section. 2937

(a) The value of electric company tangible personal property 2938
as assessed by the tax commissioner for tax year 2005 on a 2939
preliminary assessment, or an amended preliminary assessment if 2940
issued prior to March 1, 2006, and as apportioned to the taxing 2941
district for tax year 2005; 2942

(b) The value of electric company tangible personal property 2943
as assessed by the tax commissioner for tax year 2006 on a 2944
preliminary assessment, or an amended preliminary assessment if 2945
issued prior to March 1, 2007, and as apportioned to the taxing 2946
district for tax year 2006. 2947

(E) Not later than January 1, 2002, the tax commissioner 2948

shall determine for each taxing district its natural gas company tax value loss, which is the sum of the amounts described in divisions (E)(1) and (2) of this section:

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

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

(b) The value of all natural gas company tangible personal 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) 2980
and (E) of this section. The report shall be filed within thirty 2981
days of the commissioner's request. A company that fails to file 2982
the report or does not timely file the report is subject to the 2983
penalty in section 5727.60 of the Revised Code. 2984

(G) Not later than January 1, 2002, the tax commissioner 2985
shall determine for each school district, joint vocational school 2986
district, and local taxing unit its fixed-rate levy loss, which is 2987
the sum of its electric company tax value loss multiplied by the 2988
tax rate in effect in tax year 1998 for fixed-rate levies and its 2989
natural gas company tax value loss multiplied by the tax rate in 2990
effect in tax year 1999 for fixed-rate levies. 2991

(H) Not later than January 1, 2002, the tax commissioner 2992
shall determine for each school district, joint vocational school 2993
district, and local taxing unit its fixed-sum levy loss, which is 2994
the amount obtained by subtracting the amount described in 2995
division (H)(2) of this section from the amount described in 2996
division (H)(1) of this section: 2997

(1) The sum of the electric company tax value loss multiplied 2998
by the tax rate in effect in tax year 1998, and the natural gas 2999
company tax value loss multiplied by the tax rate in effect in tax 3000
year 1999, for fixed-sum levies for all taxing districts within 3001
each school district, joint vocational school district, and local 3002
taxing unit. For the years 2002 through 2006, this computation 3003
shall include school district emergency levies that existed in 3004
1998 in the case of the electric company tax value loss, and 1999 3005
in the case of the natural gas company tax value loss, and all 3006
other fixed-sum levies that existed in 1998 in the case of the 3007
electric company tax value loss and 1999 in the case of the 3008
natural gas company tax value loss and continue to be charged in 3009
the tax year preceding the distribution year. For the years 2007 3010
through 2016 in the case of school district emergency levies, and 3011

for all years after 2006 in the case of all other fixed-sum 3012
levies, this computation shall exclude all fixed-sum levies that 3013
existed in 1998 in the case of the electric company tax value loss 3014
and 1999 in the case of the natural gas company tax value loss, 3015
but are no longer in effect in the tax year preceding the 3016
distribution year. For the purposes of this section, an emergency 3017
levy that existed in 1998 in the case of the electric company tax 3018
value loss, and 1999 in the case of the natural gas company tax 3019
value loss, continues to exist in a year beginning on or after 3020
January 1, 2007, but before January 1, 2017, if, in that year, the 3021
board of education levies a school district emergency levy for an 3022
annual sum at least equal to the annual sum levied by the board in 3023
tax year 1998 or 1999, respectively, less the amount of the 3024
payment certified under this division for 2002. 3025

(2) The total taxable value in tax year 1999 less the tax 3026
value loss in each school district, joint vocational school 3027
district, and local taxing unit multiplied by one-fourth of one 3028
mill. 3029

If the amount computed under division (H) of this section for 3030
any school district, joint vocational school district, or local 3031
taxing unit is greater than zero, that amount shall equal the 3032
fixed-sum levy loss reimbursed pursuant to division (E) of section 3033
5727.85 of the Revised Code or division (A)(2) of section 5727.86 3034
of the Revised Code, and the one-fourth of one mill that is 3035
subtracted under division (H)(2) of this section shall be 3036
apportioned among all contributing fixed-sum levies in the 3037
proportion of each levy to the sum of all fixed-sum levies within 3038
each school district, joint vocational school district, or local 3039
taxing unit. 3040

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 3041
section, in computing the tax value loss, fixed-rate levy loss, 3042
and fixed-sum levy loss, the tax commissioner shall use the 3043

greater of the 1998 tax rate or the 1999 tax rate in the case of 3044
levy losses associated with the electric company tax value loss, 3045
but the 1999 tax rate shall not include for this purpose any tax 3046
levy approved by the voters after June 30, 1999, and the tax 3047
commissioner shall use the greater of the 1999 or the 2000 tax 3048
rate in the case of levy losses associated with the natural gas 3049
company tax value loss. 3050

(J) Not later than January 1, 2002, the tax commissioner 3051
shall certify to the department of education the tax value loss 3052
determined under divisions (D) and (E) of this section for each 3053
taxing district, the fixed-rate levy loss calculated under 3054
division (G) of this section, and the fixed-sum levy loss 3055
calculated under division (H) of this section. The calculations 3056
under divisions (G) and (H) of this section shall separately 3057
display the levy loss for each levy eligible for reimbursement. 3058

(K) Not later than September 1, 2001, the tax commissioner 3059
shall certify the amount of the fixed-sum levy loss to the county 3060
auditor of each county in which a school district with a fixed-sum 3061
levy loss has territory. 3062

Section 2. That existing sections 109.57, 109.572, 3301.0714, 3063
3317.022, 3317.03, 4776.01, and 5727.84 of the Revised Code are 3064
hereby repealed. 3065

Section 3. The State Board of Education shall initiate 3066
rulemaking procedures for the rules for the Special Education 3067
Scholarship Pilot Program, required under section 3310.64 of the 3068
Revised Code, as enacted by this act, so that those rules are in 3069
effect by January 31, 2009. 3070

Section 4. The Department of Education shall conduct a 3071
formative evaluation of the Special Education Scholarship Pilot 3072
Program established under sections 3310.51 to 3310.64 of the 3073

Revised Code, using both quantitative and qualitative analyses, 3074
and shall report its findings to the General Assembly not later 3075
than December 31, 2011. In conducting the evaluation, the 3076
Department shall to the extent possible gather comments from 3077
parents who have been awarded scholarships under the program, 3078
school district officials, representatives of registered private 3079
providers, educators, and representatives of educational 3080
organizations for inclusion in the report required under this 3081
section. 3082

Section 5. That Section 3 of Am. Sub. H.B. 79 of the 126th 3083
General Assembly be amended to read as follows: 3084

Sec. 3. The Partnership for Continued Learning shall study 3085
the operation and oversight of community schools and the 3086
Educational Choice Scholarship Pilot Program established under 3087
Chapter 3310. of the Revised Code. The study shall include, but 3088
not be limited to, an evaluation of the impact of community 3089
schools and the Educational Choice Scholarship Pilot Program on 3090
students, communities, traditional public schools, and chartered 3091
nonpublic schools. Not later than ~~one year after the effective~~ 3092
~~date of this section~~ December 31, 2008, the partnership shall 3093
submit recommendations to the General Assembly. 3094

Section 6. That existing Section 3 of Am. Sub. H.B. 79 of the 3095
126th General Assembly is hereby repealed. 3096