

**As Reported by the Senate Education Committee**

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

**Sub. S. B. No. 57**

**Senator Coughlin**

**Cosponsor: Senator Mumper**

—

**A B I L L**

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

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

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

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

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

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

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

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

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

(c) The date of arrest; 77

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

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

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

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

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

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

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

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

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

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

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

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

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

section. 180

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

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

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

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

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

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, or 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code, the board of education of any school district; the director of mental retardation and developmental disabilities; any county board of mental retardation and developmental disabilities; any entity under contract with a county board of mental retardation and developmental disabilities; the chief administrator of any chartered nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed or certified under Chapter 5104. of the Revised Code; the administrator of any type C family day-care home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general assembly; the chief administrator of any head start agency; the executive director of a public children services agency; or an employer described in division (A)(2) of section 3319.391 or division (J)(2) of section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. On receipt of the



request, the superintendent shall determine whether that 245  
information exists and, upon request of the person, board, or 246  
entity requesting information, also shall request from the federal 247  
bureau of investigation any criminal records it has pertaining to 248  
that individual. The superintendent or the superintendent's 249  
designee also may request criminal history records from other 250  
states or the federal government pursuant to the national crime 251  
prevention and privacy compact set forth in section 109.571 of the 252  
Revised Code. Within thirty days of the date that the 253  
superintendent receives a request, the superintendent shall send 254  
to the board, entity, or person a report of any information that 255  
the superintendent determines exists, including information 256  
contained in records that have been sealed under section 2953.32 257  
of the Revised Code, and, within thirty days of its receipt, shall 258  
send the board, entity, or person a report of any information 259  
received from the federal bureau of investigation, other than 260  
information the dissemination of which is prohibited by federal 261  
law. 262

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

699  
  
(14) Not later than thirty days after the date the 700  
superintendent receives a request of a type described in division 701  
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), or 702  
(12) of this section, the completed form, and the fingerprint 703  
impressions, the superintendent shall send the person, board, or 704  
entity that made the request any information, other than 705  
information the dissemination of which is prohibited by federal 706  
law, the superintendent determines exists with respect to the 707  
person who is the subject of the request that indicates that the 708  
person previously has been convicted of or pleaded guilty to any 709  
offense listed or described in division (A)(1), (2), (3), (4), 710  
(5), (6), (7), (8), (9), (10), (11), or (12) of this section, as 711  
appropriate. The superintendent shall send the person, board, or 712  
entity that made the request a copy of the list of offenses 713  
specified in division (A)(1), (2), (3), (4), (5), (6), (7), (8), 714  
(9), (10), (11), or (12) of this section, as appropriate. If the 715  
request was made under section 3701.881 of the Revised Code with 716  
regard to an applicant who may be both responsible for the care, 717  
custody, or control of a child and involved in providing direct 718  
care to an older adult, the superintendent shall provide a list of 719  
the offenses specified in divisions (A)(4) and (6) of this 720  
section. 721

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

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

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

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

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

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



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

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

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

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

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

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

828

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

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

records check. 854

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

(F) As used in this section: 861

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

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

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

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

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

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

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

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

board of education rules;	945
(n) Graduation rates, to be calculated in a manner specified	946
by the department of education that reflects the rate at which	947
students who were in the ninth grade three years prior to the	948
current year complete school and that is consistent with	949
nationally accepted reporting requirements;	950
(o) Results of diagnostic assessments administered to	951
kindergarten students as required under section 3301.0715 of the	952
Revised Code to permit a comparison of the academic readiness of	953
kindergarten students. However, no district shall be required to	954
report to the department the results of any diagnostic assessment	955
administered to a kindergarten student if the parent of that	956
student requests the district not to report those results.	957
(2) Personnel and classroom enrollment data for each school	958
district, including:	959
(a) The total numbers of licensed employees and nonlicensed	960
employees and the numbers of full-time equivalent licensed	961
employees and nonlicensed employees providing each category of	962
instructional service, instructional support service, and	963
administrative support service used pursuant to division (C)(3) of	964
this section. The guidelines adopted under this section shall	965
require these categories of data to be maintained for the school	966
district as a whole and, wherever applicable, for each grade in	967
the school district as a whole, for each school building as a	968
whole, and for each grade in each school building.	969
(b) The total number of employees and the number of full-time	970
equivalent employees providing each category of service used	971
pursuant to divisions (C)(4)(a) and (b) of this section, and the	972
total numbers of licensed employees and nonlicensed employees and	973
the numbers of full-time equivalent licensed employees and	974
nonlicensed employees providing each category used pursuant to	975

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(J) As used in this section: 1185

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

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

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

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

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

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

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

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

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



reporting problems. 1256

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<u>district of residence, if different;</u>	1349
<u>(2) A public entity other than a school district.</u>	1350
<u>(B) "Applicable special education weight" means the multiple</u>	1351
<u>specified in section 3317.013 of the Revised Code for a disability</u>	1352
<u>described in that section.</u>	1353
<u>(C) "Category one through six special education ADM" means</u>	1354
<u>the respective categories prescribed in divisions (F)(1) to (6) of</u>	1355
<u>section 3317.02 of the Revised Code.</u>	1356
<u>(D) "Child with a disability" and "individualized education</u>	1357
<u>program" have the same meanings as in section 3323.01 of the</u>	1358
<u>Revised Code.</u>	1359
<u>(E) "Eligible applicant" means any of the following:</u>	1360
<u>(1) Either of the natural or adoptive parents of a qualified</u>	1361
<u>special education child, except as otherwise specified in this</u>	1362
<u>division. When the marriage of the natural or adoptive parents of</u>	1363
<u>the student has been terminated by a divorce, dissolution of</u>	1364
<u>marriage, or annulment, or when the natural or adoptive parents of</u>	1365
<u>the student are living separate and apart under a legal separation</u>	1366
<u>decree, and a court has issued an order allocating the parental</u>	1367
<u>rights and responsibilities with respect to the child, "eligible</u>	1368
<u>applicant" means the residential parent as designated by the</u>	1369
<u>court. If the court issues a shared parenting decree, "eligible</u>	1370
<u>applicant" means either parent. "Eligible applicant" does not mean</u>	1371
<u>a parent whose custodial rights have been terminated.</u>	1372
<u>(2) The custodian of a qualified special education child,</u>	1373
<u>when a court has granted temporary, legal, or permanent custody of</u>	1374
<u>the child to an individual other than either of the natural or</u>	1375
<u>adoptive parents of the child or to a government agency;</u>	1376
<u>(3) The guardian of a qualified special education child, when</u>	1377
<u>a court has appointed a guardian for the child;</u>	1378

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

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

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

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

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

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

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

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

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

(4) The child either: 1407

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

(1) The sum of the formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code;

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

(C) Twenty thousand dollars. 1533

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

enrolled; 1650

(3) The independent contractor engaged to create and maintain data verification codes. 1651  
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(B) Upon a request by the department under division (A) of this section for the data verification code of a qualified special education child or a request by the eligible applicant for the child for that code, the school district or community school shall submit that code to the department or applicant in the manner specified by the department. If the child has not been assigned a code, because the child will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that child and submit the code to the department or applicant by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child. 1653  
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The department annually shall submit to each school district the name and data verification code of each child residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division. 1666  
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(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law. 1671  
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(D) Any document relative to the special education scholarship pilot program that the department holds in its files that contains both a qualified special education child's name or other personally identifiable information and the child's data verification code shall not be a public record under section 149.43 of the Revised Code. 1674  
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Sec. 3310.64. The state board of education shall adopt rules 1680  
in accordance with Chapter 119. of the Revised Code prescribing 1681  
procedures necessary to implement sections 3310.51 to 3310.62 of 1682  
the Revised Code including, but not limited to, procedures for 1683  
parents to apply for scholarships, standards for registered 1684  
private providers, and procedures for registration of private 1685  
providers. 1686

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

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

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

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

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

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

(B) As used in this section: 1714

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

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

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

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

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

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

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

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

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



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

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

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

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

(3) "Related services" includes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(formula ADM divided by 2000) X 1837

the personnel allowance X 1838

the state share percentage 1839

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

(formula amount X the sum of categories 1844

one through six special education ADM) + 1845

(total special education weight X formula amount) 1846

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

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

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

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

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

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

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

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

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

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

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

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

has as its two independent variables the number of daily bus miles 1894  
per student and the transported student percentage. For fiscal 1895  
year 1998 transportation cost data, the average efficient 1896  
transportation use cost per student is expressed as follows: 1897  
$$51.79027 + (139.62626 \times \text{daily bus miles per student}) + 1898$$
$$(116.25573 \times \text{transported student percentage}) 1899$$

The department of education shall annually determine the 1900  
average efficient transportation use cost per student in 1901  
accordance with the principles stated in division (D)(2) of this 1902  
section, updating the intercept and regression coefficients of the 1903  
regression formula modeled in this division, based on an annual 1904  
statewide analysis of each school district's daily bus miles per 1905  
student, transported student percentage, and transportation cost 1906  
per student data. The department shall conduct the annual update 1907  
using data, including daily bus miles per student, transported 1908  
student percentage, and transportation cost per student data, from 1909  
the prior fiscal year. The department shall notify the office of 1910  
budget and management of such update by the fifteenth day of 1911  
February of each year. 1912

(3) In addition to funds paid under divisions (A), (C), and 1913  
(E) of this section, each district with a transported student 1914  
percentage greater than zero shall receive a payment equal to a 1915  
percentage of the product of the district's transportation base 1916  
from the prior fiscal year times the annually updated average 1917  
efficient transportation use cost per student, times an inflation 1918  
factor of two and eight-tenths per cent to account for the 1919  
one-year difference between the data used in updating the formula 1920  
and calculating the payment and the year in which the payment is 1921  
made. The percentage shall be the following percentage of that 1922  
product specified for the corresponding fiscal year: 1923

FISCAL YEAR	PERCENTAGE	
2000	52.5%	1924 1925

2001	55%	1926
2002	57.5%	1927
2003 and thereafter	The greater of 60% or the district's state share percentage	1928

The payments made under division (D)(3) of this section each year shall be calculated based on all of the same prior year's data used to update the formula. 1929  
1930  
1931

(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: 1932  
1933  
1934

(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; 1935  
1936  
1937

(b) Its district student density is lower than the statewide student density, as those terms are defined in that division. 1938  
1939

(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: 1940  
1941  
1942

(per rough mile subsidy X total rough road miles)  
X density multiplier 1943  
1944

where: 1945

(a) "Per rough mile subsidy" equals the amount calculated in accordance with the following formula: 1946  
1947

$0.75 - \{0.75 \times [(\text{maximum rough road percentage} - \text{county rough road percentage}) / (\text{maximum rough road percentage} - \text{statewide rough road percentage})]\}$  1948  
1949  
1950

(i) "Maximum rough road percentage" means the highest county rough road percentage in the state. 1951  
1952

(ii) "County rough road percentage" equals the percentage of 1953

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

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

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

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

1 - [(minimum student density - district student 1969  
density)/(minimum student density - 1970  
statewide student density)] 1971

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

students shall not be included in the determination:	2080
(a) Students enrolled in adult education classes;	2081
(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;	2082 2083 2084
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;	2085 2086 2087 2088
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;	2089 2090
(e) Students receiving services in the district through a scholarship awarded under <u>either</u> section 3310.41 <u>or sections 3310.51 to 3310.64</u> of the Revised Code.	2091 2092 2093
(2) On an FTE basis, except as provided in division (A)(2)(h) of this section, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:	2094 2095 2096 2097 2098 2099
(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;	2100 2101 2102 2103
(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;	2104 2105 2106
(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	2107 2108 2109

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

vocational education compact; 2140

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

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

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

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

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

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

district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:	2171 2172
(a) Participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	2173 2174 2175
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	2176 2177 2178 2179 2180
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	2181 2182
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	2183 2184 2185 2186 2187 2188
(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	2189 2190 2191 2192
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	2193 2194
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under <u>either</u> section 3310.41 <u>or sections 3310.51 to 3310.64</u> of the Revised Code;	2195 2196 2197 2198
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with	2199 2200

a scholarship awarded under section 3310.41 of the Revised Code;	2201
(i) Participating in a program operated by a county MR/DD board or a state institution;	2202 2203
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.	2204 2205 2206 2207
(4) The number of pupils enrolled in joint vocational schools;	2208 2209
(5) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, <u>including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;</u>	2210 2211 2212 2213 2214 2215 2216 2217
(6) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, <u>including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;</u>	2218 2219 2220 2221 2222 2223 2224 2225
(7) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, <u>including children attending a special education program operated by an alternative public provider or a registered</u>	2226 2227 2228 2229 2230 2231



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

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

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

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

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

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

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

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

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

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

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

of section 3317.013 of the Revised Code;	2295
(d) The number of children with disabilities, other than	2296
preschool children with disabilities, placed with a county MR/DD	2297
board in the current fiscal year to receive special education	2298
services for category three disabilities described in division (C)	2299
of section 3317.013 of the Revised Code;	2300
(e) The number of children with disabilities, other than	2301
preschool children with disabilities, placed with a county MR/DD	2302
board in the current fiscal year to receive special education	2303
services for category four disabilities described in division (D)	2304
of section 3317.013 of the Revised Code;	2305
(f) The number of children with disabilities, other than	2306
preschool children with disabilities, placed with a county MR/DD	2307
board in the current fiscal year to receive special education	2308
services for the category five disabilities described in division	2309
(E) of section 3317.013 of the Revised Code;	2310
(g) The number of children with disabilities, other than	2311
preschool children with disabilities, placed with a county MR/DD	2312
board in the current fiscal year to receive special education	2313
services for category six disabilities described in division (F)	2314
of section 3317.013 of the Revised Code.	2315
(C)(1) Except as otherwise provided in this section for	2316
kindergarten students, the average daily membership in divisions	2317
(B)(1) to (12) of this section shall be based upon the number of	2318
full-time equivalent students. The state board of education shall	2319
adopt rules defining full-time equivalent students and for	2320
determining the average daily membership therefrom for the	2321
purposes of divisions (A), (B), and (D) of this section.	2322
(2) A student enrolled in a community school established	2323
under Chapter 3314. or a science, technology, engineering, and	2324
mathematics school established under Chapter 3326. of the Revised	2325

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

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

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

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

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

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

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

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

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

2401

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

(a) Students enrolled in adult education classes; 2404

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

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

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

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

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

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

(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following:

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

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

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

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



termination of war or their honorable discharge. 2482

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Sec. 4776.01.** As used in this chapter: 2704

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

(5) "State education aid," for a joint vocational school 2780  
district, means the sum of the state aid amounts computed for the 2781  
district under division (N) of section 3317.024 and section 2782  
3317.16 of the Revised Code. However, when calculating state 2783  
education aid for a joint vocational school district for fiscal 2784  
years 2008 and 2009, include the amount computed for the district 2785  
under Section 269.30.90 of H.B. 119 of the 127th general assembly, 2786  
as subsequently amended. 2787  
2788

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

district for tax year 2001. 2886

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) The sum of the electric company tax value loss multiplied by the tax rate in effect in tax year 1998, and the natural gas company tax value loss multiplied by the tax rate in effect in tax year 1999, for fixed-sum levies for all taxing districts within each school district, joint vocational school district, and local taxing unit. For the years 2002 through 2006, this computation shall include school district emergency levies that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case of the natural gas company tax value loss, and all other fixed-sum levies that existed in 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss and continue to be charged in the tax year preceding the distribution year. For the years 2007 through 2016 in the case of school district emergency levies, and for all years after 2006 in the case of all other fixed-sum levies, this computation shall exclude all fixed-sum levies that existed in 1998 in the case of the electric company tax value loss and 1999 in the case of the natural gas company tax value loss, but are no longer in effect in the tax year preceding the distribution year. For the purposes of this section, an emergency levy that existed in 1998 in the case of the electric company tax value loss, and 1999 in the case of the natural gas company tax value loss, continues to exist in a year beginning on or after January 1, 2007, but before January 1, 2017, if, in that year, the board of education levies a school district emergency levy for an annual sum at least equal to the annual sum levied by the board in tax year 1998 or 1999, respectively, less the amount of the payment certified under this division for 2002.



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

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

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

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

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

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

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

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

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