

As Introduced

**128th General Assembly
Regular Session
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S. B. No. 6

Senator Coughlin

Cosponsors: Senators Buehrer, Gibbs, Wagoner, Seitz

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A B I L L

To amend sections 109.57, 109.572, 3301.0714, 1
3317.022, 3317.03, 4776.01, and 5727.84 and to 2
enact sections 3310.51, 3310.52, 3310.521, 3310.53 3
to 3310.64, and 3323.052 of the Revised Code to 4
create the Special Education Scholarship Pilot 5
Program. 6

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

Section 1. That sections 109.57, 109.572, 3301.0714, 7
3317.022, 3317.03, 4776.01, and 5727.84 be amended and sections 8
3310.51, 3310.52, 3310.521, 3310.53, 3310.54, 3310.55, 3310.56, 9
3310.57, 3310.58, 3310.59, 3310.60, 3310.61, 3310.62, 3310.63, 10
3310.64, and 3323.052 of the Revised Code be enacted to read as 11
follows: 12

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

offenses, or any misdemeanor described in division (A)(1)(a), 20
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 21
of all children under eighteen years of age who have been 22
adjudicated delinquent children for committing within this state 23
an act that would be a felony or an offense of violence if 24
committed by an adult or who have been convicted of or pleaded 25
guilty to committing within this state a felony or an offense of 26
violence, and of all well-known and habitual criminals. The person 27
in charge of any county, multicounty, municipal, municipal-county, 28
or multicounty-municipal jail or workhouse, community-based 29
correctional facility, halfway house, alternative residential 30
facility, or state correctional institution and the person in 31
charge of any state institution having custody of a person 32
suspected of having committed a felony, any crime constituting a 33
misdemeanor on the first offense and a felony on subsequent 34
offenses, or any misdemeanor described in division (A)(1)(a), 35
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 36
having custody of a child under eighteen years of age with respect 37
to whom there is probable cause to believe that the child may have 38
committed an act that would be a felony or an offense of violence 39
if committed by an adult shall furnish such material to the 40
superintendent of the bureau. Fingerprints, photographs, or other 41
descriptive information of a child who is under eighteen years of 42
age, has not been arrested or otherwise taken into custody for 43
committing an act that would be a felony or an offense of violence 44
who is not in any other category of child specified in this 45
division, if committed by an adult, has not been adjudicated a 46
delinquent child for committing an act that would be a felony or 47
an offense of violence if committed by an adult, has not been 48
convicted of or pleaded guilty to committing a felony or an 49
offense of violence, and is not a child with respect to whom there 50
is probable cause to believe that the child may have committed an 51
act that would be a felony or an offense of violence if committed 52

by an adult shall not be procured by the superintendent or 53
furnished by any person in charge of any county, multicounty, 54
municipal, municipal-county, or multicounty-municipal jail or 55
workhouse, community-based correctional facility, halfway house, 56
alternative residential facility, or state correctional 57
institution, except as authorized in section 2151.313 of the 58
Revised Code. 59

(2) Every clerk of a court of record in this state, other 60
than the supreme court or a court of appeals, shall send to the 61
superintendent of the bureau a weekly report containing a summary 62
of each case involving a felony, involving any crime constituting 63
a misdemeanor on the first offense and a felony on subsequent 64
offenses, involving a misdemeanor described in division (A)(1)(a), 65
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 66
or involving an adjudication in a case in which a child under 67
eighteen years of age was alleged to be a delinquent child for 68
committing an act that would be a felony or an offense of violence 69
if committed by an adult. The clerk of the court of common pleas 70
shall include in the report and summary the clerk sends under this 71
division all information described in divisions (A)(2)(a) to (f) 72
of this section regarding a case before the court of appeals that 73
is served by that clerk. The summary shall be written on the 74
standard forms furnished by the superintendent pursuant to 75
division (B) of this section and shall include the following 76
information: 77

(a) The incident tracking number contained on the standard 78
forms furnished by the superintendent pursuant to division (B) of 79
this section; 80

(b) The style and number of the case; 81

(c) The date of arrest, offense, summons, or arraignment; 82

(d) The date that the person was convicted of or pleaded 83

guilty to the offense, adjudicated a delinquent child for 84
committing the act that would be a felony or an offense of 85
violence if committed by an adult, found not guilty of the 86
offense, or found not to be a delinquent child for committing an 87
act that would be a felony or an offense of violence if committed 88
by an adult, the date of an entry dismissing the charge, an entry 89
declaring a mistrial of the offense in which the person is 90
discharged, an entry finding that the person or child is not 91
competent to stand trial, or an entry of a nolle prosequi, or the 92
date of any other determination that constitutes final resolution 93
of the case; 94

(e) A statement of the original charge with the section of 95
the Revised Code that was alleged to be violated; 96

(f) If the person or child was convicted, pleaded guilty, or 97
was adjudicated a delinquent child, the sentence or terms of 98
probation imposed or any other disposition of the offender or the 99
delinquent child. 100

If the offense involved the disarming of a law enforcement 101
officer or an attempt to disarm a law enforcement officer, the 102
clerk shall clearly state that fact in the summary, and the 103
superintendent shall ensure that a clear statement of that fact is 104
placed in the bureau's records. 105

(3) The superintendent shall cooperate with and assist 106
sheriffs, chiefs of police, and other law enforcement officers in 107
the establishment of a complete system of criminal identification 108
and in obtaining fingerprints and other means of identification of 109
all persons arrested on a charge of a felony, any crime 110
constituting a misdemeanor on the first offense and a felony on 111
subsequent offenses, or a misdemeanor described in division 112
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 113
Revised Code and of all children under eighteen years of age 114
arrested or otherwise taken into custody for committing an act 115

that would be a felony or an offense of violence if committed by 116
an adult. The superintendent also shall file for record the 117
fingerprint impressions of all persons 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 for the violation of state laws and of all children 122
under eighteen years of age who are confined in a county, 123
multicounty, municipal, municipal-county, or multicounty-municipal 124
jail or workhouse, community-based correctional facility, halfway 125
house, alternative residential facility, or state correctional 126
institution or in any facility for delinquent children for 127
committing an act that would be a felony or an offense of violence 128
if committed by an adult, and any other information that the 129
superintendent may receive from law enforcement officials of the 130
state and its political subdivisions. 131

(4) The superintendent shall carry out Chapter 2950. of the 132
Revised Code with respect to the registration of persons who are 133
convicted of or plead guilty to a sexually oriented offense or a 134
child-victim oriented offense and with respect to all other duties 135
imposed on the bureau under that chapter. 136

(5) The bureau shall perform centralized recordkeeping 137
functions for criminal history records and services in this state 138
for purposes of the national crime prevention and privacy compact 139
set forth in section 109.571 of the Revised Code and is the 140
criminal history record repository as defined in that section for 141
purposes of that compact. The superintendent or the 142
superintendent's designee is the compact officer for purposes of 143
that compact and shall carry out the responsibilities of the 144
compact officer specified in that compact. 145

(B) The superintendent shall prepare and furnish to every 146
county, multicounty, municipal, municipal-county, or 147

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

(C)(1) The superintendent may operate a center for 157
electronic, automated, or other data processing for the storage 158
and retrieval of information, data, and statistics pertaining to 159
criminals and to children under eighteen years of age who are 160
adjudicated delinquent children for committing an act that would 161
be a felony or an offense of violence if committed by an adult, 162
criminal activity, crime prevention, law enforcement, and criminal 163
justice, and may establish and operate a statewide communications 164
network to gather and disseminate information, data, and 165
statistics for the use of law enforcement agencies and for other 166
uses specified in this division. The superintendent may gather, 167
store, retrieve, and disseminate information, data, and statistics 168
that pertain to children who are under eighteen years of age and 169
that are gathered pursuant to sections 109.57 to 109.61 of the 170
Revised Code together with information, data, and statistics that 171
pertain to adults and that are gathered pursuant to those 172
sections. 173

(2) The superintendent or the superintendent's designee shall 174
gather information of the nature described in division (C)(1) of 175
this section that pertains to the offense and delinquency history 176
of a person who has been convicted of, pleaded guilty to, or been 177
adjudicated a delinquent child for committing a sexually oriented 178
offense or a child-victim oriented offense for inclusion in the 179

state registry of sex offenders and child-victim offenders 180
maintained pursuant to division (A)(1) of section 2950.13 of the 181
Revised Code and in the internet database operated pursuant to 182
division (A)(13) of that section and for possible inclusion in the 183
internet database operated pursuant to division (A)(11) of that 184
section. 185

(3) In addition to any other authorized use of information, 186
data, and statistics of the nature described in division (C)(1) of 187
this section, the superintendent or the superintendent's designee 188
may provide and exchange the information, data, and statistics 189
pursuant to the national crime prevention and privacy compact as 190
described in division (A)(5) of this section. 191

(D) The information and materials furnished to the 192
superintendent pursuant to division (A) of this section and 193
information and materials furnished to any board or person under 194
division (F) or (G) of this section are not public records under 195
section 149.43 of the Revised Code. The superintendent or the 196
superintendent's designee shall gather and retain information so 197
furnished under division (A) of this section that pertains to the 198
offense and delinquency history of a person who has been convicted 199
of, pleaded guilty to, or been adjudicated a delinquent child for 200
committing a sexually oriented offense or a child-victim oriented 201
offense for the purposes described in division (C)(2) of this 202
section. 203

(E) The attorney general shall adopt rules, in accordance 204
with Chapter 119. of the Revised Code, setting forth the procedure 205
by which a person may receive or release information gathered by 206
the superintendent pursuant to division (A) of this section. A 207
reasonable fee may be charged for this service. If a temporary 208
employment service submits a request for a determination of 209
whether a person the service plans to refer to an employment 210
position has been convicted of or pleaded guilty to an offense 211

listed in division (A)(1), (3), (4), (5), or (6) of section 212
109.572 of the Revised Code, the request shall be treated as a 213
single request and only one fee shall be charged. 214

(F)(1) As used in division (F)(2) of this section, "head 215
start agency" means an entity in this state that has been approved 216
to be an agency for purposes of subchapter II of the "Community 217
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 218
as amended. 219

(2)(a) In addition to or in conjunction with any request that 220
is required to be made under section 109.572, 2151.86, 3301.32, or 221
3301.541, division (C) of section 3310.58, or section 3319.39, 222
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 223
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 224
under section 3314.41, 3319.392, or 3326.25 of the Revised Code, 225
the board of education of any school district; the director of 226
mental retardation and developmental disabilities; any county 227
board of mental retardation and developmental disabilities; any 228
entity under contract with a county board of mental retardation 229
and developmental disabilities; the chief administrator of any 230
chartered nonpublic school; the chief administrator of a 231
registered private provider that is not also a chartered nonpublic 232
school; the chief administrator of any home health agency; the 233
chief administrator of or person operating any child day-care 234
center, type A family day-care home, or type B family day-care 235
home licensed or certified under Chapter 5104. of the Revised 236
Code; the administrator of any type C family day-care home 237
certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 238
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 239
general assembly; the chief administrator of any head start 240
agency; the executive director of a public children services 241
agency; a private company described in section 3314.41, 3319.392, 242
or 3326.25 of the Revised Code; or an employer described in 243

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

(b) When a board of education or a registered private 270
provider is required to receive information under this section as 271
a prerequisite to employment of an individual pursuant to division 272
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 273
may accept a certified copy of records that were issued by the 274
bureau of criminal identification and investigation and that are 275
presented by an individual applying for employment with the 276

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

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

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

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

(G) In addition to or in conjunction with any request that is 307
required to be made under section 3701.881, 3712.09, 3721.121, or 308

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

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

In addition to or in conjunction with any request that is 333
required to be made under section 173.394 of the Revised Code with 334
respect to an individual who has applied for employment in a 335
position that involves providing direct care to an individual, the 336
chief administrator of a community-based long-term care agency may 337
request that the superintendent investigate and determine, with 338
respect to any individual who has applied for employment in a 339
position that does not involve providing direct care, whether the 340

bureau has any information gathered under division (A) of this 341
section that pertains to that applicant. 342

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

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

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

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

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

(2) "Registered private provider" means a nonpublic school or 370
entity registered with the superintendent of public instruction 371

under section 3310.41 of the Revised Code to participate in the 372
autism scholarship program or section 3310.58 of the Revised Code 373
to participate in the special education scholarship pilot program. 374

375

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 568
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 569
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 570
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 571
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 572
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 573
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 574
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 575
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 576
of the Revised Code, a violation of section 2905.04 of the Revised 577
Code as it existed prior to July 1, 1996, a violation of section 578
2919.23 of the Revised Code that would have been a violation of 579
section 2905.04 of the Revised Code as it existed prior to July 1, 580
1996, had the violation been committed prior to that date, a 581
violation of section 2925.11 of the Revised Code that is not a 582
minor drug possession offense, two or more OVI or OVUAC violations 583
committed within the three years immediately preceding the 584
submission of the application or petition that is the basis of the 585
request, or felonious sexual penetration in violation of former 586
section 2907.12 of the Revised Code; 587

(b) A violation of an existing or former law of this state, 588
any other state, or the United States that is substantially 589
equivalent to any of the offenses listed in division (A)(8)(a) of 590
this section. 591

(9) Upon receipt of a request pursuant to section 5104.012 or 592
5104.013 of the Revised Code, a completed form prescribed pursuant 593
to division (C)(1) of this section, and a set of fingerprint 594

impressions obtained in the manner described in division (C)(2) of 595
this section, the superintendent of the bureau of criminal 596
identification and investigation shall conduct a criminal records 597
check in the manner described in division (B) of this section to 598
determine whether any information exists that indicates that the 599
person who is the subject of the request has been convicted of or 600
pleaded guilty to any of the following: 601

(a) A violation of section 2903.01, 2903.02, 2903.03, 602
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 603
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 604
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 605
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 606
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 607
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 608
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 609
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 610
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 611
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 612
3716.11 of the Revised Code, felonious sexual penetration in 613
violation of former section 2907.12 of the Revised Code, a 614
violation of section 2905.04 of the Revised Code as it existed 615
prior to July 1, 1996, a violation of section 2919.23 of the 616
Revised Code that would have been a violation of section 2905.04 617
of the Revised Code as it existed prior to July 1, 1996, had the 618
violation been committed prior to that date, a violation of 619
section 2925.11 of the Revised Code that is not a minor drug 620
possession offense, a violation of section 2923.02 or 2923.03 of 621
the Revised Code that relates to a crime specified in this 622
division, or a second violation of section 4511.19 of the Revised 623
Code within five years of the date of application for licensure or 624
certification. 625

(b) A violation of an existing or former law of this state, 626

any other state, or the United States that is substantially 627
equivalent to any of the offenses or violations described in 628
division (A)(9)(a) of this section. 629

(10) Upon receipt of a request pursuant to section 5153.111 630
of the Revised Code, a completed form prescribed pursuant to 631
division (C)(1) of this section, and a set of fingerprint 632
impressions obtained in the manner described in division (C)(2) of 633
this section, the superintendent of the bureau of criminal 634
identification and investigation shall conduct a criminal records 635
check in the manner described in division (B) of this section to 636
determine whether any information exists that indicates that the 637
person who is the subject of the request previously has been 638
convicted of or pleaded guilty to any of the following: 639

(a) A violation of section 2903.01, 2903.02, 2903.03, 640
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 641
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 642
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 643
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 644
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 645
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 646
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 647
felonious sexual penetration in violation of former section 648
2907.12 of the Revised Code, a violation of section 2905.04 of the 649
Revised Code as it existed prior to July 1, 1996, a violation of 650
section 2919.23 of the Revised Code that would have been a 651
violation of section 2905.04 of the Revised Code as it existed 652
prior to July 1, 1996, had the violation been committed prior to 653
that date, or a violation of section 2925.11 of the Revised Code 654
that is not a minor drug possession offense; 655

(b) A violation of an existing or former law of this state, 656
any other state, or the United States that is substantially 657
equivalent to any of the offenses listed in division (A)(10)(a) of 658

this section. 659

(11) On receipt of a request for a criminal records check 660
from an individual pursuant to section 4749.03 or 4749.06 of the 661
Revised Code, accompanied by a completed copy of the form 662
prescribed in division (C)(1) of this section and a set of 663
fingerprint impressions obtained in a manner described in division 664
(C)(2) of this section, the superintendent of the bureau of 665
criminal identification and investigation shall conduct a criminal 666
records check in the manner described in division (B) of this 667
section to determine whether any information exists indicating 668
that the person who is the subject of the request has been 669
convicted of or pleaded guilty to a felony in this state or in any 670
other state. If the individual indicates that a firearm will be 671
carried in the course of business, the superintendent shall 672
require information from the federal bureau of investigation as 673
described in division (B)(2) of this section. The superintendent 674
shall report the findings of the criminal records check and any 675
information the federal bureau of investigation provides to the 676
director of public safety. 677

(12) On receipt of a request pursuant to section 1321.37, 678
1322.03, 1322.031, or 4763.05 of the Revised Code, a completed 679
form prescribed pursuant to division (C)(1) of this section, and a 680
set of fingerprint impressions obtained in the manner described in 681
division (C)(2) of this section, the superintendent of the bureau 682
of criminal identification and investigation shall conduct a 683
criminal records check with respect to any person who has applied 684
for a license, permit, or certification from the department of 685
commerce or a division in the department. The superintendent shall 686
conduct the criminal records check in the manner described in 687
division (B) of this section to determine whether any information 688
exists that indicates that the person who is the subject of the 689
request previously has been convicted of or pleaded guilty to any 690

of the following: a violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2925.03 of the Revised Code; any other criminal offense involving theft, receiving stolen property, embezzlement, forgery, fraud, passing bad checks, money laundering, or drug trafficking, or any criminal offense involving money or securities, as set forth in Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of the Revised Code; or any existing or former law of this state, any other state, or the United States that is substantially equivalent to those offenses.

(13) On receipt of a request for a criminal records check from the treasurer of state under section 113.041 of the Revised Code or from an individual under section 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by a completed form prescribed under division (C)(1) of this section and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request has been convicted of or pleaded guilty to any criminal offense in this state or any other state. The superintendent shall send the results of a check requested under section 113.041 of the Revised Code to the treasurer of state and shall send the results of a check requested under any of the other listed sections to the licensing board specified by the individual in the request.

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(14) On receipt of a request pursuant to section 1121.23, 723
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 724
Code, a completed form prescribed pursuant to division (C)(1) of 725
this section, and a set of fingerprint impressions obtained in the 726
manner described in division (C)(2) of this section, the 727
superintendent of the bureau of criminal identification and 728
investigation shall conduct a criminal records check in the manner 729
described in division (B) of this section to determine whether any 730
information exists that indicates that the person who is the 731
subject of the request previously has been convicted of or pleaded 732
guilty to any criminal offense under any existing or former law of 733
this state, any other state, or the United States. 734

(15) Not later than thirty days after the date the 735
superintendent receives a request of a type described in division 736
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 737
or (14) of this section, the completed form, and the fingerprint 738
impressions, the superintendent shall send the person, board, or 739
entity that made the request any information, other than 740
information the dissemination of which is prohibited by federal 741
law, the superintendent determines exists with respect to the 742
person who is the subject of the request that indicates that the 743
person previously has been convicted of or pleaded guilty to any 744
offense listed or described in division (A)(1), (2), (3), (4), 745
(5), (6), (7), (8), (9), (10), (11), (12), or (14) of this 746
section, as appropriate. The superintendent shall send the person, 747
board, or entity that made the request a copy of the list of 748
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 749
(7), (8), (9), (10), (11), (12), or (14) of this section, as 750
appropriate. If the request was made under section 3701.881 of the 751
Revised Code with regard to an applicant who may be both 752
responsible for the care, custody, or control of a child and 753
involved in providing direct care to an older adult, the 754
superintendent shall provide a list of the offenses specified in 755

divisions (A)(4) and (6) of this section. 756

Not later than thirty days after the superintendent receives 757
a request for a criminal records check pursuant to section 113.041 758
of the Revised Code, the completed form, and the fingerprint 759
impressions, the superintendent shall send the treasurer of state 760
any information, other than information the dissemination of which 761
is prohibited by federal law, the superintendent determines exist 762
with respect to the person who is the subject of the request that 763
indicates that the person previously has been convicted of or 764
pleaded guilty to any criminal offense in this state or any other 765
state. 766

(B) The superintendent shall conduct any criminal records 767
check requested under section 113.041, 121.08, 173.27, 173.394, 768
1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 1733.47, 769
1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 770
3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 771
4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 772
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 773
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 774
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 775
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 776
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code as 777
follows: 778

(1) The superintendent shall review or cause to be reviewed 779
any relevant information gathered and compiled by the bureau under 780
division (A) of section 109.57 of the Revised Code that relates to 781
the person who is the subject of the request, including, if the 782
criminal records check was requested under section 113.041, 783
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 784
1321.37, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 785
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4749.03, 786
4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 5111.033, 787

5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code, any relevant information contained in records that have been sealed under section 2953.32 of the Revised Code;

(2) If the request received by the superintendent asks for information from the federal bureau of investigation, the superintendent shall request from the federal bureau of investigation any information it has with respect to the person who is the subject of the request, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 if the request is made pursuant to section 2151.86, 5104.012, or 5104.013 of the Revised Code or if any other Revised Code section requires fingerprint-based checks of that nature, and shall review or cause to be reviewed any information the superintendent receives from that bureau.

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

(C)(1) The superintendent shall prescribe a form to obtain the information necessary to conduct a criminal records check from any person for whom a criminal records check is requested under section 113.041 of the Revised Code or required by section 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The form that the

superintendent prescribes pursuant to this division may be in a 820
tangible format, in an electronic format, or in both tangible and 821
electronic formats. 822

(2) The superintendent shall prescribe standard impression 823
sheets to obtain the fingerprint impressions of any person for 824
whom a criminal records check is requested under section 113.041 825
of the Revised Code or required by section 121.08, 173.27, 826
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1322.03, 1322.031, 827
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 828
3712.09, 3721.121, 3722.151, 4701.08, 4715.101, 4717.061, 829
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 830
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 831
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 832
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 833
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 834
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 835
5153.111 of the Revised Code. Any person for whom a records check 836
is requested under or required by any of those sections shall 837
obtain the fingerprint impressions at a county sheriff's office, 838
municipal police department, or any other entity with the ability 839
to make fingerprint impressions on the standard impression sheets 840
prescribed by the superintendent. The office, department, or 841
entity may charge the person a reasonable fee for making the 842
impressions. The standard impression sheets the superintendent 843
prescribes pursuant to this division may be in a tangible format, 844
in an electronic format, or in both tangible and electronic 845
formats. 846

(3) Subject to division (D) of this section, the 847
superintendent shall prescribe and charge a reasonable fee for 848
providing a criminal records check requested under section 849
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 850
1315.141, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 851

3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 4701.08, 852
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 853
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 854
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 855
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 856
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 857
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 858
5126.281, or 5153.111 of the Revised Code. The person making a 859
criminal records request under any of those sections shall pay the 860
fee prescribed pursuant to this division. A person making a 861
request under section 3701.881 of the Revised Code for a criminal 862
records check for an applicant who may be both responsible for the 863
care, custody, or control of a child and involved in providing 864
direct care to an older adult shall pay one fee for the request. 865
In the case of a request under section 1121.23, 1155.03, 1163.05, 866
1315.141, 1733.47, 1761.26, or 5111.032 of the Revised Code, the 867
fee shall be paid in the manner specified in that section. 868

(4) The superintendent of the bureau of criminal 870
identification and investigation may prescribe methods of 871
forwarding fingerprint impressions and information necessary to 872
conduct a criminal records check, which methods shall include, but 873
not be limited to, an electronic method. 874

(D) A determination whether any information exists that 875
indicates that a person previously has been convicted of or 876
pleaded guilty to any offense listed or described in division 877
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 878
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 879
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), or (A)(14) of this 880
section, or that indicates that a person previously has been 881
convicted of or pleaded guilty to any criminal offense in this 882
state or any other state regarding a criminal records check of a 883

type described in division (A)(13) of this section, and that is 884
made by the superintendent with respect to information considered 885
in a criminal records check in accordance with this section is 886
valid for the person who is the subject of the criminal records 887
check for a period of one year from the date upon which the 888
superintendent makes the determination. During the period in which 889
the determination in regard to a person is valid, if another 890
request under this section is made for a criminal records check 891
for that person, the superintendent shall provide the information 892
that is the basis for the superintendent's initial determination 893
at a lower fee than the fee prescribed for the initial criminal 894
records check. 895

(E) When the superintendent receives a request for 896
information from a registered private provider, the superintendent 897
shall proceed as if the request was received from a school 898
district board of education under section 3319.39 of the Revised 899
Code. The superintendent shall apply division (A)(7) of this 900
section to any such request for an applicant who is a teacher. 901

(F) As used in this section: 902

(1) "Criminal records check" means any criminal records check 903
conducted by the superintendent of the bureau of criminal 904
identification and investigation in accordance with division (B) 905
of this section. 906

(2) "Minor drug possession offense" has the same meaning as 907
in section 2925.01 of the Revised Code. 908

(3) "Older adult" means a person age sixty or older. 909

(4) "OVI or OVUAC violation" means a violation of section 910
4511.19 of the Revised Code or a violation of an existing or 911
former law of this state, any other state, or the United States 912
that is substantially equivalent to section 4511.19 of the Revised 913
Code. 914

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

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

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

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

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

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

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

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

(a) The numbers of students receiving each category of instructional service offered by the school district, such as

regular education instruction, vocational education instruction, 945
specialized instruction programs or enrichment instruction that is 946
part of the educational curriculum, instruction for gifted 947
students, instruction for students with disabilities, and remedial 948
instruction. The guidelines shall require instructional services 949
under this division to be divided into discrete categories if an 950
instructional service is limited to a specific subject, a specific 951
type of student, or both, such as regular instructional services 952
in mathematics, remedial reading instructional services, 953
instructional services specifically for students gifted in 954
mathematics or some other subject area, or instructional services 955
for students with a specific type of disability. The categories of 956
instructional services required by the guidelines under this 957
division shall be the same as the categories of instructional 958
services used in determining cost units pursuant to division 959
(C)(3) of this section. 960

(b) The numbers of students receiving support or 961
extracurricular services for each of the support services or 962
extracurricular programs offered by the school district, such as 963
counseling services, health services, and extracurricular sports 964
and fine arts programs. The categories of services required by the 965
guidelines under this division shall be the same as the categories 966
of services used in determining cost units pursuant to division 967
(C)(4)(a) of this section. 968

(c) Average student grades in each subject in grades nine 969
through twelve; 970

(d) Academic achievement levels as assessed by the testing of 971
student achievement under sections 3301.0710 and 3301.0711 of the 972
Revised Code; 973

(e) The number of students designated as having a disabling 974
condition pursuant to division (C)(1) of section 3301.0711 of the 975
Revised Code; 976

(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	977 978 979
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	980 981 982 983
(h) Expulsion rates;	984
(i) Suspension rates;	985
(j) The percentage of students receiving corporal punishment;	986
(k) Dropout rates;	987
(l) Rates of retention in grade;	988
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	989 990 991
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	992 993 994 995 996
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	997 998 999 1000 1001 1002 1003
(2) Personnel and classroom enrollment data for each school district, including:	1004 1005
(a) The total numbers of licensed employees and nonlicensed	1006

employees and the numbers of full-time equivalent licensed 1007
employees and nonlicensed employees providing each category of 1008
instructional service, instructional support service, and 1009
administrative support service used pursuant to division (C)(3) of 1010
this section. The guidelines adopted under this section shall 1011
require these categories of data to be maintained for the school 1012
district as a whole and, wherever applicable, for each grade in 1013
the school district as a whole, for each school building as a 1014
whole, and for each grade in each school building. 1015

(b) The total number of employees and the number of full-time 1016
equivalent employees providing each category of service used 1017
pursuant to divisions (C)(4)(a) and (b) of this section, and the 1018
total numbers of licensed employees and nonlicensed employees and 1019
the numbers of full-time equivalent licensed employees and 1020
nonlicensed employees providing each category used pursuant to 1021
division (C)(4)(c) of this section. The guidelines adopted under 1022
this section shall require these categories of data to be 1023
maintained for the school district as a whole and, wherever 1024
applicable, for each grade in the school district as a whole, for 1025
each school building as a whole, and for each grade in each school 1026
building. 1027

(c) The total number of regular classroom teachers teaching 1028
classes of regular education and the average number of pupils 1029
enrolled in each such class, in each of grades kindergarten 1030
through five in the district as a whole and in each school 1031
building in the school district. 1032

(d) The number of master teachers employed by each school 1033
district and each school building, once a definition of master 1034
teacher has been developed by the educator standards board 1035
pursuant to section 3319.61 of the Revised Code. 1036

(3)(a) Student demographic data for each school district, 1037
including information regarding the gender ratio of the school 1038

district's pupils, the racial make-up of the school district's 1039
pupils, the number of limited English proficient students in the 1040
district, and an appropriate measure of the number of the school 1041
district's pupils who reside in economically disadvantaged 1042
households. The demographic data shall be collected in a manner to 1043
allow correlation with data collected under division (B)(1) of 1044
this section. Categories for data collected pursuant to division 1045
(B)(3) of this section shall conform, where appropriate, to 1046
standard practices of agencies of the federal government. 1047

(b) With respect to each student entering kindergarten, 1048
whether the student previously participated in a public preschool 1049
program, a private preschool program, or a head start program, and 1050
the number of years the student participated in each of these 1051
programs. 1052

(4) Any data required to be collected pursuant to federal 1053
law. 1054

(C) The education management information system shall include 1055
cost accounting data for each district as a whole and for each 1056
school building in each school district. The guidelines adopted 1057
under this section shall require the cost data for each school 1058
district to be maintained in a system of mutually exclusive cost 1059
units and shall require all of the costs of each school district 1060
to be divided among the cost units. The guidelines shall require 1061
the system of mutually exclusive cost units to include at least 1062
the following: 1063

(1) Administrative costs for the school district as a whole. 1064
The guidelines shall require the cost units under this division 1065
(C)(1) to be designed so that each of them may be compiled and 1066
reported in terms of average expenditure per pupil in formula ADM 1067
in the school district, as determined pursuant to section 3317.03 1068
of the Revised Code. 1069

(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.

(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 each category of service and, as a breakdown of the total cost, a cost for each of the following components:

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

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

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

(4) Support or extracurricular services costs for each category of service directly provided to students and required by

guidelines adopted pursuant to division (B)(1)(b) of this section. 1101
The guidelines shall require the cost units under division (C)(4) 1102
of this section to be designed so that each of them may be 1103
compiled and reported in terms of average expenditure per pupil 1104
receiving the service in the school district as a whole and 1105
average expenditure per pupil receiving the service in each 1106
building in the school district and in terms of a total cost for 1107
each category of service and, as a breakdown of the total cost, a 1108
cost for each of the following components: 1109

(a) The cost of each support or extracurricular services 1110
category required by guidelines adopted under division (B)(1)(b) 1111
of this section that is provided directly to students by a 1112
licensed employee, such as services provided by a guidance 1113
counselor or any services provided by a licensed employee under a 1114
supplemental contract; 1115

(b) The cost of each such services category provided directly 1116
to students by a nonlicensed employee, such as janitorial 1117
services, cafeteria services, or services of a sports trainer; 1118

(c) The cost of the administrative services related to each 1119
services category in division (C)(4)(a) or (b) of this section, 1120
such as the cost of any licensed or nonlicensed employees that 1121
develop, supervise, coordinate, or otherwise are involved in 1122
administering or aiding the delivery of each services category. 1123

(D)(1) The guidelines adopted under this section shall 1124
require school districts to collect information about individual 1125
students, staff members, or both in connection with any data 1126
required by division (B) or (C) of this section or other reporting 1127
requirements established in the Revised Code. The guidelines may 1128
also require school districts to report information about 1129
individual staff members in connection with any data required by 1130
division (B) or (C) of this section or other reporting 1131
requirements established in the Revised Code. The guidelines shall 1132

not authorize school districts to request social security numbers 1133
of individual students. The guidelines shall prohibit the 1134
reporting under this section of a student's name, address, and 1135
social security number to the state board of education or the 1136
department of education. The guidelines shall also prohibit the 1137
reporting under this section of any personally identifiable 1138
information about any student, except for the purpose of assigning 1139
the data verification code required by division (D)(2) of this 1140
section, to any other person unless such person is employed by the 1141
school district or the information technology center operated 1142
under section 3301.075 of the Revised Code and is authorized by 1143
the district or technology center to have access to such 1144
information or is employed by an entity with which the department 1145
contracts for the scoring of tests administered under section 1146
3301.0711 or 3301.0712 of the Revised Code. The guidelines may 1147
require school districts to provide the social security numbers of 1148
individual staff members. 1149

(2) The guidelines shall provide for each school district or 1150
community school to assign a data verification code that is unique 1151
on a statewide basis over time to each student whose initial Ohio 1152
enrollment is in that district or school and to report all 1153
required individual student data for that student utilizing such 1154
code. The guidelines shall also provide for assigning data 1155
verification codes to all students enrolled in districts or 1156
community schools on the effective date of the guidelines 1157
established under this section. 1158

Individual student data shall be reported to the department 1159
through the information technology centers utilizing the code but, 1160
except as provided in sections 3310.11, 3310.42, 3310.63, 1161
3313.978, and 3317.20 of the Revised Code, at no time shall the 1162
state board or the department have access to information that 1163
would enable any data verification code to be matched to 1164

personally identifiable student data. 1165

Each school district shall ensure that the data verification 1166
code is included in the student's records reported to any 1167
subsequent school district or community school in which the 1168
student enrolls. Any such subsequent district or school shall 1169
utilize the same identifier in its reporting of data under this 1170
section. 1171

The director of health shall request and receive, pursuant to 1172
sections 3301.0723 and 3701.62 of the Revised Code, a data 1173
verification code for a child who is receiving services under 1174
division (A)(2) of section 3701.61 of the Revised Code. 1175

(E) The guidelines adopted under this section may require 1176
school districts to collect and report data, information, or 1177
reports other than that described in divisions (A), (B), and (C) 1178
of this section for the purpose of complying with other reporting 1179
requirements established in the Revised Code. The other data, 1180
information, or reports may be maintained in the education 1181
management information system but are not required to be compiled 1182
as part of the profile formats required under division (G) of this 1183
section or the annual statewide report required under division (H) 1184
of this section. 1185

(F) Beginning with the school year that begins July 1, 1991, 1186
the board of education of each school district shall annually 1187
collect and report to the state board, in accordance with the 1188
guidelines established by the board, the data required pursuant to 1189
this section. A school district may collect and report these data 1190
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 1191

(G) The state board shall, in accordance with the procedures 1192
it adopts, annually compile the data reported by each school 1193
district pursuant to division (D) of this section. The state board 1194
shall design formats for profiling each school district as a whole 1195

and each school building within each district and shall compile 1196
the data in accordance with these formats. These profile formats 1197
shall: 1198

(1) Include all of the data gathered under this section in a 1199
manner that facilitates comparison among school districts and 1200
among school buildings within each school district; 1201

(2) Present the data on academic achievement levels as 1202
assessed by the testing of student achievement maintained pursuant 1203
to division (B)(1)(d) of this section. 1204

(H)(1) The state board shall, in accordance with the 1205
procedures it adopts, annually prepare a statewide report for all 1206
school districts and the general public that includes the profile 1207
of each of the school districts developed pursuant to division (G) 1208
of this section. Copies of the report shall be sent to each school 1209
district. 1210

(2) The state board shall, in accordance with the procedures 1211
it adopts, annually prepare an individual report for each school 1212
district and the general public that includes the profiles of each 1213
of the school buildings in that school district developed pursuant 1214
to division (G) of this section. Copies of the report shall be 1215
sent to the superintendent of the district and to each member of 1216
the district board of education. 1217

(3) Copies of the reports received from the state board under 1218
divisions (H)(1) and (2) of this section shall be made available 1219
to the general public at each school district's offices. Each 1220
district board of education shall make copies of each report 1221
available to any person upon request and payment of a reasonable 1222
fee for the cost of reproducing the report. The board shall 1223
annually publish in a newspaper of general circulation in the 1224
school district, at least twice during the two weeks prior to the 1225
week in which the reports will first be available, a notice 1226

containing the address where the reports are available and the 1227
date on which the reports will be available. 1228

(I) Any data that is collected or maintained pursuant to this 1229
section and that identifies an individual pupil is not a public 1230
record for the purposes of section 149.43 of the Revised Code. 1231

(J) As used in this section: 1232

(1) "School district" means any city, local, exempted 1233
village, or joint vocational school district and, in accordance 1234
with section 3314.17 of the Revised Code, any community school. As 1235
used in division (L) of this section, "school district" also 1236
includes any educational service center or other educational 1237
entity required to submit data using the system established under 1238
this section. 1239

(2) "Cost" means any expenditure for operating expenses made 1240
by a school district excluding any expenditures for debt 1241
retirement except for payments made to any commercial lending 1242
institution for any loan approved pursuant to section 3313.483 of 1243
the Revised Code. 1244

(K) Any person who removes data from the information system 1245
established under this section for the purpose of releasing it to 1246
any person not entitled under law to have access to such 1247
information is subject to section 2913.42 of the Revised Code 1248
prohibiting tampering with data. 1249

(L)(1) In accordance with division (L)(2) of this section and 1250
the rules adopted under division (L)(10) of this section, the 1251
department of education may sanction any school district that 1252
reports incomplete or inaccurate data, reports data that does not 1253
conform to data requirements and descriptions published by the 1254
department, fails to report data in a timely manner, or otherwise 1255
does not make a good faith effort to report data as required by 1256
this section. 1257

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

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

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

(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;

(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:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(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;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;	1288 1289
(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;	1290 1291 1292
(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;	1293 1294 1295 1296
(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;	1297 1298 1299 1300 1301
(ix) Any other action designed to correct the district's data reporting problems.	1302 1303
(3) Any time the department takes an action against a school district under division (L)(2) of this section, the department shall make a report of the circumstances that prompted the action. The department shall send a copy of the report to the district superintendent or chief administrator and maintain a copy of the report in its files.	1304 1305 1306 1307 1308 1309
(4) If any action taken under division (L)(2) of this section resolves a school district's data reporting problems to the department's satisfaction, the department shall not take any further actions described by that division. If the department withheld funds from the district under that division, the department may release those funds to the district, except that if the department withheld funding under division (L)(2)(c) of this section, the department shall not release the funds withheld under division (L)(2)(b) of this section and, if the department withheld	1310 1311 1312 1313 1314 1315 1316 1317 1318

funding under division (L)(2)(d) of this section, the department 1319
shall not release the funds withheld under division (L)(2)(b) or 1320
(c) of this section. 1321

(5) Notwithstanding anything in this section to the contrary, 1322
the department may use its own staff or an outside entity to 1323
conduct an audit of a school district's data reporting practices 1324
any time the department has reason to believe the district has not 1325
made a good faith effort to report data as required by this 1326
section. If any audit conducted by an outside entity under 1327
division (L)(2)(d)(i) or (5) of this section confirms that a 1328
district has not made a good faith effort to report data as 1329
required by this section, the district shall reimburse the 1330
department for the full cost of the audit. The department may 1331
withhold state funds due to the district for this purpose. 1332

(6) Prior to issuing a revised report card for a school 1333
district under division (L)(2)(d)(viii) of this section, the 1334
department may hold a hearing to provide the district with an 1335
opportunity to demonstrate that it made a good faith effort to 1336
report data as required by this section. The hearing shall be 1337
conducted by a referee appointed by the department. Based on the 1338
information provided in the hearing, the referee shall recommend 1339
whether the department should issue a revised report card for the 1340
district. If the referee affirms the department's contention that 1341
the district did not make a good faith effort to report data as 1342
required by this section, the district shall bear the full cost of 1343
conducting the hearing and of issuing any revised report card. 1344

(7) If the department determines that any inaccurate data 1345
reported under this section caused a school district to receive 1346
excess state funds in any fiscal year, the district shall 1347
reimburse the department an amount equal to the excess funds, in 1348
accordance with a payment schedule determined by the department. 1349
The department may withhold state funds due to the district for 1350

this purpose. 1351

(8) Any school district that has funds withheld under 1352
division (L)(2) of this section may appeal the withholding in 1353
accordance with Chapter 119. of the Revised Code. 1354

(9) In all cases of a disagreement between the department and 1355
a school district regarding the appropriateness of an action taken 1356
under division (L)(2) of this section, the burden of proof shall 1357
be on the district to demonstrate that it made a good faith effort 1358
to report data as required by this section. 1359

(10) The state board of education shall adopt rules under 1360
Chapter 119. of the Revised Code to implement division (L) of this 1361
section. 1362

(M) No information technology center or school district shall 1363
acquire, change, or update its student administration software 1364
package to manage and report data required to be reported to the 1365
department unless it converts to a student software package that 1366
is certified by the department. 1367

(N) The state board of education, in accordance with sections 1368
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1369
license as defined under division (A) of section 3319.31 of the 1370
Revised Code that has been issued to any school district employee 1371
found to have willfully reported erroneous, inaccurate, or 1372
incomplete data to the education management information system. 1373

(O) No person shall release or maintain any information about 1374
any student in violation of this section. Whoever violates this 1375
division is guilty of a misdemeanor of the fourth degree. 1376

(P) The department shall disaggregate the data collected 1377
under division (B)(1)(o) of this section according to the race and 1378
socioeconomic status of the students assessed. No data collected 1379
under that division shall be included on the report cards required 1380
by section 3302.03 of the Revised Code. 1381

(Q) If the department cannot compile any of the information 1382
required by division (C)(5) of section 3302.03 of the Revised Code 1383
based upon the data collected under this section, the department 1384
shall develop a plan and a reasonable timeline for the collection 1385
of any data necessary to comply with that division. 1386

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the 1387
Revised Code: 1388

(A) "Alternative public provider" means either of the 1389
following providers that agrees to enroll a child in the 1390
provider's special education program to implement the child's 1391
individualized education program and to which the eligible 1392
applicant owes fees for the services provided to the child: 1393

(1) A school district that is not the school district in 1394
which the child is entitled to attend school or the child's school 1395
district of residence, if different; 1396

(2) A public entity other than a school district. 1397

(B) "Applicable special education weight" means the multiple 1398
specified in section 3317.013 of the Revised Code for a disability 1399
described in that section. 1400

(C) "Category one through six special education ADM" means 1401
the respective categories prescribed in divisions (F)(1) to (6) of 1402
section 3317.02 of the Revised Code. 1403

(D) "Child with a disability" and "individualized education 1404
program" have the same meanings as in section 3323.01 of the 1405
Revised Code. 1406

(E) "Eligible applicant" means any of the following: 1407

(1) Either of the natural or adoptive parents of a qualified 1408
special education child, except as otherwise specified in this 1409
division. When the marriage of the natural or adoptive parents of 1410
the student has been terminated by a divorce, dissolution of 1411

marriage, or annulment, or when the natural or adoptive parents of 1412
the student are living separate and apart under a legal separation 1413
decree, and a court has issued an order allocating the parental 1414
rights and responsibilities with respect to the child, "eligible 1415
applicant" means the residential parent as designated by the 1416
court. If the court issues a shared parenting decree, "eligible 1417
applicant" means either parent. "Eligible applicant" does not mean 1418
a parent whose custodial rights have been terminated. 1419

(2) The custodian of a qualified special education child, 1420
when a court has granted temporary, legal, or permanent custody of 1421
the child to an individual other than either of the natural or 1422
adoptive parents of the child or to a government agency; 1423

(3) The guardian of a qualified special education child, when 1424
a court has appointed a guardian for the child; 1425

(4) The grandparent of a qualified special education child, 1426
when the grandparent is the child's attorney in fact under a power 1427
of attorney executed under sections 3109.51 to 3109.62 of the 1428
Revised Code or when the grandparent has executed a caregiver 1429
authorization affidavit under sections 3109.65 to 3109.73 of the 1430
Revised Code; 1431

(5) The surrogate parent appointed for a qualified special 1432
education child pursuant to division (B) of section 3323.05 and 1433
section 3323.051 of the Revised Code; 1434

(6) A qualified special education child, if the child does 1435
not have a custodian or guardian and the child is at least 1436
eighteen years of age. 1437

(F) "Entitled to attend school" means entitled to attend 1438
school in a school district under sections 3313.64 and 3313.65 of 1439
the Revised Code. 1440

(G) "Formula ADM" and "formula amount" have the same meanings 1441
as in section 3317.02 of the Revised Code. 1442

<u>(H) "Qualified special education child" is a child for whom</u>	1443
<u>all of the following conditions apply:</u>	1444
<u>(1) The child is at least five years of age and less than</u>	1445
<u>twenty-two years of age.</u>	1446
<u>(2) The school district in which the child is entitled to</u>	1447
<u>attend school, or the child's school district of residence if</u>	1448
<u>different, has identified the child as a child with a disability.</u>	1449
<u>(3) The school district in which the child is entitled to</u>	1450
<u>attend school, or the child's school district of residence if</u>	1451
<u>different, has developed an individualized education program under</u>	1452
<u>Chapter 3323. of the Revised Code for the child.</u>	1453
<u>(4) The child either:</u>	1454
<u>(a) Was enrolled in the schools of the school district in</u>	1455
<u>which the child is entitled to attend school in any grade from</u>	1456
<u>kindergarten through twelve in the school year prior to the school</u>	1457
<u>year in which a scholarship is first sought for the child;</u>	1458
<u>(b) Is eligible to enter school in any grade kindergarten</u>	1459
<u>through twelve in the school district in which the child is</u>	1460
<u>entitled to attend school in the school year in which a</u>	1461
<u>scholarship is first sought for the child.</u>	1462
<u>(5) The department of education has not approved a</u>	1463
<u>scholarship for the child under the autism scholarship program</u>	1464
<u>under section 3310.41 of the Revised Code for the same school year</u>	1465
<u>in which a scholarship under the special education scholarship</u>	1466
<u>pilot program is sought.</u>	1467
<u>(I) "Registered private provider" means a nonpublic school or</u>	1468
<u>other nonpublic entity that has been registered by the</u>	1469
<u>superintendent of public instruction under section 3310.58 of the</u>	1470
<u>Revised Code.</u>	1471
<u>(J) "Scholarship" means a scholarship awarded under the</u>	1472

special education scholarship pilot program pursuant to sections 3310.51 to 3310.64 of the Revised Code. 1473
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(K) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school established under Chapter 3314. of the Revised Code is not a "school district of residence" for purposes of sections 3310.51 to 3310.64 of the Revised Code. 1475
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(L) "School year" has the same meaning as in section 3313.62 of the Revised Code. 1480
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(M) "Special education program" means a school or facility that provides special education and related services to children with disabilities. 1482
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Sec. 3310.52. (A) The special education scholarship pilot program is hereby established. Under the program, in fiscal years 2012 through 2017, subject to division (B) of this section, the department of education annually shall pay a scholarship to an eligible applicant for services provided by an alternative public provider or a registered private provider for a qualified special education child. The scholarship shall be used only to pay all or part of the fees for the child to attend the special education program operated by the alternative public provider or registered private provider to implement the child's individualized education program, in lieu of the child's attending the special education program operated by the school district in which the child is entitled to attend school, and other services agreed to by the provider and eligible applicant that are not included in the individualized education program but are associated with educating the child. Upon agreement with the eligible applicant, the alternative public provider or registered private provider may modify the services provided to the child. 1485
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(B) The number of scholarships awarded under the pilot 1503

program in any fiscal year shall not exceed three per cent of the 1504
total number of students residing in the state identified as 1505
children with disabilities during the previous fiscal year. 1506

(C) No scholarship or renewal of a scholarship shall be 1507
awarded to an eligible applicant on behalf of a qualified special 1508
education child for the next school year, unless on or before the 1509
fifteenth day of April the eligible applicant completes the 1510
application for the scholarship or renewal, in the manner 1511
prescribed by the department, and notifies the school district in 1512
which the child is entitled to attend school that the eligible 1513
applicant has applied for the scholarship or renewal. 1514

Sec. 3310.521. (A) As a condition of receiving payments for a 1515
scholarship, each eligible applicant shall attest to receipt of 1516
the profile prescribed by division (B) of this section. Such 1517
attestation shall be made and submitted to the department of 1518
education in the form and manner as required by the department. 1519

(B) The alternative public provider or registered private 1520
provider that enrolls a qualified special education child shall 1521
submit in writing to the eligible applicant to whom a scholarship 1522
is awarded on behalf of that child a profile of the provider's 1523
special education program, in a form as prescribed by the 1524
department, that shall contain all of the following: 1525

(1) Information regarding the financial status of the 1526
provider; 1527

(2) Methods of instruction that will be utilized by the 1528
provider to provide services to the qualified special education 1529
child; 1530

(3) Qualifications of teachers, instructors, and other 1531
persons who will be engaged by the provider to provide services to 1532
the qualified special education child; 1533

(4) Results of the evaluation of the academic program of the provider; 1534
1535

(5) Any other information required by the department. 1536

Sec. 3310.53. (A) Except for development of the child's 1537
individualized education program, as specified in division (B) of 1538
this section, the school district in which a qualified special 1539
education child is entitled to attend school and the child's 1540
school district of residence, if different, are not obligated to 1541
provide the child with a free appropriate public education under 1542
Chapter 3323. of the Revised Code for as long as the child 1543
continues to attend the special education program operated by 1544
either an alternative public provider or a registered private 1545
provider for which a scholarship is awarded under the special 1546
education scholarship pilot program. If at any time, the eligible 1547
applicant for the child decides no longer to accept scholarship 1548
payments and enrolls the child in the special education program of 1549
the school district in which the child is entitled to attend 1550
school, that district shall provide the child with a free 1551
appropriate public education under Chapter 3323. of the Revised 1552
Code. 1553

(B) Each eligible applicant and each qualified special 1554
education child have a continuing right to the development of an 1555
individualized education program for the child that complies with 1556
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 1557
administrative rules or guidelines adopted by the Ohio department 1558
of education or the United States department of education. The 1559
school district in which a qualified special education child is 1560
entitled to attend school, or the child's school district of 1561
residence if different, shall develop each individualized 1562
education program for the child in accordance with those 1563
provisions. 1564

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

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: 1595
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(A) The amount of fees charged for that school year by the alternative public provider or registered private provider; 1598
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(B) The sum of the amounts calculated under divisions (B)(1) and (2) of this section: 1600
1601

(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; 1602
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(2) The formula amount times the applicable special education weight for the child's disability; 1605
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(C) Twenty thousand dollars. 1607

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. 1608
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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. 1614
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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. 1618
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Sec. 3310.58. No nonpublic school or entity shall receive 1624
payments from an eligible applicant for services for a qualified 1625
special education child under the special education scholarship 1626
pilot program until the school or entity registers with the 1627
superintendent of public instruction. The superintendent shall 1628
register and designate as a registered private provider any 1629
nonpublic school or entity that meets the following requirements: 1630

(A) The special education program operated by the school or 1631
entity meets the minimum education standards established by the 1632
state board of education. 1633

(B) The school or entity complies with the antidiscrimination 1634
provisions of 42 U.S.C. 2000d, regardless of whether the school or 1635
entity receives federal financial assistance. 1636

(C) If the school or entity is not chartered by the state 1637
board under section 3301.16 of the Revised Code, the school or 1638
entity agrees to comply with section 3319.39 of the Revised Code 1639
as if it were a school district. 1640

(D) The teaching and nonteaching professionals employed by 1641
the school or entity, or employed by any subcontractors of the 1642
school or entity, hold credentials determined by the state board 1643
to be appropriate for the qualified special education children 1644
enrolled in the special education program it operates. 1645

(E) The school or entity meets applicable health and safety 1646
standards established by law for school buildings. 1647

(F) The school or entity agrees to retain on file 1648
documentation as required by the department of education. 1649

(G) The school or entity demonstrates fiscal soundness to the 1650
satisfaction of the department. 1651

(H) The school or entity agrees to provide a record of the 1652
implementation of the individualized education program for each 1653

qualified special education child enrolled in the school's or 1654
entity's special education program, including evaluation of the 1655
child's progress, to the school district in which the child is 1656
entitled to attend school, in the form and manner prescribed by 1657
the department. 1658

(I) The school or entity agrees that, if it declines to 1659
enroll a particular qualified special education child, it will 1660
notify in writing the eligible applicant of its reasons for 1661
declining to enroll the child. 1662

(J) The school or entity agrees to meet other requirements 1663
established by rule of the state board under section 3310.64 of 1664
the Revised Code. 1665

Sec. 3310.59. The superintendent of public instruction shall 1666
revoke the registration of any school or entity if, after a 1667
hearing, the superintendent determines that the school or entity 1668
is in violation of any provision of section 3310.58 of the Revised 1669
Code. 1670

Sec. 3310.60. A qualified special education child attending a 1671
special education program at an alternative public provider or a 1672
registered private provider with a scholarship shall be entitled 1673
to transportation to and from that program in the manner 1674
prescribed by law for any child with a disability attending a 1675
nonpublic special education program. 1676

Sec. 3310.61. An eligible applicant on behalf of a child who 1677
currently attends a public special education program under a 1678
contract, compact, or other bilateral agreement, or on behalf of a 1679
child who currently attends a community school, shall not be 1680
prohibited from applying for and accepting a scholarship so that 1681
the applicant may withdraw the child from that program or 1682
community school and use the scholarship for the child to attend a 1683

special education program operated by an alternative public provider or a registered private provider. 1684
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Sec. 3310.62. (A) A scholarship under the special education scholarship pilot program shall not be awarded for the first time to an eligible applicant on behalf of a qualified special education child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or by the child's school district of residence if different, or while any administrative or judicial mediation or proceedings with respect to the content of that individualized education program are pending. 1686
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(B) Development of individualized education programs subsequent to the one developed for the child the first time a scholarship was awarded on behalf of the child and the prosecuting, by the eligible applicant on behalf of the child, of administrative or judicial mediation or proceedings with respect to any of those subsequent individualized education programs do not affect the applicant's and the child's continued eligibility for scholarship payments. 1695
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(C) In the case of any child for whom a scholarship has been awarded, if the school district in which the child is entitled to attend school has agreed to provide some services for the child under an agreement entered into with the eligible applicant or with the alternative public provider or registered private provider implementing the child's individualized education program, or if the district is required by law to provide some services for the child, including transportation services under sections 3310.60 and 3327.01 of the Revised Code, the district shall not discontinue the services it is providing pending completion of any administrative proceedings regarding those services. The prosecuting, by the eligible applicant on behalf of 1703
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the child, of administrative proceedings regarding the services provided by the district does not affect the applicant's and the child's continued eligibility for scholarship payments. 1715
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(D) The department of education shall continue to make payments to the eligible applicant under section 3310.57 of the Revised Code while either of the following are pending: 1718
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(1) Administrative or judicial mediation or proceedings with respect to a subsequent individualized education program for the child referred to in division (B) of this section; 1721
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(2) Administrative proceedings regarding services provided by the district under division (C) of this section. 1724
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Sec. 3310.63. (A) Only for the purpose of administering the special education scholarship pilot program, the department of education may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any qualified special education child for whom a scholarship is sought under the program: 1726
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(1) The school district in which the child is entitled to attend school; 1732
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(2) If applicable, the community school in which the child is enrolled; 1734
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(3) The independent contractor engaged to create and maintain data verification codes. 1736
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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 1738
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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.

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.

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

(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.

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

Sec. 3317.022. (A)(1) The department of education shall compute and distribute state base cost funding to each eligible school district for the fiscal year, using the information

obtained under section 3317.021 of the Revised Code in the 1775
calendar year in which the fiscal year begins, according to the 1776
following formula: 1777

{[the formula amount X (formula ADM + 1778
preschool scholarship ADM)] + 1779
the sum of the base funding supplements 1780
prescribed in divisions (C)(1) to (4) 1781
of section 3317.012 of the Revised Code} - 1782
[.023 x (the sum of recognized valuation 1783
and property exemption value)] + 1784
the amounts calculated for the district under 1785
sections 3317.029 and 3317.0217 of the Revised Code 1786

If the difference obtained is a negative number, the 1787
district's computation shall be zero. 1788

(2)(a) For each school district for which the tax exempt 1789
value of the district equals or exceeds twenty-five per cent of 1790
the potential value of the district, the department of education 1791
shall calculate the difference between the district's tax exempt 1792
value and twenty-five per cent of the district's potential value. 1793

(b) For each school district to which division (A)(2)(a) of 1794
this section applies, the department shall adjust the recognized 1795
valuation used in the calculation under division (A)(1) of this 1796
section by subtracting from it the amount calculated under 1797
division (A)(2)(a) of this section. 1798

(B) As used in this section: 1799

(1) The "total special education weight" for a district means 1800
the sum of the following amounts: 1801

(a) The district's category one special education ADM 1802
multiplied by the multiple specified in division (A) of section 1803
3317.013 of the Revised Code; 1804

(b) The district's category two special education ADM 1805

multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code;	1806 1807
(c) The district's category three special education ADM multiplied by the multiple specified in division (C) of section 3317.013 of the Revised Code;	1808 1809 1810
(d) The district's category four special education ADM multiplied by the multiple specified in division (D) of section 3317.013 of the Revised Code;	1811 1812 1813
(e) The district's category five special education ADM multiplied by the multiple specified in division (E) of section 3317.013 of the Revised Code;	1814 1815 1816
(f) The district's category six special education ADM multiplied by the multiple specified in division (F) of section 3317.013 of the Revised Code.	1817 1818 1819
(2) "State share percentage" means the percentage calculated for a district as follows:	1820 1821
(a) Calculate the state base cost funding amount for the district for the fiscal year under division (A) of this section. If the district would not receive any state base cost funding for that year under that division, the district's state share percentage is zero.	1822 1823 1824 1825 1826
(b) If the district would receive state base cost funding under that division, divide that amount by an amount equal to the following:	1827 1828 1829
(the formula amount X formula ADM) +	1830
the sum of the base funding supplements	1831
prescribed in divisions (C)(1) to (4)	1832
of section 3317.012 of the Revised Code +	1833
the sum of the amounts calculated for the district under	1834
sections 3317.029 and 3317.0217 of the Revised Code	1835

The resultant number is the district's state share	1836
percentage.	1837
(3) "Related services" includes:	1838
(a) Child study, special education supervisors and	1839
coordinators, speech and hearing services, adaptive physical	1840
development services, occupational or physical therapy, teacher	1841
assistants for children with disabilities whose disabilities are	1842
described in division (B) of section 3317.013 or division (F)(3)	1843
of section 3317.02 of the Revised Code, behavioral intervention,	1844
interpreter services, work study, nursing services, and	1845
specialized integrative services as those terms are defined by the	1846
department;	1847
(b) Speech and language services provided to any student with	1848
a disability, including any student whose primary or only	1849
disability is a speech and language disability;	1850
(c) Any related service not specifically covered by other	1851
state funds but specified in federal law, including but not	1852
limited to, audiology and school psychological services;	1853
(d) Any service included in units funded under former	1854
division (O)(1) of section 3317.024 of the Revised Code;	1855
(e) Any other related service needed by children with	1856
disabilities in accordance with their individualized education	1857
programs.	1858
(4) The "total vocational education weight" for a district	1859
means the sum of the following amounts:	1860
(a) The district's category one vocational education ADM	1861
multiplied by the multiple specified in division (A) of section	1862
3317.014 of the Revised Code;	1863
(b) The district's category two vocational education ADM	1864
multiplied by the multiple specified in division (B) of section	1865

3317.014 of the Revised Code. 1866

(5) "Preschool scholarship ADM" means the number of preschool 1867
children with disabilities reported under division (B)(3)(h) of 1868
section 3317.03 of the Revised Code. 1869

(C)(1) The department shall compute and distribute state 1870
special education and related services additional weighted costs 1871
funds to each school district in accordance with the following 1872
formula: 1873

The district's state share percentage X 1874
the formula amount for the year for which 1875
the aid is calculated X the district's 1876
total special education weight 1877

(2) The attributed local share of special education and 1878
related services additional weighted costs equals: 1879

(1 - the district's state share percentage) X the district's 1880
total special education weight X the formula amount 1881

(3)(a) The department shall compute and pay in accordance 1882
with this division additional state aid to school districts for 1883
students in categories two through six special education ADM. If a 1884
district's costs for the fiscal year for a student in its 1885
categories two through six special education ADM exceed the 1886
threshold catastrophic cost for serving the student, the district 1887
may submit to the superintendent of public instruction 1888
documentation, as prescribed by the superintendent, of all its 1889
costs for that student. Upon submission of documentation for a 1890
student of the type and in the manner prescribed, the department 1891
shall pay to the district an amount equal to the sum of the 1892
following: 1893

(i) One-half of the district's costs for the student in 1894
excess of the threshold catastrophic cost; 1895

(ii) The product of one-half of the district's costs for the 1896

student in excess of the threshold catastrophic cost multiplied by 1897
the district's state share percentage. 1898

(b) For purposes of division (C)(3)(a) of this section, the 1899
threshold catastrophic cost for serving a student equals: 1900

(i) For a student in the school district's category two, 1901
three, four, or five special education ADM, twenty-seven thousand 1902
three hundred seventy-five dollars in fiscal years 2008 and 2009; 1903

(ii) For a student in the district's category six special 1904
education ADM, thirty-two thousand eight hundred fifty dollars in 1905
fiscal years 2008 and 2009. 1906

(c) The district shall only report under division (C)(3)(a) 1907
of this section, and the department shall only pay for, the costs 1908
of educational expenses and the related services provided to the 1909
student in accordance with the student's individualized education 1910
program. Any legal fees, court costs, or other costs associated 1911
with any cause of action relating to the student may not be 1912
included in the amount. 1913

(4)(a) As used in this division, the "personnel allowance" 1914
means thirty thousand dollars in fiscal years 2008 and 2009. 1915

(b) For the provision of speech language pathology services 1916
to students, including students who do not have individualized 1917
education programs prepared for them under Chapter 3323. of the 1918
Revised Code, and for no other purpose, the department of 1919
education shall pay each school district an amount calculated 1920
under the following formula: 1921

(formula ADM divided by 2000) X 1922

the personnel allowance X 1923

the state share percentage 1924

(5) In any fiscal year, a school district shall spend for 1925
purposes that the department designates as approved for special 1926
education and related services expenses at least the amount 1927

calculated as follows: 1928
 (formula amount X the sum of categories 1929
 one through six special education ADM) + 1930
 (total special education weight X formula amount) 1931

The purposes approved by the department for special education 1932
expenses shall include, but shall not be limited to, 1933
identification of children with disabilities, compliance with 1934
state rules governing the education of children with disabilities 1935
and prescribing the continuum of program options for children with 1936
disabilities, provision of speech language pathology services, and 1937
the portion of the school district's overall administrative and 1938
overhead costs that are attributable to the district's special 1939
education student population. 1940

The scholarships deducted from the school district's account 1941
under section 3310.41 or 3310.55 of the Revised Code shall be 1942
considered to be an approved special education and related 1943
services expense for the purpose of the school district's 1944
compliance with division (C)(5) of this section. 1945

The department shall require school districts to report data 1946
annually to allow for monitoring compliance with division (C)(5) 1947
of this section. The department shall annually report to the 1948
governor and the general assembly the amount of money spent by 1949
each school district for special education and related services. 1950

(6) In any fiscal year, a school district shall spend for the 1951
provision of speech language pathology services not less than the 1952
sum of the amount calculated under division (C)(1) of this section 1953
for the students in the district's category one special education 1954
ADM and the amount calculated under division (C)(4) of this 1955
section. 1956

The scholarships deducted from the school district's account 1957
under section 3310.55 of the Revised Code for students counted in 1958

the district's category one special education ADM shall be 1959
considered to be an approved speech language pathology services 1960
expense for the purpose of the school district's compliance with 1961
division (C)(6) of this section. 1962

(D)(1) As used in this division: 1963

(a) "Daily bus miles per student" equals the number of bus 1964
miles traveled per day, divided by transportation base. 1965

(b) "Transportation base" equals total student count as 1966
defined in section 3301.011 of the Revised Code, minus the number 1967
of students enrolled in units for preschool children with 1968
disabilities, plus the number of nonpublic school students 1969
included in transportation ADM. 1970

(c) "Transported student percentage" equals transportation 1971
ADM divided by transportation base. 1972

(d) "Transportation cost per student" equals total operating 1973
costs for board-owned or contractor-operated school buses divided 1974
by transportation base. 1975

(2) Analysis of student transportation cost data has resulted 1976
in a finding that an average efficient transportation use cost per 1977
student can be calculated by means of a regression formula that 1978
has as its two independent variables the number of daily bus miles 1979
per student and the transported student percentage. For fiscal 1980
year 1998 transportation cost data, the average efficient 1981
transportation use cost per student is expressed as follows: 1982

51.79027 + (139.62626 X daily bus miles per student) + 1983

(116.25573 X transported student percentage) 1984

The department of education shall annually determine the 1985
average efficient transportation use cost per student in 1986
accordance with the principles stated in division (D)(2) of this 1987
section, updating the intercept and regression coefficients of the 1988
regression formula modeled in this division, based on an annual 1989

statewide analysis of each school district's daily bus miles per student, transported student percentage, and transportation cost per student data. The department shall conduct the annual update using data, including daily bus miles per student, transported student percentage, and transportation cost per student data, from the prior fiscal year. The department shall notify the office of budget and management of such update by the fifteenth day of February of each year.

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

FISCAL YEAR	PERCENTAGE	
2000	52.5%	
2001	55%	
2002	57.5%	
2003 and thereafter	The greater of 60% or the district's state share percentage	

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

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

(a) Its county rough road percentage is higher than the 2020
statewide rough road percentage, as those terms are defined in 2021
division (D)(5) of this section; 2022

(b) Its district student density is lower than the statewide 2023
student density, as those terms are defined in that division. 2024

(5) The rough road subsidy paid to each district meeting the 2025
qualifications of division (D)(4) of this section shall be 2026
calculated in accordance with the following formula: 2027

(per rough mile subsidy X total rough road miles) 2028
X density multiplier 2029

where: 2030

(a) "Per rough mile subsidy" equals the amount calculated in 2031
accordance with the following formula: 2032

$0.75 - \{0.75 \times [(\text{maximum rough road percentage} -$ 2033
 $\text{county rough road percentage}) / (\text{maximum rough road}$ 2034
 $\text{percentage} - \text{statewide rough road percentage})]\}$ 2035

(i) "Maximum rough road percentage" means the highest county 2036
rough road percentage in the state. 2037

(ii) "County rough road percentage" equals the percentage of 2038
the mileage of state, municipal, county, and township roads that 2039
is rated by the department of transportation as type A, B, C, E2, 2040
or F in the county in which the school district is located or, if 2041
the district is located in more than one county, the county to 2042
which it is assigned for purposes of determining its 2043
cost-of-doing-business factor. 2044

(iii) "Statewide rough road percentage" means the percentage 2045
of the statewide total mileage of state, municipal, county, and 2046
township roads that is rated as type A, B, C, E2, or F by the 2047
department of transportation. 2048

(b) "Total rough road miles" means a school district's total 2049

bus miles traveled in one year times its county rough road 2050
percentage. 2051

(c) "Density multiplier" means a figure calculated in 2052
accordance with the following formula: 2053

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

2054
2055
2056

(i) "Minimum student density" means the lowest district 2057
student density in the state. 2058

(ii) "District student density" means a school district's 2059
transportation base divided by the number of square miles in the 2060
district. 2061

(iii) "Statewide student density" means the sum of the 2062
transportation bases for all school districts divided by the sum 2063
of the square miles in all school districts. 2064

(6) In addition to funds paid under divisions (D)(2) to (5) 2065
of this section, each district shall receive in accordance with 2066
rules adopted by the state board of education a payment for 2067
students transported by means other than board-owned or 2068
contractor-operated buses and whose transportation is not funded 2069
under division (G) of section 3317.024 of the Revised Code. The 2070
rules shall include provisions for school district reporting of 2071
such students. 2072

(E)(1) The department shall compute and distribute state 2073
vocational education additional weighted costs funds to each 2074
school district in accordance with the following formula: 2075

$$\frac{\text{state share percentage} \times \text{the formula amount}}{\text{total vocational education weight}}$$

2076
2077
2078

In any fiscal year, a school district receiving funds under 2079
division (E)(1) of this section shall spend those funds only for 2080

the purposes that the department designates as approved for 2081
vocational education expenses. Vocational educational expenses 2082
approved by the department shall include only expenses connected 2083
to the delivery of career-technical programming to 2084
career-technical students. The department shall require the school 2085
district to report data annually so that the department may 2086
monitor the district's compliance with the requirements regarding 2087
the manner in which funding received under division (E)(1) of this 2088
section may be spent. 2089

(2) The department shall compute for each school district 2090
state funds for vocational education associated services in 2091
accordance with the following formula: 2092

state share percentage X .05 X the formula amount X 2093
the sum of categories one and two vocational education ADM 2094

In any fiscal year, a school district receiving funds under 2095
division (E)(2) of this section, or through a transfer of funds 2096
pursuant to division (L) of section 3317.023 of the Revised Code, 2097
shall spend those funds only for the purposes that the department 2098
designates as approved for vocational education associated 2099
services expenses, which may include such purposes as 2100
apprenticeship coordinators, coordinators for other vocational 2101
education services, vocational evaluation, and other purposes 2102
designated by the department. The department may deny payment 2103
under division (E)(2) of this section to any district that the 2104
department determines is not operating those services or is using 2105
funds paid under division (E)(2) of this section, or through a 2106
transfer of funds pursuant to division (L) of section 3317.023 of 2107
the Revised Code, for other purposes. 2108

(F) The actual local share in any fiscal year for the 2109
combination of special education and related services additional 2110
weighted costs funding calculated under division (C)(1) of this 2111
section, transportation funding calculated under divisions (D)(2) 2112

and (3) of this section, and vocational education and associated 2113
services additional weighted costs funding calculated under 2114
divisions (E)(1) and (2) of this section shall not exceed for any 2115
school district the product of three and three-tenths mills times 2116
the district's recognized valuation. The department annually shall 2117
pay each school district as an excess cost supplement any amount 2118
by which the sum of the district's attributed local shares for 2119
that funding exceeds that product. For purposes of calculating the 2120
excess cost supplement: 2121

(1) The attributed local share for special education and 2122
related services additional weighted costs funding is the amount 2123
specified in division (C)(2) of this section. 2124

(2) The attributed local share of transportation funding 2125
equals the difference of the total amount calculated for the 2126
district using the formula developed under division (D)(2) of this 2127
section minus the actual amount paid to the district after 2128
applying the percentage specified in division (D)(3) of this 2129
section. 2130

(3) The attributed local share of vocational education and 2131
associated services additional weighted costs funding is the 2132
amount determined as follows: 2133

(1 - state share percentage) X 2134
[(total vocational education weight X 2135
the formula amount) + the payment under 2136
division (E)(2) of this section] 2137

Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and 2138
(C) of this section, except as provided in division (A)(2)(h) of 2139
this section, any student enrolled in kindergarten more than half 2140
time shall be reported as one-half student under this section. 2141

(A) The superintendent of each city and exempted village 2142
school district and of each educational service center shall, for 2143

the schools under the superintendent's supervision, certify to the 2144
state board of education on or before the fifteenth day of October 2145
in each year for the first full school week in October the formula 2146
ADM. Beginning in fiscal year 2007, each superintendent also shall 2147
certify to the state board, for the schools under the 2148
superintendent's supervision, the formula ADM for the first full 2149
week in February. If a school under the superintendent's 2150
supervision is closed for one or more days during that week due to 2151
hazardous weather conditions or other circumstances described in 2152
the first paragraph of division (B) of section 3317.01 of the 2153
Revised Code, the superintendent may apply to the superintendent 2154
of public instruction for a waiver, under which the superintendent 2155
of public instruction may exempt the district superintendent from 2156
certifying the formula ADM for that school for that week and 2157
specify an alternate week for certifying the formula ADM of that 2158
school. 2159

The formula ADM shall consist of the average daily membership 2160
during such week of the sum of the following: 2161

(1) On an FTE basis, the number of students in grades 2162
kindergarten through twelve receiving any educational services 2163
from the district, except that the following categories of 2164
students shall not be included in the determination: 2165

(a) Students enrolled in adult education classes; 2166

(b) Adjacent or other district students enrolled in the 2167
district under an open enrollment policy pursuant to section 2168
3313.98 of the Revised Code; 2169

(c) Students receiving services in the district pursuant to a 2170
compact, cooperative education agreement, or a contract, but who 2171
are entitled to attend school in another district pursuant to 2172
section 3313.64 or 3313.65 of the Revised Code; 2173

(d) Students for whom tuition is payable pursuant to sections 2174

3317.081 and 3323.141 of the Revised Code;	2175
(e) Students receiving services in the district through a scholarship awarded under <u>either</u> section 3310.41 <u>or sections</u> <u>3310.51 to 3310.64</u> of the Revised Code.	2176 2177 2178
(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:	2179 2180 2181 2182 2183 2184
(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;	2185 2186 2187 2188
(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;	2189 2190 2191
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	2192 2193 2194 2195 2196
(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	2197 2198 2199
(e) An educational service center or cooperative education district;	2200 2201
(f) Another school district under a cooperative education agreement, compact, or contract;	2202 2203
(g) A chartered nonpublic school with a scholarship paid	2204

under section 3310.08 of the Revised Code; 2205

(h) An alternative public provider or a registered private 2206
provider with a scholarship awarded under either section 3310.41 2207
or sections 3310.51 to 3310.64 of the Revised Code. Each such 2208
scholarship student who is enrolled in kindergarten shall be 2209
counted as one full-time-equivalent student. 2210

As used in this section, "alternative public provider" and 2211
"registered private provider" have the same meanings as in section 2212
3310.41 or 3310.51 of the Revised Code, as applicable. 2213

(i) A science, technology, engineering, and mathematics 2214
school established under Chapter 3326. of the Revised Code, 2215
including any participation in a college pursuant to Chapter 3365. 2216
of the Revised Code while enrolled in the school. 2217

(3) Twenty per cent of the number of students enrolled in a 2218
joint vocational school district or under a vocational education 2219
compact, excluding any students entitled to attend school in the 2220
district under section 3313.64 or 3313.65 of the Revised Code who 2221
are enrolled in another school district through an open enrollment 2222
policy as reported under division (A)(2)(d) of this section and 2223
then enroll in a joint vocational school district or under a 2224
vocational education compact; 2225

(4) The number of children with disabilities, other than 2226
preschool children with disabilities, entitled to attend school in 2227
the district pursuant to section 3313.64 or 3313.65 of the Revised 2228
Code who are placed by the district with a county MR/DD board, 2229
minus the number of such children placed with a county MR/DD board 2230
in fiscal year 1998. If this calculation produces a negative 2231
number, the number reported under division (A)(4) of this section 2232
shall be zero. 2233

(5) Beginning in fiscal year 2007, in the case of the report 2234
submitted for the first full week in February, or the alternative 2235

week if specified by the superintendent of public instruction, the 2236
number of students reported under division (A)(1) or (2) of this 2237
section for the first full week of the preceding October but who 2238
since that week have received high school diplomas. 2239

(B) To enable the department of education to obtain the data 2240
needed to complete the calculation of payments pursuant to this 2241
chapter, in addition to the formula ADM, each superintendent shall 2242
report separately the following student counts for the same week 2243
for which formula ADM is certified: 2244

(1) The total average daily membership in regular day classes 2245
included in the report under division (A)(1) or (2) of this 2246
section for kindergarten, and each of grades one through twelve in 2247
schools under the superintendent's supervision; 2248

(2) The number of all preschool children with disabilities 2249
enrolled as of the first day of December in classes in the 2250
district that are eligible for approval under division (B) of 2251
section 3317.05 of the Revised Code and the number of those 2252
classes, which shall be reported not later than the fifteenth day 2253
of December, in accordance with rules adopted under that section; 2254

(3) The number of children entitled to attend school in the 2255
district pursuant to section 3313.64 or 3313.65 of the Revised 2256
Code who are: 2257

(a) Participating in a pilot project scholarship program 2258
established under sections 3313.974 to 3313.979 of the Revised 2259
Code as described in division (I)(2)(a) or (b) of this section; 2260

(b) Enrolled in a college under Chapter 3365. of the Revised 2261
Code, except when the student is enrolled in the college while 2262
also enrolled in a community school pursuant to Chapter 3314. or a 2263
science, technology, engineering, and mathematics school 2264
established under Chapter 3326. of the Revised Code; 2265

(c) Enrolled in an adjacent or other school district under 2266

section 3313.98 of the Revised Code;	2267
(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;	2268 2269 2270 2271 2272 2273
(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;	2274 2275 2276 2277
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	2278 2279
(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;	2280 2281 2282 2283
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	2284 2285 2286
(i) Participating in a program operated by a county MR/DD board or a state institution;	2287 2288
(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.	2289 2290 2291 2292
(4) The number of pupils enrolled in joint vocational schools;	2293 2294
(5) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section	2295 2296

receiving special education services for the category one 2297
disability described in division (A) of section 3317.013 of the 2298
Revised Code, including children attending a special education 2299
program operated by an alternative public provider or a registered 2300
private provider with a scholarship awarded under sections 3310.51 2301
to 3310.64 of the Revised Code; 2302

(6) The combined average daily membership of children with 2303
disabilities reported under division (A)(1) or (2) of this section 2304
receiving special education services for category two disabilities 2305
described in division (B) of section 3317.013 of the Revised Code, 2306
including children attending a special education program operated 2307
by an alternative public provider or a registered private provider 2308
with a scholarship awarded under sections 3310.51 to 3310.64 of 2309
the Revised Code; 2310

(7) The combined average daily membership of children with 2311
disabilities reported under division (A)(1) or (2) of this section 2312
receiving special education services for category three 2313
disabilities described in division (C) of section 3317.013 of the 2314
Revised Code, including children attending a special education 2315
program operated by an alternative public provider or a registered 2316
private provider with a scholarship awarded under sections 3310.51 2317
to 3310.64 of the Revised Code; 2318

(8) The combined average daily membership of children with 2319
disabilities reported under division (A)(1) or (2) of this section 2320
receiving special education services for category four 2321
disabilities described in division (D) of section 3317.013 of the 2322
Revised Code, including children attending a special education 2323
program operated by an alternative public provider or a registered 2324
private provider with a scholarship awarded under sections 3310.51 2325
to 3310.64 of the Revised Code; 2326

(9) The combined average daily membership of children with 2327
disabilities reported under division (A)(1) or (2) of this section 2328

receiving special education services for the category five 2329
disabilities described in division (E) of section 3317.013 of the 2330
Revised Code, including children attending a special education 2331
program operated by an alternative public provider or a registered 2332
private provider with a scholarship awarded under sections 3310.51 2333
to 3310.64 of the Revised Code; 2334

(10) The combined average daily membership of children with 2335
disabilities reported under division (A)(1) or (2) and under 2336
division (B)(3)(h) of this section receiving special education 2337
services for category six disabilities described in division (F) 2338
of section 3317.013 of the Revised Code, including children 2339
attending a special education program operated by an alternative 2340
public provider or a registered private provider with a 2341
scholarship awarded under either section 3310.41 or sections 2342
3310.51 to 3310.64 of the Revised Code; 2343

(11) The average daily membership of pupils reported under 2344
division (A)(1) or (2) of this section enrolled in category one 2345
vocational education programs or classes, described in division 2346
(A) of section 3317.014 of the Revised Code, operated by the 2347
school district or by another district, other than a joint 2348
vocational school district, or by an educational service center, 2349
excluding any student reported under division (B)(3)(e) of this 2350
section as enrolled in an internet- or computer-based community 2351
school, notwithstanding division (C) of section 3317.02 of the 2352
Revised Code and division (C)(3) of this section; 2353

(12) The average daily membership of pupils reported under 2354
division (A)(1) or (2) of this section enrolled in category two 2355
vocational education programs or services, described in division 2356
(B) of section 3317.014 of the Revised Code, operated by the 2357
school district or another school district, other than a joint 2358
vocational school district, or by an educational service center, 2359
excluding any student reported under division (B)(3)(e) of this 2360

section as enrolled in an internet- or computer-based community 2361
school, notwithstanding division (C) of section 3317.02 of the 2362
Revised Code and division (C)(3) of this section; 2363

(13) The average number of children transported by the school 2364
district on board-owned or contractor-owned and -operated buses, 2365
reported in accordance with rules adopted by the department of 2366
education; 2367

(14)(a) The number of children, other than preschool children 2368
with disabilities, the district placed with a county MR/DD board 2369
in fiscal year 1998; 2370

(b) The number of children with disabilities, other than 2371
preschool children with disabilities, placed with a county MR/DD 2372
board in the current fiscal year to receive special education 2373
services for the category one disability described in division (A) 2374
of section 3317.013 of the Revised Code; 2375

(c) The number of children with disabilities, other than 2376
preschool children with disabilities, placed with a county MR/DD 2377
board in the current fiscal year to receive special education 2378
services for category two disabilities described in division (B) 2379
of section 3317.013 of the Revised Code; 2380

(d) The number of children with disabilities, other than 2381
preschool children with disabilities, placed with a county MR/DD 2382
board in the current fiscal year to receive special education 2383
services for category three disabilities described in division (C) 2384
of section 3317.013 of the Revised Code; 2385

(e) The number of children with disabilities, other than 2386
preschool children with disabilities, placed with a county MR/DD 2387
board in the current fiscal year to receive special education 2388
services for category four disabilities described in division (D) 2389
of section 3317.013 of the Revised Code; 2390

(f) The number of children with disabilities, other than 2391

preschool children with disabilities, placed with a county MR/DD 2392
board in the current fiscal year to receive special education 2393
services for the category five disabilities described in division 2394
(E) of section 3317.013 of the Revised Code; 2395

(g) The number of children with disabilities, other than 2396
preschool children with disabilities, placed with a county MR/DD 2397
board in the current fiscal year to receive special education 2398
services for category six disabilities described in division (F) 2399
of section 3317.013 of the Revised Code. 2400

(C)(1) Except as otherwise provided in this section for 2401
kindergarten students, the average daily membership in divisions 2402
(B)(1) to (12) of this section shall be based upon the number of 2403
full-time equivalent students. The state board of education shall 2404
adopt rules defining full-time equivalent students and for 2405
determining the average daily membership therefrom for the 2406
purposes of divisions (A), (B), and (D) of this section. 2407

(2) A student enrolled in a community school established 2408
under Chapter 3314. or a science, technology, engineering, and 2409
mathematics school established under Chapter 3326. of the Revised 2410
Code shall be counted in the formula ADM and, if applicable, the 2411
category one, two, three, four, five, or six special education ADM 2412
of the school district in which the student is entitled to attend 2413
school under section 3313.64 or 3313.65 of the Revised Code for 2414
the same proportion of the school year that the student is counted 2415
in the enrollment of the community school or the science, 2416
technology, engineering, and mathematics school for purposes of 2417
section 3314.08 or 3326.33 of the Revised Code. Notwithstanding 2418
the number of students reported pursuant to division (B)(3)(d), 2419
(e), or (j) of this section, the department may adjust the formula 2420
ADM of a school district to account for students entitled to 2421
attend school in the district under section 3313.64 or 3313.65 of 2422
the Revised Code who are enrolled in a community school or a 2423

science, technology, engineering, and mathematics school for only 2424
a portion of the school year. 2425

(3) No child shall be counted as more than a total of one 2426
child in the sum of the average daily memberships of a school 2427
district under division (A), divisions (B)(1) to (12), or division 2428
(D) of this section, except as follows: 2429

(a) A child with a disability described in section 3317.013 2430
of the Revised Code may be counted both in formula ADM and in 2431
category one, two, three, four, five, or six special education ADM 2432
and, if applicable, in category one or two vocational education 2433
ADM. As provided in division (C) of section 3317.02 of the Revised 2434
Code, such a child shall be counted in category one, two, three, 2435
four, five, or six special education ADM in the same proportion 2436
that the child is counted in formula ADM. 2437

(b) A child enrolled in vocational education programs or 2438
classes described in section 3317.014 of the Revised Code may be 2439
counted both in formula ADM and category one or two vocational 2440
education ADM and, if applicable, in category one, two, three, 2441
four, five, or six special education ADM. Such a child shall be 2442
counted in category one or two vocational education ADM in the 2443
same proportion as the percentage of time that the child spends in 2444
the vocational education programs or classes. 2445

(4) Based on the information reported under this section, the 2446
department of education shall determine the total student count, 2447
as defined in section 3301.011 of the Revised Code, for each 2448
school district. 2449

(D)(1) The superintendent of each joint vocational school 2450
district shall certify to the superintendent of public instruction 2451
on or before the fifteenth day of October in each year for the 2452
first full school week in October the formula ADM. Beginning in 2453
fiscal year 2007, each superintendent also shall certify to the 2454

state superintendent the formula ADM for the first full week in 2455
February. If a school operated by the joint vocational school 2456
district is closed for one or more days during that week due to 2457
hazardous weather conditions or other circumstances described in 2458
the first paragraph of division (B) of section 3317.01 of the 2459
Revised Code, the superintendent may apply to the superintendent 2460
of public instruction for a waiver, under which the superintendent 2461
of public instruction may exempt the district superintendent from 2462
certifying the formula ADM for that school for that week and 2463
specify an alternate week for certifying the formula ADM of that 2464
school. 2465

The formula ADM, except as otherwise provided in this 2466
division, shall consist of the average daily membership during 2467
such week, on an FTE basis, of the number of students receiving 2468
any educational services from the district, including students 2469
enrolled in a community school established under Chapter 3314. or 2470
a science, technology, engineering, and mathematics school 2471
established under Chapter 3326. of the Revised Code who are 2472
attending the joint vocational district under an agreement between 2473
the district board of education and the governing authority of the 2474
community school or the science, technology, engineering, and 2475
mathematics school and are entitled to attend school in a city, 2476
local, or exempted village school district whose territory is part 2477
of the territory of the joint vocational district. Beginning in 2478
fiscal year 2007, in the case of the report submitted for the 2479
first week in February, or the alternative week if specified by 2480
the superintendent of public instruction, the superintendent of 2481
the joint vocational school district may include the number of 2482
students reported under division (D)(1) of this section for the 2483
first full week of the preceding October but who since that week 2484
have received high school diplomas. 2485

2486

The following categories of students shall not be included in	2487
the determination made under division (D)(1) of this section:	2488
(a) Students enrolled in adult education classes;	2489
(b) Adjacent or other district joint vocational students	2490
enrolled in the district under an open enrollment policy pursuant	2491
to section 3313.98 of the Revised Code;	2492
(c) Students receiving services in the district pursuant to a	2493
compact, cooperative education agreement, or a contract, but who	2494
are entitled to attend school in a city, local, or exempted	2495
village school district whose territory is not part of the	2496
territory of the joint vocational district;	2497
(d) Students for whom tuition is payable pursuant to sections	2498
3317.081 and 3323.141 of the Revised Code.	2499
(2) To enable the department of education to obtain the data	2500
needed to complete the calculation of payments pursuant to this	2501
chapter, in addition to the formula ADM, each superintendent shall	2502
report separately the average daily membership included in the	2503
report under division (D)(1) of this section for each of the	2504
following categories of students for the same week for which	2505
formula ADM is certified:	2506
(a) Students enrolled in each grade included in the joint	2507
vocational district schools;	2508
(b) Children with disabilities receiving special education	2509
services for the category one disability described in division (A)	2510
of section 3317.013 of the Revised Code;	2511
(c) Children with disabilities receiving special education	2512
services for the category two disabilities described in division	2513
(B) of section 3317.013 of the Revised Code;	2514
(d) Children with disabilities receiving special education	2515
services for category three disabilities described in division (C)	2516

of section 3317.013 of the Revised Code;	2517
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	2518 2519 2520
(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;	2521 2522 2523
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	2524 2525 2526
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	2527 2528 2529
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	2530 2531 2532
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	2533 2534 2535 2536 2537
(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	2538 2539 2540 2541 2542 2543 2544 2545 2546 2547

date of entry in the school and also in such manner that where for 2548
any cause a pupil permanently withdraws from the school that pupil 2549
shall not be counted as in membership from and after the date of 2550
such withdrawal. There shall not be included in the membership of 2551
any school any of the following: 2552

(1) Any pupil who has graduated from the twelfth grade of a 2553
public or nonpublic high school; 2554

(2) Any pupil who is not a resident of the state; 2555

(3) Any pupil who was enrolled in the schools of the district 2556
during the previous school year when tests were administered under 2557
section 3301.0711 of the Revised Code but did not take one or more 2558
of the tests required by that section and was not excused pursuant 2559
to division (C)(1) or (3) of that section; 2560

(4) Any pupil who has attained the age of twenty-two years, 2561
except for veterans of the armed services whose attendance was 2562
interrupted before completing the recognized twelve-year course of 2563
the public schools by reason of induction or enlistment in the 2564
armed forces and who apply for reenrollment in the public school 2565
system of their residence not later than four years after 2566
termination of war or their honorable discharge. 2567

If, however, any veteran described by division (E)(4) of this 2568
section elects to enroll in special courses organized for veterans 2569
for whom tuition is paid under the provisions of federal laws, or 2570
otherwise, that veteran shall not be included in average daily 2571
membership. 2572

Notwithstanding division (E)(3) of this section, the 2573
membership of any school may include a pupil who did not take a 2574
test required by section 3301.0711 of the Revised Code if the 2575
superintendent of public instruction grants a waiver from the 2576
requirement to take the test to the specific pupil and a parent is 2577
not paying tuition for the pupil pursuant to section 3313.6410 of 2578

the Revised Code. The superintendent may grant such a waiver only 2579
for good cause in accordance with rules adopted by the state board 2580
of education. 2581

Except as provided in divisions (B)(2) and (F) of this 2582
section, the average daily membership figure of any local, city, 2583
exempted village, or joint vocational school district shall be 2584
determined by dividing the figure representing the sum of the 2585
number of pupils enrolled during each day the school of attendance 2586
is actually open for instruction during the week for which the 2587
formula ADM is being certified by the total number of days the 2588
school was actually open for instruction during that week. For 2589
purposes of state funding, "enrolled" persons are only those 2590
pupils who are attending school, those who have attended school 2591
during the current school year and are absent for authorized 2592
reasons, and those children with disabilities currently receiving 2593
home instruction. 2594

The average daily membership figure of any cooperative 2595
education school district shall be determined in accordance with 2596
rules adopted by the state board of education. 2597

(F)(1) If the formula ADM for the first full school week in 2598
February is at least three per cent greater than that certified 2599
for the first full school week in the preceding October, the 2600
superintendent of schools of any city, exempted village, or joint 2601
vocational school district or educational service center shall 2602
certify such increase to the superintendent of public instruction. 2603
Such certification shall be submitted no later than the fifteenth 2604
day of February. For the balance of the fiscal year, beginning 2605
with the February payments, the superintendent of public 2606
instruction shall use the increased formula ADM in calculating or 2607
recalculating the amounts to be allocated in accordance with 2608
section 3317.022 or 3317.16 of the Revised Code. In no event shall 2609
the superintendent use an increased membership certified to the 2610

superintendent after the fifteenth day of February. Division 2611
(F)(1) of this section does not apply after fiscal year 2006. 2612

(2) If on the first school day of April the total number of 2613
classes or units for preschool children with disabilities that are 2614
eligible for approval under division (B) of section 3317.05 of the 2615
Revised Code exceeds the number of units that have been approved 2616
for the year under that division, the superintendent of schools of 2617
any city, exempted village, or cooperative education school 2618
district or educational service center shall make the 2619
certifications required by this section for that day. If the 2620
department determines additional units can be approved for the 2621
fiscal year within any limitations set forth in the acts 2622
appropriating moneys for the funding of such units, the department 2623
shall approve additional units for the fiscal year on the basis of 2624
such average daily membership. For each unit so approved, the 2625
department shall pay an amount computed in the manner prescribed 2626
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 2627
Code. 2628

(3) If a student attending a community school under Chapter 2629
3314. or a science, technology, engineering, and mathematics 2630
school established under Chapter 3326. of the Revised Code is not 2631
included in the formula ADM certified for the school district in 2632
which the student is entitled to attend school under section 2633
3313.64 or 3313.65 of the Revised Code, the department of 2634
education shall adjust the formula ADM of that school district to 2635
include the student in accordance with division (C)(2) of this 2636
section, and shall recalculate the school district's payments 2637
under this chapter for the entire fiscal year on the basis of that 2638
adjusted formula ADM. This requirement applies regardless of 2639
whether the student was enrolled, as defined in division (E) of 2640
this section, in the community school or the science, technology, 2641
engineering, and mathematics school during the week for which the 2642

formula ADM is being certified. 2643

(4) If a student awarded an educational choice scholarship is 2644
not included in the formula ADM of the school district from which 2645
the department deducts funds for the scholarship under section 2646
3310.08 of the Revised Code, the department shall adjust the 2647
formula ADM of that school district to include the student to the 2648
extent necessary to account for the deduction, and shall 2649
recalculate the school district's payments under this chapter for 2650
the entire fiscal year on the basis of that adjusted formula ADM. 2651
This requirement applies regardless of whether the student was 2652
enrolled, as defined in division (E) of this section, in the 2653
chartered nonpublic school, the school district, or a community 2654
school during the week for which the formula ADM is being 2655
certified. 2656

(5) If a student awarded a scholarship under the special 2657
education scholarship pilot program is not included in the formula 2658
ADM of the school district from which the department deducts funds 2659
for the scholarship under section 3310.55 of the Revised Code, the 2660
department shall adjust the formula ADM of that school district to 2661
include the student to the extent necessary to account for the 2662
deduction, and shall recalculate the school district's payments 2663
under this chapter for the entire fiscal year on the basis of that 2664
adjusted formula ADM. This requirement applies regardless of 2665
whether the student was enrolled, as defined in division (E) of 2666
this section, in an alternative public provider, a registered 2667
private provider, or the school district during the week for which 2668
the formula ADM is being certified. 2669

(G)(1)(a) The superintendent of an institution operating a 2670
special education program pursuant to section 3323.091 of the 2671
Revised Code shall, for the programs under such superintendent's 2672
supervision, certify to the state board of education, in the 2673
manner prescribed by the superintendent of public instruction, 2674

both of the following: 2675

(i) The average daily membership of all children with 2676
disabilities other than preschool children with disabilities 2677
receiving services at the institution for each category of 2678
disability described in divisions (A) to (F) of section 3317.013 2679
of the Revised Code; 2680

(ii) The average daily membership of all preschool children 2681
with disabilities in classes or programs approved annually by the 2682
department of education for unit funding under section 3317.05 of 2683
the Revised Code. 2684

(b) The superintendent of an institution with vocational 2685
education units approved under division (A) of section 3317.05 of 2686
the Revised Code shall, for the units under the superintendent's 2687
supervision, certify to the state board of education the average 2688
daily membership in those units, in the manner prescribed by the 2689
superintendent of public instruction. 2690

(2) The superintendent of each county MR/DD board that 2691
maintains special education classes under section 3317.20 of the 2692
Revised Code or units approved pursuant to section 3317.05 of the 2693
Revised Code shall do both of the following: 2694

(a) Certify to the state board, in the manner prescribed by 2695
the board, the average daily membership in classes under section 2696
3317.20 of the Revised Code for each school district that has 2697
placed children in the classes; 2698

(b) Certify to the state board, in the manner prescribed by 2699
the board, the number of all preschool children with disabilities 2700
enrolled as of the first day of December in classes eligible for 2701
approval under division (B) of section 3317.05 of the Revised 2702
Code, and the number of those classes. 2703

(3)(a) If on the first school day of April the number of 2704
classes or units maintained for preschool children with 2705

disabilities by the county MR/DD board that are eligible for 2706
approval under division (B) of section 3317.05 of the Revised Code 2707
is greater than the number of units approved for the year under 2708
that division, the superintendent shall make the certification 2709
required by this section for that day. 2710

(b) If the department determines that additional classes or 2711
units can be approved for the fiscal year within any limitations 2712
set forth in the acts appropriating moneys for the funding of the 2713
classes and units described in division (G)(3)(a) of this section, 2714
the department shall approve and fund additional units for the 2715
fiscal year on the basis of such average daily membership. For 2716
each unit so approved, the department shall pay an amount computed 2717
in the manner prescribed in sections 3317.052 and 3317.053 of the 2718
Revised Code. 2719

(H) Except as provided in division (I) of this section, when 2720
any city, local, or exempted village school district provides 2721
instruction for a nonresident pupil whose attendance is 2722
unauthorized attendance as defined in section 3327.06 of the 2723
Revised Code, that pupil's membership shall not be included in 2724
that district's membership figure used in the calculation of that 2725
district's formula ADM or included in the determination of any 2726
unit approved for the district under section 3317.05 of the 2727
Revised Code. The reporting official shall report separately the 2728
average daily membership of all pupils whose attendance in the 2729
district is unauthorized attendance, and the membership of each 2730
such pupil shall be credited to the school district in which the 2731
pupil is entitled to attend school under division (B) of section 2732
3313.64 or section 3313.65 of the Revised Code as determined by 2733
the department of education. 2734

(I)(1) A city, local, exempted village, or joint vocational 2735
school district admitting a scholarship student of a pilot project 2736
district pursuant to division (C) of section 3313.976 of the 2737

Revised Code may count such student in its average daily membership. 2738
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(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in average daily membership: 2740
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(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code; 2745
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(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school. 2748
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(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 2751
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(K) If the superintendent of public instruction determines that a component of the formula ADM certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXIII of the Revised Code be adjusted in the amount of the error. 2759
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Sec. 3323.052. Not later than January 31, 2011, the department of education shall develop a document that compares a 2766
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parent's and child's rights under this chapter and 20 U.S.C. 1400 2768
et seq. with the parent's and child's rights under the special 2769
education scholarship pilot program, established in sections 2770
3310.51 to 3310.64 of the Revised Code, including the deadline for 2771
application for a scholarship or renewal of a scholarship and 2772
notice of that application to the child's school district, 2773
prescribed in division (C) of section 3310.52 of the Revised Code, 2774
and the provisions of divisions (A) and (B) of section 3310.53 of 2775
the Revised Code. The department shall revise that document as 2776
necessary to reflect any pertinent changes in state or federal 2777
statutory law, rule, or regulation enacted or adopted after the 2778
initial document is developed. The department and each school 2779
district shall ensure that the document prescribed in this section 2780
is included in, appended to, or otherwise distributed in 2781
conjunction with the notice required under 20 U.S.C. 1415(d), and 2782
any provision of the Code of Federal Regulations implementing that 2783
requirement, in the manner and at all the times specified for such 2784
notice in federal law or regulation. As used in this section, a 2785
"child's school district" means the school district in which the 2786
child is entitled to attend school under section 3313.64 or 2787
3313.65 of the Revised Code. 2788

Sec. 4776.01. As used in this chapter: 2789

(A) "License" means any of the following: 2790

(1) An authorization evidenced by a license, certificate, 2791
registration, permit, card, or other authority that is issued or 2792
conferred by a licensing agency described in division (C)(1) of 2793
this section to a licensee or to an applicant for an initial 2794
license by which the licensee or initial license applicant has or 2795
claims the privilege to engage in a profession, occupation, or 2796
occupational activity, or to have control of and operate certain 2797
specific equipment, machinery, or premises, over which the 2798

licensing agency has jurisdiction. 2799

(2) An authorization evidenced by a license or certificate 2800
that is issued by a licensing agency described in division (C)(2) 2801
of this section pursuant to section 4715.12, 4715.16, 4715.21, or 2802
4715.27 of the Revised Code to a licensee or to an applicant for 2803
an initial license by which the licensee or initial license 2804
applicant has or claims the privilege to engage in a profession, 2805
occupation, or occupational activity over which the licensing 2806
agency has jurisdiction. 2807

(B) "Licensee" means the person to whom the license is issued 2808
by a licensing agency. 2809

(C) "Licensing agency" means any of the following: 2810

(1) The board authorized by Chapters 4701., 4717., 4725., 2811
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 2812
4759., 4760., 4761., 4762., and 4779. of the Revised Code to issue 2813
a license to engage in a specific profession, occupation, or 2814
occupational activity, or to have charge of and operate certain 2815
specified equipment, machinery, or premises. 2816

(2) The state dental board, relative to its authority to 2817
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 2818
4715.27 of the Revised Code. 2819

(D) "Applicant for an initial license" includes persons 2820
seeking a license for the first time and persons seeking a license 2821
by reciprocity, endorsement, or similar manner of a license issued 2822
in another state. 2823

(E) "Applicant for a restored license" includes persons 2824
seeking restoration of a certificate under section 4730.14, 2825
4731.281, 4760.06, or 4762.06 of the Revised Code. 2826

(F) "Criminal records check" has the same meaning as in 2827
division ~~(E)~~(F) of section 109.572 of the Revised Code. 2828

Sec. 5727.84. (A) As used in this section and sections 2829
5727.85, 5727.86, and 5727.87 of the Revised Code: 2830

(1) "School district" means a city, local, or exempted 2831
village school district. 2832

(2) "Joint vocational school district" means a joint 2833
vocational school district created under section 3311.16 of the 2834
Revised Code, and includes a cooperative education school district 2835
created under section 3311.52 or 3311.521 of the Revised Code and 2836
a county school financing district created under section 3311.50 2837
of the Revised Code. 2838

(3) "Local taxing unit" means a subdivision or taxing unit, 2839
as defined in section 5705.01 of the Revised Code, a park district 2840
created under Chapter 1545. of the Revised Code, or a township 2841
park district established under section 511.23 of the Revised 2842
Code, but excludes school districts and joint vocational school 2843
districts. 2844

(4) "State education aid," for a school district, means the 2845
sum of state aid amounts computed for the district under divisions 2846
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 2847
divisions (B), (C), and (D) of section 3317.023; divisions (G), 2848
(L), and (N) of section 3317.024; and sections 3317.029, 2849
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 2850
the Revised Code; and the adjustments required by: division (C) of 2851
section 3310.08; division (C)(2) of section 3310.41; section 2852
3310.55; division (C) of section 3314.08; division (D)(2) of 2853
section 3314.091; division (D) of section 3314.13; divisions (E), 2854
(K), (L), (M), and (N) of section 3317.023; division (C) of 2855
section 3317.20; and sections 3313.979 and 3313.981 of the Revised 2856
Code. However, when calculating state education aid for a school 2857
district for fiscal years 2008 and 2009, include the amount 2858
computed for the district under Section 269.20.80 of H.B. 119 of 2859

the 127th general assembly, as subsequently amended, instead of 2860
division (D) of section 3317.022 of the Revised Code; and include 2861
amounts calculated under Section 269.30.80 of this act, as 2862
subsequently amended; ~~and account for adjustments under division~~ 2863
~~(C)(2) of section 3310.41 of the Revised Code.~~ 2864

(5) "State education aid," for a joint vocational school 2866
district, means the sum of the state aid amounts computed for the 2867
district under division (N) of section 3317.024 and section 2868
3317.16 of the Revised Code. However, when calculating state 2869
education aid for a joint vocational school district for fiscal 2870
years 2008 and 2009, include the amount computed for the district 2871
under Section 269.30.90 of H.B. 119 of the 127th general assembly, 2872
as subsequently amended. 2873

(6) "State education aid offset" means the amount determined 2874
for each school district or joint vocational school district under 2875
division (A)(1) of section 5727.85 of the Revised Code. 2876

(7) "Recognized valuation" has the same meaning as in section 2877
3317.02 of the Revised Code. 2878

(8) "Electric company tax value loss" means the amount 2879
determined under division (D) of this section. 2880

(9) "Natural gas company tax value loss" means the amount 2881
determined under division (E) of this section. 2882

(10) "Tax value loss" means the sum of the electric company 2883
tax value loss and the natural gas company tax value loss. 2884

(11) "Fixed-rate levy" means any tax levied on property other 2885
than a fixed-sum levy. 2886

(12) "Fixed-rate levy loss" means the amount determined under 2887
division (G) of this section. 2888

(13) "Fixed-sum levy" means a tax levied on property at 2889

whatever rate is required to produce a specified amount of tax 2890
money or levied in excess of the ten-mill limitation to pay debt 2891
charges, and includes school district emergency levies imposed 2892
pursuant to section 5705.194 of the Revised Code. 2893

(14) "Fixed-sum levy loss" means the amount determined under 2894
division (H) of this section. 2895

(15) "Consumer price index" means the consumer price index 2896
(all items, all urban consumers) prepared by the bureau of labor 2897
statistics of the United States department of labor. 2898

(B) The kilowatt-hour tax receipts fund is hereby created in 2899
the state treasury and shall consist of money arising from the tax 2900
imposed by section 5727.81 of the Revised Code. All money in the 2901
kilowatt-hour tax receipts fund shall be credited as follows: 2902

(1) Sixty-three per cent shall be credited to the general 2903
revenue fund. 2904

(2) Twenty-five and four-tenths per cent shall be credited to 2905
the school district property tax replacement fund, which is hereby 2906
created in the state treasury for the purpose of making the 2907
payments described in section 5727.85 of the Revised Code. 2908

(3) Eleven and six-tenths per cent shall be credited to the 2909
local government property tax replacement fund, which is hereby 2910
created in the state treasury for the purpose of making the 2911
payments described in section 5727.86 of the Revised Code. 2912

(C) The natural gas tax receipts fund is hereby created in 2913
the state treasury and shall consist of money arising from the tax 2914
imposed by section 5727.811 of the Revised Code. All money in the 2915
fund shall be credited as follows: 2916

(1) Sixty-eight and seven-tenths per cent shall be credited 2917
to the school district property tax replacement fund for the 2918
purpose of making the payments described in section 5727.85 of the 2919

Revised Code.	2920
(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.	2921 2922 2923 2924
(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:	2925 2926 2927 2928
(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.	2929 2930 2931
(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;	2932 2933 2934 2935 2936
(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 for tax year 2001.	2937 2938 2939 2940 2941
(2) The difference obtained by subtracting the amount described in division (D)(2)(b) from the amount described in division (D)(2)(a) of this section.	2942 2943 2944
(a) The three-year average for tax years 1996, 1997, and 1998 of the assessed value from nuclear fuel materials and assemblies assessed against a person under Chapter 5711. of the Revised Code from the leasing of them to an electric company for those respective tax years, as reflected in the preliminary assessments;	2945 2946 2947 2948 2949

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

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

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

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

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

(a) The value of electric company tangible personal property as assessed by the tax commissioner for tax year 2005 on a preliminary assessment, or an amended preliminary assessment if

issued prior to March 1, 2006, and as apportioned to the taxing 2981
district for tax year 2005; 2982

(b) The value of electric company tangible personal property 2983
as assessed by the tax commissioner for tax year 2006 on a 2984
preliminary assessment, or an amended preliminary assessment if 2985
issued prior to March 1, 2007, and as apportioned to the taxing 2986
district for tax year 2006. 2987

(E) Not later than January 1, 2002, the tax commissioner 2988
shall determine for each taxing district its natural gas company 2989
tax value loss, which is the sum of the amounts described in 2990
divisions (E)(1) and (2) of this section: 2991

(1) The difference obtained by subtracting the amount 2992
described in division (E)(1)(b) from the amount described in 2993
division (E)(1)(a) of this section. 2994

(a) The value of all natural gas company tangible personal 2995
property, other than property described in division (E)(2) of this 2996
section, as assessed by the tax commissioner for tax year 1999 on 2997
a preliminary assessment, or an amended preliminary assessment if 2998
issued prior to March 1, 2000, and apportioned to the taxing 2999
district for tax year 1999; 3000

(b) The value of all natural gas company tangible personal 3001
property, other than property described in division (E)(2) of this 3002
section, as assessed by the tax commissioner for tax year 1999 had 3003
the property been apportioned to the taxing district for tax year 3004
2001, and assessed at the rates in effect for tax year 2001. 3005

(2) The difference in the value of current gas obtained by 3006
subtracting the amount described in division (E)(2)(b) from the 3007
amount described in division (E)(2)(a) of this section. 3008

(a) The three-year average assessed value of current gas as 3009
assessed by the tax commissioner for tax years 1997, 1998, and 3010
1999 on a preliminary assessment, or an amended preliminary 3011

assessment if issued prior to March 1, 2001, and as apportioned in 3012
the taxing district for those respective years; 3013

(b) The three-year average assessed value from current gas 3014
under division (E)(2)(a) of this section for tax years 1997, 1998, 3015
and 1999, as reflected in the preliminary assessment, using an 3016
assessment rate of twenty-five per cent. 3017

(F) The tax commissioner may request that natural gas 3018
companies, electric companies, and rural electric companies file a 3019
report to help determine the tax value loss under divisions (D) 3020
and (E) of this section. The report shall be filed within thirty 3021
days of the commissioner's request. A company that fails to file 3022
the report or does not timely file the report is subject to the 3023
penalty in section 5727.60 of the Revised Code. 3024

(G) Not later than January 1, 2002, the tax commissioner 3025
shall determine for each school district, joint vocational school 3026
district, and local taxing unit its fixed-rate levy loss, which is 3027
the sum of its electric company tax value loss multiplied by the 3028
tax rate in effect in tax year 1998 for fixed-rate levies and its 3029
natural gas company tax value loss multiplied by the tax rate in 3030
effect in tax year 1999 for fixed-rate levies. 3031

(H) Not later than January 1, 2002, the tax commissioner 3032
shall determine for each school district, joint vocational school 3033
district, and local taxing unit its fixed-sum levy loss, which is 3034
the amount obtained by subtracting the amount described in 3035
division (H)(2) of this section from the amount described in 3036
division (H)(1) of this section: 3037

(1) The sum of the electric company tax value loss multiplied 3038
by the tax rate in effect in tax year 1998, and the natural gas 3039
company tax value loss multiplied by the tax rate in effect in tax 3040
year 1999, for fixed-sum levies for all taxing districts within 3041
each school district, joint vocational school district, and local 3042

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 3075
subtracted under division (H)(2) of this section shall be 3076
apportioned among all contributing fixed-sum levies in the 3077
proportion of each levy to the sum of all fixed-sum levies within 3078
each school district, joint vocational school district, or local 3079
taxing unit. 3080

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 3081
section, in computing the tax value loss, fixed-rate levy loss, 3082
and fixed-sum levy loss, the tax commissioner shall use the 3083
greater of the 1998 tax rate or the 1999 tax rate in the case of 3084
levy losses associated with the electric company tax value loss, 3085
but the 1999 tax rate shall not include for this purpose any tax 3086
levy approved by the voters after June 30, 1999, and the tax 3087
commissioner shall use the greater of the 1999 or the 2000 tax 3088
rate in the case of levy losses associated with the natural gas 3089
company tax value loss. 3090

(J) Not later than January 1, 2002, the tax commissioner 3091
shall certify to the department of education the tax value loss 3092
determined under divisions (D) and (E) of this section for each 3093
taxing district, the fixed-rate levy loss calculated under 3094
division (G) of this section, and the fixed-sum levy loss 3095
calculated under division (H) of this section. The calculations 3096
under divisions (G) and (H) of this section shall separately 3097
display the levy loss for each levy eligible for reimbursement. 3098

(K) Not later than September 1, 2001, the tax commissioner 3099
shall certify the amount of the fixed-sum levy loss to the county 3100
auditor of each county in which a school district with a fixed-sum 3101
levy loss has territory. 3102

Section 2. That existing sections 109.57, 109.572, 3301.0714, 3103
3317.022, 3317.03, 4776.01, and 5727.84 of the Revised Code are 3104
hereby repealed. 3105

Section 3. The State Board of Education shall initiate 3106
rulemaking procedures for the rules for the Special Education 3107
Scholarship Pilot Program, required under section 3310.64 of the 3108
Revised Code, as enacted by this act, so that those rules are in 3109
effect by January 31, 2011. 3110

Section 4. The Department of Education shall conduct a 3111
formative evaluation of the Special Education Scholarship Pilot 3112
Program established under sections 3310.51 to 3310.64 of the 3113
Revised Code, using both quantitative and qualitative analyses, 3114
and shall report its findings to the General Assembly not later 3115
than December 31, 2013. In conducting the evaluation, the 3116
Department shall to the extent possible gather comments from 3117
parents who have been awarded scholarships under the program, 3118
school district officials, representatives of registered private 3119
providers, educators, and representatives of educational 3120
organizations for inclusion in the report required under this 3121
section. 3122

Section 5. Section 109.57 of the Revised Code is presented in 3123
this act as a composite of the section as amended by both Sub. 3124
H.B. 428 and Sub. S.B. 163 of the 127th General Assembly. The 3125
General Assembly, applying the principle stated in division (B) of 3126
section 1.52 of the Revised Code that amendments are to be 3127
harmonized if reasonably capable of simultaneous operation, finds 3128
that the composite is the resulting version of the section in 3129
effect prior to the effective date of the section as presented in 3130
this act. 3131

Section 6. Section 109.572 of the Revised Code is presented 3132
in this act as a composite of the section as amended by Sub. H.B. 3133
195, Sub. H.B. 545, and Sub. S.B. 247, all of the 127th General 3134
Assembly. The General Assembly, applying the principle stated in 3135

division (B) of section 1.52 of the Revised Code that amendments	3136
are to be harmonized if reasonably capable of simultaneous	3137
operation, finds that the composite is the resulting version of	3138
the section in effect prior to the effective date of the section	3139
as presented in this act.	3140