

As Introduced

**129th General Assembly
Regular Session
2011-2012**

H. B. No. 136

Representative Huffman

**Cosponsors: Representatives Goodwin, Roegner, Adams, J., Thompson,
McClain, Amstutz, Anielski, Brenner, Young, Derickson, Blessing, Slaby,
Mecklenborg, Butler, Wachtmann, Stautberg, Blair, Maag, Uecker, Newbold,
Sears, Patmon, Buchy, Combs, Hall, Gonzales, Martin, Landis
Speaker Batchelder Representatives Stinziano, Beck, Henne, Bubp,
Hollington, Boose, Hottinger, Burke**

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A B I L L

To amend sections 109.57, 109.572, 3301.0714, 1
3310.01, 3310.04, 3310.06, 3310.07, 3310.11, 2
3310.12, 3310.14, 3310.15, 3310.17, 3317.03, 3
4776.01, and 5727.84; to enact new sections 4
3310.02, 3310.03, 3310.05, 3310.08, 3310.09, 5
3310.10, and 3310.13 and sections 3310.16, 6
3310.18, 3310.51, 3310.52, 3310.521, 3310.53, 7
3310.54, 3310.55, 3310.56, 3310.57, 3310.58, 8
3310.59, 3310.60, 3310.61, 3310.62, 3310.63, 9
3310.64, and 3323.052; and to repeal sections 10
3310.02, 3310.03, 3310.05, 3310.08, 3310.09, 11
3310.10, 3310.13, 3313.974, 3313.975, 3313.976, 12
3313.977, 3313.978, 3313.979, and 3314.111 of the 13
Revised Code to replace the Educational Choice and 14
the Cleveland scholarship programs with the 15
Parental Choice and Taxpayer Savings Scholarship 16
Program and to establish the Special Education 17
Scholarship Program. 18

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

Section 1. That sections 109.57, 109.572, 3301.0714, 3310.01, 19
3310.04, 3310.06, 3310.07, 3310.11, 3310.12, 3310.14, 3310.15, 20
3310.17, 3317.03, 4776.01, and 5727.84 be amended and sections 21
3310.16, 3310.18, 3310.51, 3310.52, 3310.521, 3310.53, 3310.54, 22
3310.55, 3310.56, 3310.57, 3310.58, 3310.59, 3310.60, 3310.61, 23
3310.62, 3310.63, 3310.64, and 3323.052 and new sections 3310.02, 24
3310.03, 3310.05, 3310.08, 3310.09, 3310.10, and 3310.13 be 25
enacted to read as follows: 26

Sec. 109.57. (A)(1) The superintendent of the bureau of 27
criminal identification and investigation shall procure from 28
wherever procurable and file for record photographs, pictures, 29
descriptions, fingerprints, measurements, and other information 30
that may be pertinent of all persons who have been convicted of 31
committing within this state a felony, any crime constituting a 32
misdemeanor on the first offense and a felony on subsequent 33
offenses, or any misdemeanor described in division (A)(1)(a), 34
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 35
of all children under eighteen years of age who have been 36
adjudicated delinquent children for committing within this state 37
an act that would be a felony or an offense of violence if 38
committed by an adult or who have been convicted of or pleaded 39
guilty to committing within this state a felony or an offense of 40
violence, and of all well-known and habitual criminals. The person 41
in charge of any county, multicounty, municipal, municipal-county, 42
or multicounty-municipal jail or workhouse, community-based 43
correctional facility, halfway house, alternative residential 44
facility, or state correctional institution and the person in 45
charge of any state institution having custody of a person 46
suspected of having committed a felony, any crime constituting a 47

misdemeanor on the first offense and a felony on subsequent 48
offenses, or any misdemeanor described in division (A)(1)(a), 49
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 50
having custody of a child under eighteen years of age with respect 51
to whom there is probable cause to believe that the child may have 52
committed an act that would be a felony or an offense of violence 53
if committed by an adult shall furnish such material to the 54
superintendent of the bureau. Fingerprints, photographs, or other 55
descriptive information of a child who is under eighteen years of 56
age, has not been arrested or otherwise taken into custody for 57
committing an act that would be a felony or an offense of violence 58
who is not in any other category of child specified in this 59
division, if committed by an adult, has not been adjudicated a 60
delinquent child for committing an act that would be a felony or 61
an offense of violence if committed by an adult, has not been 62
convicted of or pleaded guilty to committing a felony or an 63
offense of violence, and is not a child with respect to whom there 64
is probable cause to believe that the child may have committed an 65
act that would be a felony or an offense of violence if committed 66
by an adult shall not be procured by the superintendent or 67
furnished by any person in charge of any county, multicounty, 68
municipal, municipal-county, or multicounty-municipal jail or 69
workhouse, community-based correctional facility, halfway house, 70
alternative residential facility, or state correctional 71
institution, except as authorized in section 2151.313 of the 72
Revised Code. 73

(2) Every clerk of a court of record in this state, other 74
than the supreme court or a court of appeals, shall send to the 75
superintendent of the bureau a weekly report containing a summary 76
of each case involving a felony, involving any crime constituting 77
a misdemeanor on the first offense and a felony on subsequent 78
offenses, involving a misdemeanor described in division (A)(1)(a), 79
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 80

or involving an adjudication in a case in which a child under 81
eighteen years of age was alleged to be a delinquent child for 82
committing an act that would be a felony or an offense of violence 83
if committed by an adult. The clerk of the court of common pleas 84
shall include in the report and summary the clerk sends under this 85
division all information described in divisions (A)(2)(a) to (f) 86
of this section regarding a case before the court of appeals that 87
is served by that clerk. The summary shall be written on the 88
standard forms furnished by the superintendent pursuant to 89
division (B) of this section and shall include the following 90
information: 91

(a) The incident tracking number contained on the standard 92
forms furnished by the superintendent pursuant to division (B) of 93
this section; 94

(b) The style and number of the case; 95

(c) The date of arrest, offense, summons, or arraignment; 96

(d) The date that the person was convicted of or pleaded 97
guilty to the offense, adjudicated a delinquent child for 98
committing the act that would be a felony or an offense of 99
violence if committed by an adult, found not guilty of the 100
offense, or found not to be a delinquent child for committing an 101
act that would be a felony or an offense of violence if committed 102
by an adult, the date of an entry dismissing the charge, an entry 103
declaring a mistrial of the offense in which the person is 104
discharged, an entry finding that the person or child is not 105
competent to stand trial, or an entry of a nolle prosequi, or the 106
date of any other determination that constitutes final resolution 107
of the case; 108

(e) A statement of the original charge with the section of 109
the Revised Code that was alleged to be violated; 110

(f) If the person or child was convicted, pleaded guilty, or 111

was adjudicated a delinquent child, the sentence or terms of 112
probation imposed or any other disposition of the offender or the 113
delinquent child. 114

If the offense involved the disarming of a law enforcement 115
officer or an attempt to disarm a law enforcement officer, the 116
clerk shall clearly state that fact in the summary, and the 117
superintendent shall ensure that a clear statement of that fact is 118
placed in the bureau's records. 119

(3) The superintendent shall cooperate with and assist 120
sheriffs, chiefs of police, and other law enforcement officers in 121
the establishment of a complete system of criminal identification 122
and in obtaining fingerprints and other means of identification of 123
all persons arrested on a charge of a felony, any crime 124
constituting a misdemeanor on the first offense and a felony on 125
subsequent offenses, or a misdemeanor described in division 126
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 127
Revised Code and of all children under eighteen years of age 128
arrested or otherwise taken into custody for committing an act 129
that would be a felony or an offense of violence if committed by 130
an adult. The superintendent also shall file for record the 131
fingerprint impressions of all persons confined in a county, 132
multicounty, municipal, municipal-county, or multicounty-municipal 133
jail or workhouse, community-based correctional facility, halfway 134
house, alternative residential facility, or state correctional 135
institution for the violation of state laws and of all children 136
under eighteen years of age who are confined in a county, 137
multicounty, municipal, municipal-county, or multicounty-municipal 138
jail or workhouse, community-based correctional facility, halfway 139
house, alternative residential facility, or state correctional 140
institution or in any facility for delinquent children for 141
committing an act that would be a felony or an offense of violence 142
if committed by an adult, and any other information that the 143

superintendent may receive from law enforcement officials of the 144
state and its political subdivisions. 145

(4) The superintendent shall carry out Chapter 2950. of the 146
Revised Code with respect to the registration of persons who are 147
convicted of or plead guilty to a sexually oriented offense or a 148
child-victim oriented offense and with respect to all other duties 149
imposed on the bureau under that chapter. 150

(5) The bureau shall perform centralized recordkeeping 151
functions for criminal history records and services in this state 152
for purposes of the national crime prevention and privacy compact 153
set forth in section 109.571 of the Revised Code and is the 154
criminal history record repository as defined in that section for 155
purposes of that compact. The superintendent or the 156
superintendent's designee is the compact officer for purposes of 157
that compact and shall carry out the responsibilities of the 158
compact officer specified in that compact. 159

(B) The superintendent shall prepare and furnish to every 160
county, multicounty, municipal, municipal-county, or 161
multicounty-municipal jail or workhouse, community-based 162
correctional facility, halfway house, alternative residential 163
facility, or state correctional institution and to every clerk of 164
a court in this state specified in division (A)(2) of this section 165
standard forms for reporting the information required under 166
division (A) of this section. The standard forms that the 167
superintendent prepares pursuant to this division may be in a 168
tangible format, in an electronic format, or in both tangible 169
formats and electronic formats. 170

(C)(1) The superintendent may operate a center for 171
electronic, automated, or other data processing for the storage 172
and retrieval of information, data, and statistics pertaining to 173
criminals and to children under eighteen years of age who are 174
adjudicated delinquent children for committing an act that would 175

be a felony or an offense of violence if committed by an adult, 176
criminal activity, crime prevention, law enforcement, and criminal 177
justice, and may establish and operate a statewide communications 178
network to be known as the Ohio law enforcement gateway to gather 179
and disseminate information, data, and statistics for the use of 180
law enforcement agencies and for other uses specified in this 181
division. The superintendent may gather, store, retrieve, and 182
disseminate information, data, and statistics that pertain to 183
children who are under eighteen years of age and that are gathered 184
pursuant to sections 109.57 to 109.61 of the Revised Code together 185
with information, data, and statistics that pertain to adults and 186
that are gathered pursuant to those sections. 187

(2) The superintendent or the superintendent's designee shall 188
gather information of the nature described in division (C)(1) of 189
this section that pertains to the offense and delinquency history 190
of a person who has been convicted of, pleaded guilty to, or been 191
adjudicated a delinquent child for committing a sexually oriented 192
offense or a child-victim oriented offense for inclusion in the 193
state registry of sex offenders and child-victim offenders 194
maintained pursuant to division (A)(1) of section 2950.13 of the 195
Revised Code and in the internet database operated pursuant to 196
division (A)(13) of that section and for possible inclusion in the 197
internet database operated pursuant to division (A)(11) of that 198
section. 199

(3) In addition to any other authorized use of information, 200
data, and statistics of the nature described in division (C)(1) of 201
this section, the superintendent or the superintendent's designee 202
may provide and exchange the information, data, and statistics 203
pursuant to the national crime prevention and privacy compact as 204
described in division (A)(5) of this section. 205

(4) The attorney general may adopt rules under Chapter 119. 206
of the Revised Code establishing guidelines for the operation of 207

and participation in the Ohio law enforcement gateway. The rules 208
may include criteria for granting and restricting access to 209
information gathered and disseminated through the Ohio law 210
enforcement gateway. The attorney general may appoint a steering 211
committee to advise the attorney general in the operation of the 212
Ohio law enforcement gateway that is comprised of persons who are 213
representatives of the criminal justice agencies in this state 214
that use the Ohio law enforcement gateway and is chaired by the 215
superintendent or the superintendent's designee. 216

(D)(1) The following are not public records under section 217
149.43 of the Revised Code: 218

(a) Information and materials furnished to the superintendent 219
pursuant to division (A) of this section; 220

(b) Information, data, and statistics gathered or 221
disseminated through the Ohio law enforcement gateway pursuant to 222
division (C)(1) of this section; 223

(c) Information and materials furnished to any board or 224
person under division (F) or (G) of this section. 225

(2) The superintendent or the superintendent's designee shall 226
gather and retain information so furnished under division (A) of 227
this section that pertains to the offense and delinquency history 228
of a person who has been convicted of, pleaded guilty to, or been 229
adjudicated a delinquent child for committing a sexually oriented 230
offense or a child-victim oriented offense for the purposes 231
described in division (C)(2) of this section. 232

(E) The attorney general shall adopt rules, in accordance 233
with Chapter 119. of the Revised Code, setting forth the procedure 234
by which a person may receive or release information gathered by 235
the superintendent pursuant to division (A) of this section. A 236
reasonable fee may be charged for this service. If a temporary 237
employment service submits a request for a determination of 238

whether a person the service plans to refer to an employment 239
position has been convicted of or pleaded guilty to an offense 240
listed in division (A)(1), (3), (4), (5), or (6) of section 241
109.572 of the Revised Code, the request shall be treated as a 242
single request and only one fee shall be charged. 243

(F)(1) As used in division (F)(2) of this section, "head 244
start agency" means an entity in this state that has been approved 245
to be an agency for purposes of subchapter II of the "Community 246
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 247
as amended. 248

(2)(a) In addition to or in conjunction with any request that 249
is required to be made under section 109.572, 2151.86, 3301.32, or 250
3301.541, division (C) of section 3310.58, or section 3319.39, 251
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 252
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 253
under section 3314.41, 3319.392, or 3326.25 of the Revised Code, 254
the board of education of any school district; the director of 255
developmental disabilities; any county board of developmental 256
disabilities; any entity under contract with a county board of 257
developmental disabilities; the chief administrator of any 258
chartered or approved nonpublic school; the chief administrator of 259
a registered private provider that is not also a chartered 260
nonpublic school; the chief administrator of any home health 261
agency; the chief administrator of or person operating any child 262
day-care center, type A family day-care home, or type B family 263
day-care home licensed or certified under Chapter 5104. of the 264
Revised Code; the administrator of any type C family day-care home 265
certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 266
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 267
general assembly; the chief administrator of any head start 268
agency; the executive director of a public children services 269
agency; a private company described in section 3314.41, 3319.392, 270

or 3326.25 of the Revised Code; or an employer described in 271
division (J)(2) of section 3327.10 of the Revised Code may request 272
that the superintendent of the bureau investigate and determine, 273
with respect to any individual who has applied for employment in 274
any position after October 2, 1989, or any individual wishing to 275
apply for employment with a board of education may request, with 276
regard to the individual, whether the bureau has any information 277
gathered under division (A) of this section that pertains to that 278
individual. On receipt of the request, the superintendent shall 279
determine whether that information exists and, upon request of the 280
person, board, or entity requesting information, also shall 281
request from the federal bureau of investigation any criminal 282
records it has pertaining to that individual. The superintendent 283
or the superintendent's designee also may request criminal history 284
records from other states or the federal government pursuant to 285
the national crime prevention and privacy compact set forth in 286
section 109.571 of the Revised Code. Within thirty days of the 287
date that the superintendent receives a request, the 288
superintendent shall send to the board, entity, or person a report 289
of any information that the superintendent determines exists, 290
including information contained in records that have been sealed 291
under section 2953.32 of the Revised Code, and, within thirty days 292
of its receipt, shall send the board, entity, or person a report 293
of any information received from the federal bureau of 294
investigation, other than information the dissemination of which 295
is prohibited by federal law. 296

(b) When a board of education or a registered private 297
provider is required to receive information under this section as 298
a prerequisite to employment of an individual pursuant to division 299
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 300
may accept a certified copy of records that were issued by the 301
bureau of criminal identification and investigation and that are 302
presented by an individual applying for employment with the 303

district in lieu of requesting that information itself. In such a 304
case, the board or provider shall accept the certified copy issued 305
by the bureau in order to make a photocopy of it for that 306
individual's employment application documents and shall return the 307
certified copy to the individual. In a case of that nature, a 308
district or provider only shall accept a certified copy of records 309
of that nature within one year after the date of their issuance by 310
the bureau. 311

(c) Notwithstanding division (F)(2)(a) of this section, in 312
the case of a request under section 3319.39, 3319.391, or 3327.10 313
of the Revised Code only for criminal records maintained by the 314
federal bureau of investigation, the superintendent shall not 315
determine whether any information gathered under division (A) of 316
this section exists on the person for whom the request is made. 317

(3) The state board of education may request, with respect to 318
any individual who has applied for employment after October 2, 319
1989, in any position with the state board or the department of 320
education, any information that a school district board of 321
education is authorized to request under division (F)(2) of this 322
section, and the superintendent of the bureau shall proceed as if 323
the request has been received from a school district board of 324
education under division (F)(2) of this section. 325

(4) When the superintendent of the bureau receives a request 326
for information under section 3319.291 of the Revised Code, the 327
superintendent shall proceed as if the request has been received 328
from a school district board of education and shall comply with 329
divisions (F)(2)(a) and (c) of this section. 330

(5) When a recipient of a classroom reading improvement grant 331
paid under section 3301.86 of the Revised Code requests, with 332
respect to any individual who applies to participate in providing 333
any program or service funded in whole or in part by the grant, 334
the information that a school district board of education is 335

authorized to request under division (F)(2)(a) of this section, 336
the superintendent of the bureau shall proceed as if the request 337
has been received from a school district board of education under 338
division (F)(2)(a) of this section. 339

(G) In addition to or in conjunction with any request that is 340
required to be made under section 3701.881, 3712.09, 3721.121, or 341
3722.151 of the Revised Code with respect to an individual who has 342
applied for employment in a position that involves providing 343
direct care to an older adult, the chief administrator of a home 344
health agency, hospice care program, home licensed under Chapter 345
3721. of the Revised Code, adult day-care program operated 346
pursuant to rules adopted under section 3721.04 of the Revised 347
Code, or adult care facility may request that the superintendent 348
of the bureau investigate and determine, with respect to any 349
individual who has applied after January 27, 1997, for employment 350
in a position that does not involve providing direct care to an 351
older adult, whether the bureau has any information gathered under 352
division (A) of this section that pertains to that individual. 353

In addition to or in conjunction with any request that is 354
required to be made under section 173.27 of the Revised Code with 355
respect to an individual who has applied for employment in a 356
position that involves providing ombudsperson services to 357
residents of long-term care facilities or recipients of 358
community-based long-term care services, the state long-term care 359
ombudsperson, ombudsperson's designee, or director of health may 360
request that the superintendent investigate and determine, with 361
respect to any individual who has applied for employment in a 362
position that does not involve providing such ombudsperson 363
services, whether the bureau has any information gathered under 364
division (A) of this section that pertains to that applicant. 365

In addition to or in conjunction with any request that is 366
required to be made under section 173.394 of the Revised Code with 367

respect to an individual who has applied for employment in a 368
position that involves providing direct care to an individual, the 369
chief administrator of a community-based long-term care agency may 370
request that the superintendent investigate and determine, with 371
respect to any individual who has applied for employment in a 372
position that does not involve providing direct care, whether the 373
bureau has any information gathered under division (A) of this 374
section that pertains to that applicant. 375

On receipt of a request under this division, the 376
superintendent shall determine whether that information exists 377
and, on request of the individual requesting information, shall 378
also request from the federal bureau of investigation any criminal 379
records it has pertaining to the applicant. The superintendent or 380
the superintendent's designee also may request criminal history 381
records from other states or the federal government pursuant to 382
the national crime prevention and privacy compact set forth in 383
section 109.571 of the Revised Code. Within thirty days of the 384
date a request is received, the superintendent shall send to the 385
requester a report of any information determined to exist, 386
including information contained in records that have been sealed 387
under section 2953.32 of the Revised Code, and, within thirty days 388
of its receipt, shall send the requester a report of any 389
information received from the federal bureau of investigation, 390
other than information the dissemination of which is prohibited by 391
federal law. 392

(H) Information obtained by a government entity or person 393
under this section is confidential and shall not be released or 394
disseminated. 395

(I) The superintendent may charge a reasonable fee for 396
providing information or criminal records under division (F)(2) or 397
(G) of this section. 398

(J) As used in this section, ~~"sexually:~~ 399

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

(2) "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 program.

(3) "Approved nonpublic school" has the same meaning as in section 3310.09 of the Revised Code.

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

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

existed prior to July 1, 1996, a violation of section 2919.23 of 431
the Revised Code that would have been a violation of section 432
2905.04 of the Revised Code as it existed prior to July 1, 1996, 433
had the violation been committed prior to that date, or a 434
violation of section 2925.11 of the Revised Code that is not a 435
minor drug possession offense; 436

(b) A violation of an existing or former law of this state, 437
any other state, or the United States that is substantially 438
equivalent to any of the offenses listed in division (A)(1)(a) of 439
this section. 440

(2) On receipt of a request pursuant to section 5123.081 of 441
the Revised Code with respect to an applicant for employment in 442
any position with the department of developmental disabilities, 443
pursuant to section 5126.28 of the Revised Code with respect to an 444
applicant for employment in any position with a county board of 445
developmental disabilities, or pursuant to section 5126.281 of the 446
Revised Code with respect to an applicant for employment in a 447
direct services position with an entity contracting with a county 448
board for employment, a completed form prescribed pursuant to 449
division (C)(1) of this section, and a set of fingerprint 450
impressions obtained in the manner described in division (C)(2) of 451
this section, the superintendent of the bureau of criminal 452
identification and investigation shall conduct a criminal records 453
check. The superintendent shall conduct the criminal records check 454
in the manner described in division (B) of this section to 455
determine whether any information exists that indicates that the 456
person who is the subject of the request has been convicted of or 457
pleaded guilty to any of the following: 458

(a) A violation of section 2903.01, 2903.02, 2903.03, 459
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 460
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 461
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 462

2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 463
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 464
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 465
2925.03, or 3716.11 of the Revised Code; 466

(b) An existing or former municipal ordinance or law of this 467
state, any other state, or the United States that is substantially 468
equivalent to any of the offenses listed in division (A)(2)(a) of 469
this section. 470

(3) On receipt of a request pursuant to section 173.27, 471
173.394, 3712.09, 3721.121, or 3722.151 of the Revised Code, a 472
completed form prescribed pursuant to division (C)(1) of this 473
section, and a set of fingerprint impressions obtained in the 474
manner described in division (C)(2) of this section, the 475
superintendent of the bureau of criminal identification and 476
investigation shall conduct a criminal records check with respect 477
to any person who has applied for employment in a position for 478
which a criminal records check is required by those sections. The 479
superintendent shall conduct the criminal records check in the 480
manner described in division (B) of this section to determine 481
whether any information exists that indicates that the person who 482
is the subject of the request previously has been convicted of or 483
pleaded guilty to any of the following: 484

(a) A violation of section 2903.01, 2903.02, 2903.03, 485
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 486
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 487
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 488
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 489
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 490
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 491
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 492
2925.22, 2925.23, or 3716.11 of the Revised Code; 493

(b) An existing or former law of this state, any other state, 494

or the United States that is substantially equivalent to any of 495
the offenses listed in division (A)(3)(a) of this section. 496

(4) On receipt of a request pursuant to section 3701.881 of 497
the Revised Code with respect to an applicant for employment with 498
a home health agency as a person responsible for the care, 499
custody, or control of a child, a completed form prescribed 500
pursuant to division (C)(1) of this section, and a set of 501
fingerprint impressions obtained in the manner described in 502
division (C)(2) of this section, the superintendent of the bureau 503
of criminal identification and investigation shall conduct a 504
criminal records check. The superintendent shall conduct the 505
criminal records check in the manner described in division (B) of 506
this section to determine whether any information exists that 507
indicates that the person who is the subject of the request 508
previously has been convicted of or pleaded guilty to any of the 509
following: 510

(a) A violation of section 2903.01, 2903.02, 2903.03, 511
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 512
2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 513
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.21, 514
2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 515
2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 516
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 517
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code or a 518
violation of section 2925.11 of the Revised Code that is not a 519
minor drug possession offense; 520

(b) An existing or former law of this state, any other state, 521
or the United States that is substantially equivalent to any of 522
the offenses listed in division (A)(4)(a) of this section. 523

(5) On receipt of a request pursuant to section 5111.032, 524
5111.033, or 5111.034 of the Revised Code, a completed form 525
prescribed pursuant to division (C)(1) of this section, and a set 526

of fingerprint impressions obtained in the manner described in 527
division (C)(2) of this section, the superintendent of the bureau 528
of criminal identification and investigation shall conduct a 529
criminal records check. The superintendent shall conduct the 530
criminal records check in the manner described in division (B) of 531
this section to determine whether any information exists that 532
indicates that the person who is the subject of the request 533
previously has been convicted of, has pleaded guilty to, or has 534
been found eligible for intervention in lieu of conviction for any 535
of the following, regardless of the date of the conviction, the 536
date of entry of the guilty plea, or the date the person was found 537
eligible for intervention in lieu of conviction: 538

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 539
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 540
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 541
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 542
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 543
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 544
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 545
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 546
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 547
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 548
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 549
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 550
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 551
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 552
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 553
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 554
penetration in violation of former section 2907.12 of the Revised 555
Code, a violation of section 2905.04 of the Revised Code as it 556
existed prior to July 1, 1996, a violation of section 2919.23 of 557
the Revised Code that would have been a violation of section 558
2905.04 of the Revised Code as it existed prior to July 1, 1996, 559

had the violation been committed prior to that date; 560

(b) A violation of an existing or former municipal ordinance 561
or law of this state, any other state, or the United States that 562
is substantially equivalent to any of the offenses listed in 563
division (A)(5)(a) of this section. 564

(6) On receipt of a request pursuant to section 3701.881 of 565
the Revised Code with respect to an applicant for employment with 566
a home health agency in a position that involves providing direct 567
care to an older adult, a completed form prescribed pursuant to 568
division (C)(1) of this section, and a set of fingerprint 569
impressions obtained in the manner described in division (C)(2) of 570
this section, the superintendent of the bureau of criminal 571
identification and investigation shall conduct a criminal records 572
check. The superintendent shall conduct the criminal records check 573
in the manner described in division (B) of this section to 574
determine whether any information exists that indicates that the 575
person who is the subject of the request previously has been 576
convicted of or pleaded guilty to any of the following: 577

(a) A violation of section 2903.01, 2903.02, 2903.03, 578
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 579
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 580
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 581
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 582
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 583
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 584
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 585
2925.22, 2925.23, or 3716.11 of the Revised Code; 586

(b) An existing or former law of this state, any other state, 587
or the United States that is substantially equivalent to any of 588
the offenses listed in division (A)(6)(a) of this section. 589

(7) When conducting a criminal records check upon a request 590

pursuant to section 3319.39 of the Revised Code for an applicant 591
who is a teacher, in addition to the determination made under 592
division (A)(1) of this section, the superintendent shall 593
determine whether any information exists that indicates that the 594
person who is the subject of the request previously has been 595
convicted of or pleaded guilty to any offense specified in section 596
3319.31 of the Revised Code. 597

(8) On receipt of a request pursuant to section 2151.86 of 598
the Revised Code, a completed form prescribed pursuant to division 599
(C)(1) of this section, and a set of fingerprint impressions 600
obtained in the manner described in division (C)(2) of this 601
section, the superintendent of the bureau of criminal 602
identification and investigation shall conduct a criminal records 603
check in the manner described in division (B) of this section to 604
determine whether any information exists that indicates that the 605
person who is the subject of the request previously has been 606
convicted of or pleaded guilty to any of the following: 607

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 608
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 609
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 610
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 611
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 612
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 613
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 614
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 615
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 616
of the Revised Code, a violation of section 2905.04 of the Revised 617
Code as it existed prior to July 1, 1996, a violation of section 618
2919.23 of the Revised Code that would have been a violation of 619
section 2905.04 of the Revised Code as it existed prior to July 1, 620
1996, had the violation been committed prior to that date, a 621
violation of section 2925.11 of the Revised Code that is not a 622

minor drug possession offense, two or more OVI or OVUAC violations 623
committed within the three years immediately preceding the 624
submission of the application or petition that is the basis of the 625
request, or felonious sexual penetration in violation of former 626
section 2907.12 of the Revised Code; 627

(b) A violation of an existing or former law of this state, 628
any other state, or the United States that is substantially 629
equivalent to any of the offenses listed in division (A)(8)(a) of 630
this section. 631

(9) Upon receipt of a request pursuant to section 5104.012 or 632
5104.013 of the Revised Code, a completed form prescribed pursuant 633
to division (C)(1) of this section, and a set of fingerprint 634
impressions obtained in the manner described in division (C)(2) of 635
this section, the superintendent of the bureau of criminal 636
identification and investigation shall conduct a criminal records 637
check in the manner described in division (B) of this section to 638
determine whether any information exists that indicates that the 639
person who is the subject of the request has been convicted of or 640
pleaded guilty to any of the following: 641

(a) A violation of section 2903.01, 2903.02, 2903.03, 642
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 643
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 644
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 645
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 646
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 647
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 648
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 649
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 650
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 651
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 652
3716.11 of the Revised Code, felonious sexual penetration in 653
violation of former section 2907.12 of the Revised Code, a 654

violation of section 2905.04 of the Revised Code as it existed 655
prior to July 1, 1996, a violation of section 2919.23 of the 656
Revised Code that would have been a violation of section 2905.04 657
of the Revised Code as it existed prior to July 1, 1996, had the 658
violation been committed prior to that date, a violation of 659
section 2925.11 of the Revised Code that is not a minor drug 660
possession offense, a violation of section 2923.02 or 2923.03 of 661
the Revised Code that relates to a crime specified in this 662
division, or a second violation of section 4511.19 of the Revised 663
Code within five years of the date of application for licensure or 664
certification. 665

(b) A violation of an existing or former law of this state, 666
any other state, or the United States that is substantially 667
equivalent to any of the offenses or violations described in 668
division (A)(9)(a) of this section. 669

(10) Upon receipt of a request pursuant to section 5153.111 670
of the Revised Code, a completed form prescribed pursuant to 671
division (C)(1) of this section, and a set of fingerprint 672
impressions obtained in the manner described in division (C)(2) of 673
this section, the superintendent of the bureau of criminal 674
identification and investigation shall conduct a criminal records 675
check in the manner described in division (B) of this section to 676
determine whether any information exists that indicates that the 677
person who is the subject of the request previously has been 678
convicted of or pleaded guilty to any of the following: 679

(a) A violation of section 2903.01, 2903.02, 2903.03, 680
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 681
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 682
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 683
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 684
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 685
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 686

2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 687
felonious sexual penetration in violation of former section 688
2907.12 of the Revised Code, a violation of section 2905.04 of the 689
Revised Code as it existed prior to July 1, 1996, a violation of 690
section 2919.23 of the Revised Code that would have been a 691
violation of section 2905.04 of the Revised Code as it existed 692
prior to July 1, 1996, had the violation been committed prior to 693
that date, or a violation of section 2925.11 of the Revised Code 694
that is not a minor drug possession offense; 695

(b) A violation of an existing or former law of this state, 696
any other state, or the United States that is substantially 697
equivalent to any of the offenses listed in division (A)(10)(a) of 698
this section. 699

(11) On receipt of a request for a criminal records check 700
from an individual pursuant to section 4749.03 or 4749.06 of the 701
Revised Code, accompanied by a completed copy of the form 702
prescribed in division (C)(1) of this section and a set of 703
fingerprint impressions obtained in a manner described in division 704
(C)(2) of this section, the superintendent of the bureau of 705
criminal identification and investigation shall conduct a criminal 706
records check in the manner described in division (B) of this 707
section to determine whether any information exists indicating 708
that the person who is the subject of the request has been 709
convicted of or pleaded guilty to a felony in this state or in any 710
other state. If the individual indicates that a firearm will be 711
carried in the course of business, the superintendent shall 712
require information from the federal bureau of investigation as 713
described in division (B)(2) of this section. The superintendent 714
shall report the findings of the criminal records check and any 715
information the federal bureau of investigation provides to the 716
director of public safety. 717

(12) On receipt of a request pursuant to section 1321.37, 718

1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check with respect to any person who has applied for a license, permit, or certification from the department of commerce or a division in the department. The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: a 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 752
conduct a criminal records check in the manner described in 753
division (B) of this section to determine whether any information 754
exists that indicates that the person who is the subject of the 755
request has been convicted of or pleaded guilty to any criminal 756
offense in this state or any other state. The superintendent shall 757
send the results of a check requested under section 113.041 of the 758
Revised Code to the treasurer of state and shall send the results 759
of a check requested under any of the other listed sections to the 760
licensing board specified by the individual in the request. 761

(14) On receipt of a request pursuant to section 1121.23, 762
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 763
Code, a completed form prescribed pursuant to division (C)(1) of 764
this section, and a set of fingerprint impressions obtained in the 765
manner described in division (C)(2) of this section, the 766
superintendent of the bureau of criminal identification and 767
investigation shall conduct a criminal records check in the manner 768
described in division (B) of this section to determine whether any 769
information exists that indicates that the person who is the 770
subject of the request previously has been convicted of or pleaded 771
guilty to any criminal offense under any existing or former law of 772
this state, any other state, or the United States. 773

(15) On receipt of a request for a criminal records check 774
from an appointing or licensing authority under section 3772.07 of 775
the Revised Code, a completed form prescribed under division 776
(C)(1) of this section, and a set of fingerprint impressions 777
obtained in the manner prescribed in division (C)(2) of this 778
section, the superintendent of the bureau of criminal 779
identification and investigation shall conduct a criminal records 780
check in the manner described in division (B) of this section to 781
determine whether any information exists that indicates that the 782
person who is the subject of the request previously has been 783

convicted of or pleaded guilty or no contest to any offense under 784
any existing or former law of this state, any other state, or the 785
United States that is a disqualifying offense as defined in 786
section 3772.07 of the Revised Code or substantially equivalent to 787
such an offense. 788

(16) Not later than thirty days after the date the 789
superintendent receives a request of a type described in division 790
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 791
(14), or (15) of this section, the completed form, and the 792
fingerprint impressions, the superintendent shall send the person, 793
board, or entity that made the request any information, other than 794
information the dissemination of which is prohibited by federal 795
law, the superintendent determines exists with respect to the 796
person who is the subject of the request that indicates that the 797
person previously has been convicted of or pleaded guilty to any 798
offense listed or described in division (A)(1), (2), (3), (4), 799
(5), (6), (7), (8), (9), (10), (11), (12), (14), or (15) of this 800
section, as appropriate. The superintendent shall send the person, 801
board, or entity that made the request a copy of the list of 802
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 803
(7), (8), (9), (10), (11), (12), (14), or (15) of this section, as 804
appropriate. If the request was made under section 3701.881 of the 805
Revised Code with regard to an applicant who may be both 806
responsible for the care, custody, or control of a child and 807
involved in providing direct care to an older adult, the 808
superintendent shall provide a list of the offenses specified in 809
divisions (A)(4) and (6) of this section. 810

Not later than thirty days after the superintendent receives 811
a request for a criminal records check pursuant to section 113.041 812
of the Revised Code, the completed form, and the fingerprint 813
impressions, the superintendent shall send the treasurer of state 814
any information, other than information the dissemination of which 815

is prohibited by federal law, the superintendent determines exist 816
with respect to the person who is the subject of the request that 817
indicates that the person previously has been convicted of or 818
pleaded guilty to any criminal offense in this state or any other 819
state. 820

(B) The superintendent shall conduct any criminal records 821
check requested under section 113.041, 121.08, 173.27, 173.394, 822
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 823
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 824
3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 4715.101, 825
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 826
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 827
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 828
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 829
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 830
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 831
5126.281, or 5153.111 of the Revised Code as follows: 832

(1) The superintendent shall review or cause to be reviewed 833
any relevant information gathered and compiled by the bureau under 834
division (A) of section 109.57 of the Revised Code that relates to 835
the person who is the subject of the request, including, if the 836
criminal records check was requested under section 113.041, 837
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 838
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 839
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 840
3722.151, 3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 841
5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 5126.281, or 842
5153.111 of the Revised Code, any relevant information contained 843
in records that have been sealed under section 2953.32 of the 844
Revised Code; 845

(2) If the request received by the superintendent asks for 846
information from the federal bureau of investigation, the 847

superintendent shall request from the federal bureau of 848
investigation any information it has with respect to the person 849
who is the subject of the request, including fingerprint-based 850
checks of national crime information databases as described in 42 851
U.S.C. 671 if the request is made pursuant to section 2151.86, 852
5104.012, or 5104.013 of the Revised Code or if any other Revised 853
Code section requires fingerprint-based checks of that nature, and 854
shall review or cause to be reviewed any information the 855
superintendent receives from that bureau. If a request under 856
section 3319.39 of the Revised Code asks only for information from 857
the federal bureau of investigation, the superintendent shall not 858
conduct the review prescribed by division (B)(1) of this section. 859

(3) The superintendent or the superintendent's designee may 860
request criminal history records from other states or the federal 861
government pursuant to the national crime prevention and privacy 862
compact set forth in section 109.571 of the Revised Code. 863

(C)(1) The superintendent shall prescribe a form to obtain 864
the information necessary to conduct a criminal records check from 865
any person for whom a criminal records check is requested under 866
section 113.041 of the Revised Code or required by section 121.08, 867
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 868
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 869
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 870
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 871
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 872
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 873
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 874
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 875
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 876
5126.281, or 5153.111 of the Revised Code. The form that the 877
superintendent prescribes pursuant to this division may be in a 878
tangible format, in an electronic format, or in both tangible and 879

electronic formats. 880

(2) The superintendent shall prescribe standard impression 881
sheets to obtain the fingerprint impressions of any person for 882
whom a criminal records check is requested under section 113.041 883
of the Revised Code or required by section 121.08, 173.27, 884
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 885
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 886
3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 4701.08, 887
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 888
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 889
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 890
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 891
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 892
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 893
5126.281, or 5153.111 of the Revised Code. Any person for whom a 894
records check is requested under or required by any of those 895
sections shall obtain the fingerprint impressions at a county 896
sheriff's office, municipal police department, or any other entity 897
with the ability to make fingerprint impressions on the standard 898
impression sheets prescribed by the superintendent. The office, 899
department, or entity may charge the person a reasonable fee for 900
making the impressions. The standard impression sheets the 901
superintendent prescribes pursuant to this division may be in a 902
tangible format, in an electronic format, or in both tangible and 903
electronic formats. 904

(3) Subject to division (D) of this section, the 905
superintendent shall prescribe and charge a reasonable fee for 906
providing a criminal records check requested under section 907
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 908
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 909
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 910
3722.151, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 911

4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 912
4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 913
4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 914
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 915
4779.091, 5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 916
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 917
person making a criminal records request under any of those 918
sections shall pay the fee prescribed pursuant to this division. A 919
person making a request under section 3701.881 of the Revised Code 920
for a criminal records check for an applicant who may be both 921
responsible for the care, custody, or control of a child and 922
involved in providing direct care to an older adult shall pay one 923
fee for the request. In the case of a request under section 924
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 925
of the Revised Code, the fee shall be paid in the manner specified 926
in that section. 927

(4) The superintendent of the bureau of criminal 928
identification and investigation may prescribe methods of 929
forwarding fingerprint impressions and information necessary to 930
conduct a criminal records check, which methods shall include, but 931
not be limited to, an electronic method. 932

(D) A determination whether any information exists that 933
indicates that a person previously has been convicted of or 934
pleaded guilty to any offense listed or described in division 935
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 936
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 937
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), or (A)(15) 938
of this section, or that indicates that a person previously has 939
been convicted of or pleaded guilty to any criminal offense in 940
this state or any other state regarding a criminal records check 941
of a type described in division (A)(13) of this section, and that 942
is made by the superintendent with respect to information 943

considered in a criminal records check in accordance with this 944
section is valid for the person who is the subject of the criminal 945
records check for a period of one year from the date upon which 946
the superintendent makes the determination. During the period in 947
which the determination in regard to a person is valid, if another 948
request under this section is made for a criminal records check 949
for that person, the superintendent shall provide the information 950
that is the basis for the superintendent's initial determination 951
at a lower fee than the fee prescribed for the initial criminal 952
records check. 953

(E) When the superintendent receives a request for 954
information from a registered private provider or an approved 955
nonpublic school, the superintendent shall proceed as if the 956
request was received from a school district board of education 957
under section 3319.39 of the Revised Code. The superintendent 958
shall apply division (A)(7) of this section to any such request 959
for an applicant who is a teacher. 960

(F) As used in this section: 961

(1) "Criminal records check" means any criminal records check 962
conducted by the superintendent of the bureau of criminal 963
identification and investigation in accordance with division (B) 964
of this section. 965

(2) "Minor drug possession offense" has the same meaning as 966
in section 2925.01 of the Revised Code. 967

(3) "Older adult" means a person age sixty or older. 968

(4) "OVI or OVUAC violation" means a violation of section 969
4511.19 of the Revised Code or a violation of an existing or 970
former law of this state, any other state, or the United States 971
that is substantially equivalent to section 4511.19 of the Revised 972
Code. 973

(5) "Registered private provider" means a nonpublic school or 974

entity registered with the superintendent of public instruction 975
under section 3310.41 of the Revised Code to participate in the 976
autism scholarship program or section 3310.58 of the Revised Code 977
to participate in the special education scholarship program. 978

(6) "Approved nonpublic school" has the same meaning as in 979
section 3310.09 of the Revised Code. 980

Sec. 3301.0714. (A) The state board of education shall adopt 981
rules for a statewide education management information system. The 982
rules shall require the state board to establish guidelines for 983
the establishment and maintenance of the system in accordance with 984
this section and the rules adopted under this section. The 985
guidelines shall include: 986

(1) Standards identifying and defining the types of data in 987
the system in accordance with divisions (B) and (C) of this 988
section; 989

(2) Procedures for annually collecting and reporting the data 990
to the state board in accordance with division (D) of this 991
section; 992

(3) Procedures for annually compiling the data in accordance 993
with division (G) of this section; 994

(4) Procedures for annually reporting the data to the public 995
in accordance with division (H) of this section. 996

(B) The guidelines adopted under this section shall require 997
the data maintained in the education management information system 998
to include at least the following: 999

(1) Student participation and performance data, for each 1000
grade in each school district as a whole and for each grade in 1001
each school building in each school district, that includes: 1002

(a) The numbers of students receiving each category of 1003
instructional service offered by the school district, such as 1004

regular education instruction, vocational education instruction, 1005
specialized instruction programs or enrichment instruction that is 1006
part of the educational curriculum, instruction for gifted 1007
students, instruction for students with disabilities, and remedial 1008
instruction. The guidelines shall require instructional services 1009
under this division to be divided into discrete categories if an 1010
instructional service is limited to a specific subject, a specific 1011
type of student, or both, such as regular instructional services 1012
in mathematics, remedial reading instructional services, 1013
instructional services specifically for students gifted in 1014
mathematics or some other subject area, or instructional services 1015
for students with a specific type of disability. The categories of 1016
instructional services required by the guidelines under this 1017
division shall be the same as the categories of instructional 1018
services used in determining cost units pursuant to division 1019
(C)(3) of this section. 1020

(b) The numbers of students receiving support or 1021
extracurricular services for each of the support services or 1022
extracurricular programs offered by the school district, such as 1023
counseling services, health services, and extracurricular sports 1024
and fine arts programs. The categories of services required by the 1025
guidelines under this division shall be the same as the categories 1026
of services used in determining cost units pursuant to division 1027
(C)(4)(a) of this section. 1028

(c) Average student grades in each subject in grades nine 1029
through twelve; 1030

(d) Academic achievement levels as assessed under sections 1031
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 1032

(e) The number of students designated as having a disabling 1033
condition pursuant to division (C)(1) of section 3301.0711 of the 1034
Revised Code; 1035

(f) The numbers of students reported to the state board	1036
pursuant to division (C)(2) of section 3301.0711 of the Revised	1037
Code;	1038
(g) Attendance rates and the average daily attendance for the	1039
year. For purposes of this division, a student shall be counted as	1040
present for any field trip that is approved by the school	1041
administration.	1042
(h) Expulsion rates;	1043
(i) Suspension rates;	1044
(j) Dropout rates;	1045
(k) Rates of retention in grade;	1046
(l) For pupils in grades nine through twelve, the average	1047
number of carnegie units, as calculated in accordance with state	1048
board of education rules;	1049
(m) Graduation rates, to be calculated in a manner specified	1050
by the department of education that reflects the rate at which	1051
students who were in the ninth grade three years prior to the	1052
current year complete school and that is consistent with	1053
nationally accepted reporting requirements;	1054
(n) Results of diagnostic assessments administered to	1055
kindergarten students as required under section 3301.0715 of the	1056
Revised Code to permit a comparison of the academic readiness of	1057
kindergarten students. However, no district shall be required to	1058
report to the department the results of any diagnostic assessment	1059
administered to a kindergarten student if the parent of that	1060
student requests the district not to report those results.	1061
(2) Personnel and classroom enrollment data for each school	1062
district, including:	1063
(a) The total numbers of licensed employees and nonlicensed	1064
employees and the numbers of full-time equivalent licensed	1065

employees and nonlicensed employees providing each category of 1066
instructional service, instructional support service, and 1067
administrative support service used pursuant to division (C)(3) of 1068
this section. The guidelines adopted under this section shall 1069
require these categories of data to be maintained for the school 1070
district as a whole and, wherever applicable, for each grade in 1071
the school district as a whole, for each school building as a 1072
whole, and for each grade in each school building. 1073

(b) The total number of employees and the number of full-time 1074
equivalent employees providing each category of service used 1075
pursuant to divisions (C)(4)(a) and (b) of this section, and the 1076
total numbers of licensed employees and nonlicensed employees and 1077
the numbers of full-time equivalent licensed employees and 1078
nonlicensed employees providing each category used pursuant to 1079
division (C)(4)(c) of this section. The guidelines adopted under 1080
this section shall require these categories of data to be 1081
maintained for the school district as a whole and, wherever 1082
applicable, for each grade in the school district as a whole, for 1083
each school building as a whole, and for each grade in each school 1084
building. 1085

(c) The total number of regular classroom teachers teaching 1086
classes of regular education and the average number of pupils 1087
enrolled in each such class, in each of grades kindergarten 1088
through five in the district as a whole and in each school 1089
building in the school district. 1090

(d) The number of lead teachers employed by each school 1091
district and each school building. 1092

(3)(a) Student demographic data for each school district, 1093
including information regarding the gender ratio of the school 1094
district's pupils, the racial make-up of the school district's 1095
pupils, the number of limited English proficient students in the 1096
district, and an appropriate measure of the number of the school 1097

district's pupils who reside in economically disadvantaged 1098
households. The demographic data shall be collected in a manner to 1099
allow correlation with data collected under division (B)(1) of 1100
this section. Categories for data collected pursuant to division 1101
(B)(3) of this section shall conform, where appropriate, to 1102
standard practices of agencies of the federal government. 1103

(b) With respect to each student entering kindergarten, 1104
whether the student previously participated in a public preschool 1105
program, a private preschool program, or a head start program, and 1106
the number of years the student participated in each of these 1107
programs. 1108

(4) Any data required to be collected pursuant to federal 1109
law. 1110

(C) The education management information system shall include 1111
cost accounting data for each district as a whole and for each 1112
school building in each school district. The guidelines adopted 1113
under this section shall require the cost data for each school 1114
district to be maintained in a system of mutually exclusive cost 1115
units and shall require all of the costs of each school district 1116
to be divided among the cost units. The guidelines shall require 1117
the system of mutually exclusive cost units to include at least 1118
the following: 1119

(1) Administrative costs for the school district as a whole. 1120
The guidelines shall require the cost units under this division 1121
(C)(1) to be designed so that each of them may be compiled and 1122
reported in terms of average expenditure per pupil in formula ADM 1123
in the school district, as determined pursuant to section 3317.03 1124
of the Revised Code. 1125

(2) Administrative costs for each school building in the 1126
school district. The guidelines shall require the cost units under 1127
this division (C)(2) to be designed so that each of them may be 1128

compiled and reported in terms of average expenditure per 1129
full-time equivalent pupil receiving instructional or support 1130
services in each building. 1131

(3) Instructional services costs for each category of 1132
instructional service provided directly to students and required 1133
by guidelines adopted pursuant to division (B)(1)(a) of this 1134
section. The guidelines shall require the cost units under 1135
division (C)(3) of this section to be designed so that each of 1136
them may be compiled and reported in terms of average expenditure 1137
per pupil receiving the service in the school district as a whole 1138
and average expenditure per pupil receiving the service in each 1139
building in the school district and in terms of a total cost for 1140
each category of service and, as a breakdown of the total cost, a 1141
cost for each of the following components: 1142

(a) The cost of each instructional services category required 1143
by guidelines adopted under division (B)(1)(a) of this section 1144
that is provided directly to students by a classroom teacher; 1145

(b) The cost of the instructional support services, such as 1146
services provided by a speech-language pathologist, classroom 1147
aide, multimedia aide, or librarian, provided directly to students 1148
in conjunction with each instructional services category; 1149

(c) The cost of the administrative support services related 1150
to each instructional services category, such as the cost of 1151
personnel that develop the curriculum for the instructional 1152
services category and the cost of personnel supervising or 1153
coordinating the delivery of the instructional services category. 1154

(4) Support or extracurricular services costs for each 1155
category of service directly provided to students and required by 1156
guidelines adopted pursuant to division (B)(1)(b) of this section. 1157
The guidelines shall require the cost units under division (C)(4) 1158
of this section to be designed so that each of them may be 1159

compiled and reported in terms of average expenditure per pupil 1160
receiving the service in the school district as a whole and 1161
average expenditure per pupil receiving the service in each 1162
building in the school district and in terms of a total cost for 1163
each category of service and, as a breakdown of the total cost, a 1164
cost for each of the following components: 1165

(a) The cost of each support or extracurricular services 1166
category required by guidelines adopted under division (B)(1)(b) 1167
of this section that is provided directly to students by a 1168
licensed employee, such as services provided by a guidance 1169
counselor or any services provided by a licensed employee under a 1170
supplemental contract; 1171

(b) The cost of each such services category provided directly 1172
to students by a nonlicensed employee, such as janitorial 1173
services, cafeteria services, or services of a sports trainer; 1174

(c) The cost of the administrative services related to each 1175
services category in division (C)(4)(a) or (b) of this section, 1176
such as the cost of any licensed or nonlicensed employees that 1177
develop, supervise, coordinate, or otherwise are involved in 1178
administering or aiding the delivery of each services category. 1179

(D)(1) The guidelines adopted under this section shall 1180
require school districts to collect information about individual 1181
students, staff members, or both in connection with any data 1182
required by division (B) or (C) of this section or other reporting 1183
requirements established in the Revised Code. The guidelines may 1184
also require school districts to report information about 1185
individual staff members in connection with any data required by 1186
division (B) or (C) of this section or other reporting 1187
requirements established in the Revised Code. The guidelines shall 1188
not authorize school districts to request social security numbers 1189
of individual students. The guidelines shall prohibit the 1190
reporting under this section of a student's name, address, and 1191

social security number to the state board of education or the 1192
department of education. The guidelines shall also prohibit the 1193
reporting under this section of any personally identifiable 1194
information about any student, except for the purpose of assigning 1195
the data verification code required by division (D)(2) of this 1196
section, to any other person unless such person is employed by the 1197
school district or the information technology center operated 1198
under section 3301.075 of the Revised Code and is authorized by 1199
the district or technology center to have access to such 1200
information or is employed by an entity with which the department 1201
contracts for the scoring of assessments administered under 1202
section 3301.0711 of the Revised Code. The guidelines may require 1203
school districts to provide the social security numbers of 1204
individual staff members. 1205

(2) The guidelines shall provide for each school district or 1206
community school to assign a data verification code that is unique 1207
on a statewide basis over time to each student whose initial Ohio 1208
enrollment is in that district or school and to report all 1209
required individual student data for that student utilizing such 1210
code. The guidelines shall also provide for assigning data 1211
verification codes to all students enrolled in districts or 1212
community schools on the effective date of the guidelines 1213
established under this section. 1214

Individual student data shall be reported to the department 1215
through the information technology centers utilizing the code but, 1216
except as provided in sections 3310.11, 3310.42, ~~3313.978~~ 3310.63, 1217
and 3317.20 of the Revised Code, at no time shall the state board 1218
or the department have access to information that would enable any 1219
data verification code to be matched to personally identifiable 1220
student data. 1221

Each school district shall ensure that the data verification 1222
code is included in the student's records reported to any 1223

subsequent school district, community school, or state institution 1224
of higher education, as defined in section 3345.011 of the Revised 1225
Code, in which the student enrolls. Any such subsequent district 1226
or school shall utilize the same identifier in its reporting of 1227
data under this section. 1228

The director of health shall request and receive, pursuant to 1229
sections 3301.0723 and 3701.62 of the Revised Code, a data 1230
verification code for a child who is receiving services under 1231
division (A)(2) of section 3701.61 of the Revised Code. 1232

(E) The guidelines adopted under this section may require 1233
school districts to collect and report data, information, or 1234
reports other than that described in divisions (A), (B), and (C) 1235
of this section for the purpose of complying with other reporting 1236
requirements established in the Revised Code. The other data, 1237
information, or reports may be maintained in the education 1238
management information system but are not required to be compiled 1239
as part of the profile formats required under division (G) of this 1240
section or the annual statewide report required under division (H) 1241
of this section. 1242

(F) Beginning with the school year that begins July 1, 1991, 1243
the board of education of each school district shall annually 1244
collect and report to the state board, in accordance with the 1245
guidelines established by the board, the data required pursuant to 1246
this section. A school district may collect and report these data 1247
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 1248

(G) The state board shall, in accordance with the procedures 1249
it adopts, annually compile the data reported by each school 1250
district pursuant to division (D) of this section. The state board 1251
shall design formats for profiling each school district as a whole 1252
and each school building within each district and shall compile 1253
the data in accordance with these formats. These profile formats 1254
shall: 1255

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

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

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

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

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

(I) Any data that is collected or maintained pursuant to this

section and that identifies an individual pupil is not a public 1287
record for the purposes of section 149.43 of the Revised Code. 1288

(J) As used in this section: 1289

(1) "School district" means any city, local, exempted 1290
village, or joint vocational school district and, in accordance 1291
with section 3314.17 of the Revised Code, any community school. As 1292
used in division (L) of this section, "school district" also 1293
includes any educational service center or other educational 1294
entity required to submit data using the system established under 1295
this section. 1296

(2) "Cost" means any expenditure for operating expenses made 1297
by a school district excluding any expenditures for debt 1298
retirement except for payments made to any commercial lending 1299
institution for any loan approved pursuant to section 3313.483 of 1300
the Revised Code. 1301

(K) Any person who removes data from the information system 1302
established under this section for the purpose of releasing it to 1303
any person not entitled under law to have access to such 1304
information is subject to section 2913.42 of the Revised Code 1305
prohibiting tampering with data. 1306

(L)(1) In accordance with division (L)(2) of this section and 1307
the rules adopted under division (L)(10) of this section, the 1308
department of education may sanction any school district that 1309
reports incomplete or inaccurate data, reports data that does not 1310
conform to data requirements and descriptions published by the 1311
department, fails to report data in a timely manner, or otherwise 1312
does not make a good faith effort to report data as required by 1313
this section. 1314

(2) If the department decides to sanction a school district 1315
under this division, the department shall take the following 1316
sequential actions: 1317

(a) Notify the district in writing that the department has 1318
determined that data has not been reported as required under this 1319
section and require the district to review its data submission and 1320
submit corrected data by a deadline established by the department. 1321
The department also may require the district to develop a 1322
corrective action plan, which shall include provisions for the 1323
district to provide mandatory staff training on data reporting 1324
procedures. 1325

(b) Withhold up to ten per cent of the total amount of state 1326
funds due to the district for the current fiscal year and, if not 1327
previously required under division (L)(2)(a) of this section, 1328
require the district to develop a corrective action plan in 1329
accordance with that division; 1330

(c) Withhold an additional amount of up to twenty per cent of 1331
the total amount of state funds due to the district for the 1332
current fiscal year; 1333

(d) Direct department staff or an outside entity to 1334
investigate the district's data reporting practices and make 1335
recommendations for subsequent actions. The recommendations may 1336
include one or more of the following actions: 1337

(i) Arrange for an audit of the district's data reporting 1338
practices by department staff or an outside entity; 1339

(ii) Conduct a site visit and evaluation of the district; 1340

(iii) Withhold an additional amount of up to thirty per cent 1341
of the total amount of state funds due to the district for the 1342
current fiscal year; 1343

(iv) Continue monitoring the district's data reporting; 1344

(v) Assign department staff to supervise the district's data 1345
management system; 1346

(vi) Conduct an investigation to determine whether to suspend 1347

or revoke the license of any district employee in accordance with 1348
division (N) of this section; 1349

(vii) If the district is issued a report card under section 1350
3302.03 of the Revised Code, indicate on the report card that the 1351
district has been sanctioned for failing to report data as 1352
required by this section; 1353

(viii) If the district is issued a report card under section 1354
3302.03 of the Revised Code and incomplete or inaccurate data 1355
submitted by the district likely caused the district to receive a 1356
higher performance rating than it deserved under that section, 1357
issue a revised report card for the district; 1358

(ix) Any other action designed to correct the district's data 1359
reporting problems. 1360

(3) Any time the department takes an action against a school 1361
district under division (L)(2) of this section, the department 1362
shall make a report of the circumstances that prompted the action. 1363
The department shall send a copy of the report to the district 1364
superintendent or chief administrator and maintain a copy of the 1365
report in its files. 1366

(4) If any action taken under division (L)(2) of this section 1367
resolves a school district's data reporting problems to the 1368
department's satisfaction, the department shall not take any 1369
further actions described by that division. If the department 1370
withheld funds from the district under that division, the 1371
department may release those funds to the district, except that if 1372
the department withheld funding under division (L)(2)(c) of this 1373
section, the department shall not release the funds withheld under 1374
division (L)(2)(b) of this section and, if the department withheld 1375
funding under division (L)(2)(d) of this section, the department 1376
shall not release the funds withheld under division (L)(2)(b) or 1377
(c) of this section. 1378

(5) Notwithstanding anything in this section to the contrary, 1379
the department may use its own staff or an outside entity to 1380
conduct an audit of a school district's data reporting practices 1381
any time the department has reason to believe the district has not 1382
made a good faith effort to report data as required by this 1383
section. If any audit conducted by an outside entity under 1384
division (L)(2)(d)(i) or (5) of this section confirms that a 1385
district has not made a good faith effort to report data as 1386
required by this section, the district shall reimburse the 1387
department for the full cost of the audit. The department may 1388
withhold state funds due to the district for this purpose. 1389

(6) Prior to issuing a revised report card for a school 1390
district under division (L)(2)(d)(viii) of this section, the 1391
department may hold a hearing to provide the district with an 1392
opportunity to demonstrate that it made a good faith effort to 1393
report data as required by this section. The hearing shall be 1394
conducted by a referee appointed by the department. Based on the 1395
information provided in the hearing, the referee shall recommend 1396
whether the department should issue a revised report card for the 1397
district. If the referee affirms the department's contention that 1398
the district did not make a good faith effort to report data as 1399
required by this section, the district shall bear the full cost of 1400
conducting the hearing and of issuing any revised report card. 1401

(7) If the department determines that any inaccurate data 1402
reported under this section caused a school district to receive 1403
excess state funds in any fiscal year, the district shall 1404
reimburse the department an amount equal to the excess funds, in 1405
accordance with a payment schedule determined by the department. 1406
The department may withhold state funds due to the district for 1407
this purpose. 1408

(8) Any school district that has funds withheld under 1409
division (L)(2) of this section may appeal the withholding in 1410

accordance with Chapter 119. of the Revised Code. 1411

(9) In all cases of a disagreement between the department and 1412
a school district regarding the appropriateness of an action taken 1413
under division (L)(2) of this section, the burden of proof shall 1414
be on the district to demonstrate that it made a good faith effort 1415
to report data as required by this section. 1416

(10) The state board of education shall adopt rules under 1417
Chapter 119. of the Revised Code to implement division (L) of this 1418
section. 1419

(M) No information technology center or school district shall 1420
acquire, change, or update its student administration software 1421
package to manage and report data required to be reported to the 1422
department unless it converts to a student software package that 1423
is certified by the department. 1424

(N) The state board of education, in accordance with sections 1425
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1426
license as defined under division (A) of section 3319.31 of the 1427
Revised Code that has been issued to any school district employee 1428
found to have willfully reported erroneous, inaccurate, or 1429
incomplete data to the education management information system. 1430

(O) No person shall release or maintain any information about 1431
any student in violation of this section. Whoever violates this 1432
division is guilty of a misdemeanor of the fourth degree. 1433

(P) The department shall disaggregate the data collected 1434
under division (B)(1)(n) of this section according to the race and 1435
socioeconomic status of the students assessed. No data collected 1436
under that division shall be included on the report cards required 1437
by section 3302.03 of the Revised Code. 1438

(Q) If the department cannot compile any of the information 1439
required by division (C)(5) of section 3302.03 of the Revised Code 1440
based upon the data collected under this section, the department 1441

shall develop a plan and a reasonable timeline for the collection 1442
of any data necessary to comply with that division. 1443

Sec. 3310.01. As used in sections 3310.01 to ~~3310.17~~ 3310.18 1444
of the Revised Code: 1445

(A) "Chartered nonpublic school" means a nonpublic school 1446
that holds a valid charter issued by the state board of education 1447
under section 3301.16 of the Revised Code and meets the standards 1448
established for such schools in rules adopted by the state board. 1449

(B) "College" has the same meaning as in section 3365.01 of 1450
the Revised Code. 1451

(C) An "eligible nonpublic school" is a school that is 1452
designated as an eligible nonpublic school in accordance with 1453
division (A) of section 3310.09 of the Revised Code. 1454

(D) An "eligible student" is a student who satisfies the 1455
conditions specified in section 3310.03 of the Revised Code. 1456

~~(C)~~(E) "Entitled to attend school" means entitled to attend 1457
school in a school district under section 3313.64 or 3313.65 of 1458
the Revised Code. 1459

(F) "Formula amount" has the same meaning as in section 1460
3317.02 of the Revised Code. 1461

(G) "Income standard for a reduced-price lunch" means the 1462
income standard to qualify for a reduced-price lunch under the 1463
"National School Lunch Act," 42 U.S.C. 1751, et seq., as amended, 1464
and the "Child Nutrition Act of 1966," 42 U.S.C. 1771, et seq., as 1465
amended. 1466

(H) "PACT" is an acronym for "parental choice and taxpayer 1467
savings." "PACT scholarship" means a scholarship under the 1468
parental choice and taxpayer savings scholarship program 1469
established under sections 3310.01 to 3310.18 of the Revised Code, 1470
which program may be referred to as the "PACT scholarship 1471

program." 1472

(I) "Parent" has the same meaning as in section 3313.98 of 1473
the Revised Code. 1474

~~(D)~~(J) "Resident district" means the school district in which 1475
a student is entitled to attend school ~~under section 3313.64 or~~ 1476
~~3313.65 of the Revised Code.~~ 1477

~~(E)~~(K) "School year" has the same meaning as in section 1478
3313.62 of the Revised Code. 1479

(L) "State education aid" has the same meaning as in section 1480
5751.20 of the Revised Code. 1481

Sec. 3310.02. The parental choice and taxpayer savings 1482
scholarship program is hereby established. Under the program, the 1483
department of education annually shall award a scholarship in the 1484
amount prescribed by section 3310.05 of the Revised Code, upon 1485
application, to each eligible student. The scholarship shall be 1486
used to pay all or part of the cost of tuition and fees for the 1487
student to attend an eligible nonpublic school, and any remainder 1488
of the scholarship amount shall be paid into an education savings 1489
account for the student. The student may use the moneys in the 1490
education savings account for the purposes prescribed by division 1491
(B) of section 3310.10 of the Revised Code. 1492

No student for whom a scholarship is awarded under sections 1493
3310.41 or 3310.51 to 3310.64 of the Revised Code shall be awarded 1494
a scholarship for the same school year under this section. 1495

Sec. 3310.03. (A) Subject to the phase-in provisions of 1496
division (B) of this section, to be eligible for a PACT 1497
scholarship, a student must be entitled to attend school in a 1498
school district and shall satisfy either of the following 1499
conditions: 1500

(1) The student's family annual income for the preceding tax year as measured by the family's federal adjusted gross income, as defined by the Internal Revenue Code, does not exceed an amount equal to 2.5 times the income standard for a reduced-price lunch. 1501
1502
1503
1504

(2) The student received a scholarship, under either of the following programs, for the school year immediately prior to the school year in which the PACT scholarship program begins operating: 1505
1506
1507
1508

(a) The pilot project scholarship program under former sections 3313.974 to 3313.979 of the Revised Code; 1509
1510

(b) The educational choice scholarship pilot program under sections 3310.01 to 3310.17 of the Revised Code, as those sections existed prior to the effective date of this section. 1511
1512
1513

(B) Unless the student qualifies for a PACT scholarship under division (A)(2) of this section, a student who attended a nonpublic school in Ohio during the school year immediately prior to the first school year for which the PACT scholarship is sought for the student shall be eligible for the scholarship only as follows: 1514
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(1) For a scholarship for the 2011-2012 school year, the student is applying for a scholarship to enter kindergarten. 1520
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(2) For a scholarship for the 2012-2013 school year, the student is applying for a scholarship to enroll in any grade kindergarten to four. 1522
1523
1524

(3) For a scholarship for the 2013-2014 school year, the student is applying for a scholarship to enroll in any grade kindergarten to eight. 1525
1526
1527

(4) For a scholarship for the 2014-2015 school year and each school year thereafter, the student is applying for a scholarship to enroll in any grade between kindergarten to twelve. 1528
1529
1530

A student who did not attend a nonpublic school in Ohio 1531
during the school year immediately prior to the first school year 1532
for which the scholarship is sought for the student shall be 1533
eligible for a scholarship for any school year to enroll in any 1534
grade kindergarten to twelve. 1535

(C) A student who receives a scholarship under the PACT 1536
scholarship program remains an eligible student and may continue 1537
to receive scholarships in subsequent school years until the 1538
student completes the high school curriculum of an eligible 1539
nonpublic school, so long as all of the following apply: 1540

(1) The student is entitled to attend school in a school 1541
district. 1542

(2) The student's family annual income continues to meet the 1543
requirements prescribed by division (A)(1) of this section, unless 1544
the student is eligible for the scholarship under division (A)(2) 1545
of this section. 1546

(3) The student takes each assessment prescribed for the 1547
student's grade level under section 3301.0710 or 3301.0712 of the 1548
Revised Code while enrolled in an eligible nonpublic school; 1549

(4) In each school year that the student is enrolled in an 1550
eligible nonpublic school, the student is absent from school for 1551
not more than twenty days that the school is open for instruction, 1552
not including excused absences. 1553

(d) A student who has received a PACT scholarship, but no 1554
longer meets the requirements to be an eligible student under 1555
division (C) of this section, may continue to use the moneys 1556
accumulated in the student's education savings account in 1557
accordance with section 3310.10 of the Revised Code. 1558

(E) The state board of education shall adopt rules defining 1559
excused absences for purposes of division (C)(4) of this section. 1560

Sec. 3310.04. Any eligible student who is enrolled in a 1561
~~chartered~~ an eligible nonpublic school and for whom a PACT 1562
~~scholarship under the educational choice scholarship pilot program~~ 1563
has been awarded shall be entitled to transportation to and from 1564
the ~~chartered~~ nonpublic school by the student's resident district 1565
in the manner prescribed in section 3327.01 of the Revised Code. 1566

Sec. 3310.05. (A) The scholarship amount awarded to an 1568
eligible student under the PACT scholarship program shall be based 1569
on the student's family annual income for the preceding tax year 1570
as measured by the family's federal adjusted gross income, as 1571
defined by the Internal Revenue Code. The scholarship amount shall 1572
be as follows: 1573

(1) For a student whose family annual income is less than or 1574
equal to 1.5 times the income standard for a reduced-price lunch, 1575
an amount equal to eighty per cent of the sum of the formula 1576
amount plus the per pupil amount of the base funding supplements 1577
specified in divisions (C)(1) to (4) of section 3317.012 of the 1578
Revised Code for fiscal year 2009; 1579

(2) For a student whose family annual income is greater than 1580
1.5 times but less than or equal to 1.75 times the income standard 1581
for a reduced-price lunch, an amount equal to seventy per cent of 1582
the sum of the formula amount plus the per pupil amount of the 1583
base funding supplements specified in divisions (C)(1) to (4) of 1584
section 3317.012 of the Revised Code for fiscal year 2009; 1585

(3) For a student whose family annual income is greater than 1586
1.75 times but less than or equal to 2 times the income standard 1587
for a reduced-price lunch, an amount equal to sixty per cent of 1588
the sum of the formula amount plus the per pupil amount of the 1589
base funding supplements specified in divisions (C)(1) to (4) of 1590

section 3317.012 of the Revised Code for fiscal year 2009; 1591

(4) For a student whose family annual income is greater than 1592
2 times but less than or equal to 2.25 times the income standard 1593
for a reduced-price lunch, an amount equal to fifty per cent of 1594
the sum of the formula amount plus the per pupil amount of the 1595
base funding supplements specified in divisions (C)(1) to (4) of 1596
section 3317.012 of the Revised Code for fiscal year 2009; 1597

(5) For a student whose family annual income is greater than 1598
2.25 times but less than or equal to 2.5 times the income standard 1599
for a reduced-price lunch, an amount equal to forty per cent of 1600
the sum of the formula amount plus the per pupil amount of the 1601
base funding supplements specified in divisions (C)(1) to (4) of 1602
section 3317.012 of the Revised Code for fiscal year 2009; 1603

(6) For a student whose family annual income is greater than 1604
2.5 times the income standard for a reduced-price lunch but who 1605
qualifies for a scholarship under division (A)(2) of section 1606
3310.03 of the Revised Code, an amount equal to forty per cent of 1607
the sum of the formula amount plus the per pupil amount of the 1608
base funding supplements specified in divisions (C)(1) to (4) of 1609
section 3317.012 of the Revised Code for fiscal year 2009. 1610

Sec. 3310.06. It is the policy adopted by the general 1611
assembly that the ~~educational choice~~ PACT scholarship ~~pilot~~ 1612
program shall be construed as one of several educational options 1613
available for eligible Ohio students ~~enrolled in academie~~ 1614
~~emergency or academie watch school buildings~~. Students may be 1615
enrolled in the schools of the student's resident district, in a 1616
community school established under Chapter 3314. of the Revised 1617
Code, in the schools of another school district pursuant to an 1618
open enrollment policy adopted under section 3313.98 of the 1619
Revised Code, in a ~~chartered~~ nonpublic school with or without a 1620
scholarship under the ~~educational choice scholarship pilot~~ 1621

program, or in other schools as the law may provide. 1622

Sec. 3310.07. Any parent, or any student who is at least 1623
eighteen years of age, who is seeking a scholarship under the 1624
~~educational-choice~~ PACT scholarship ~~pilot~~ program shall notify the 1625
department of education of the student's and parent's names and 1626
address, the ~~chartered~~ eligible nonpublic school in which the 1627
student has been accepted for enrollment, and the tuition and fees 1628
charged by the school. 1629

Sec. 3310.08. (A) Except for an excess amount paid into the 1630
student's education savings account, if applicable, the department 1631
of education shall pay the amount of each scholarship awarded 1632
under the PACT scholarship program on a periodic basis determined 1633
by the department to the eligible student's parent or to the 1634
student, if at least eighteen years of age. If the scholarship 1635
amount exceeds the amount of tuition and fees charged by the 1636
eligible nonpublic school the student attends with the 1637
scholarship, as reported under section 3310.07 of the Revised 1638
Code, the department shall pay the excess amount into an education 1639
savings account established for the student under section 3310.10 1640
of the Revised Code. Payments into the student's education savings 1641
account shall be made at the end of the school year for which the 1642
scholarship is awarded, and only if the student is enrolled in an 1643
eligible nonpublic school using the scholarship at the end of the 1644
school year. 1645

(B) The department shall proportionately reduce or terminate 1646
the payments for any student who, prior to the end of the school 1647
year, withdraws from an eligible nonpublic school and does not 1648
reenroll in another eligible nonpublic school using the 1649
scholarship. 1650

(C)(1) The department shall deduct the scholarship amount 1651

from the state education aid payments and, if necessary, from the 1652
payments under sections 321.24 and 323.156 of the Revised Code, 1653
made to each school district for each eligible student awarded a 1654
PACT scholarship who is entitled to attend school in the district. 1655

(2) If the department reduces or terminates payments to a 1656
parent or a student, as prescribed in division (B) of this 1657
section, and the student enrolls in the schools of the student's 1658
resident district, or in a community school established under 1659
Chapter 3314. of the Revised Code, before the end of the school 1660
year, the department shall proportionately restore to the resident 1661
district the amount deducted for that student under division 1662
(C)(1) of this section. 1663

(D) In the case of any school district from which a deduction 1664
is made under division (C) of this section, the department shall 1665
disclose on the district's SF-3 form, PASS form, or any successor 1666
to those forms used to calculate a district's state funding for 1667
operating expenses, the following: 1668

[(The district's amount per pupil of state funds + the amount of 1669
the district's tax revenue per pupil) X the number of eligible 1670
students entitled to attend school in the district who are awarded 1671
a PACT scholarship] - the amount deducted from the district's 1672
account under division (C) of this section 1673

Where: 1674

(1) "Amount per pupil of state funds" means the district's 1675
state education aid divided by its formula ADM. 1676

(2) "Tax revenue per pupil" means the amount computed for the 1677
district under division (A) of section 3317.08 of the Revised 1678
Code. 1679

(3) "Formula ADM" has the same meaning as in section 3317.02 1680
of the Revised Code. 1681

The amount shown on the form as prescribed by this division 1682

is the total amount of state and district funds generated by the 1683
district's PACT scholarship students less the total amount of 1684
scholarships deducted for those students. 1685

Sec. 3310.09. (A) A nonpublic school shall not receive 1686
payments from a parent or student who is paid a scholarship under 1687
the PACT scholarship program unless it is designated an eligible 1688
nonpublic school, by satisfying one of the following conditions: 1689

(1) The school is a chartered nonpublic school that has 1690
registered with the superintendent of public instruction the 1691
school's intent to accept scholarship students under the program 1692
and its agreement to comply with the requirements of sections 1693
3310.01 to 3310.18 of the Revised Code. 1694

(2) The school is an approved nonpublic school that has 1695
registered with the state superintendent the school's intent to 1696
accept scholarship students under the program and its agreement to 1697
comply with the requirements of sections 3310.01 to 3310.18 of the 1698
Revised Code. 1699

As used in this section, an "approved nonpublic school" means 1700
a nonpublic school that meets both of the following conditions: 1701

(a) The school is in the process of becoming a chartered 1702
nonpublic school and has received a preliminary approval to 1703
operate from the state board of education within the past three 1704
years. 1705

(b) The school files with the state superintendent prior to 1706
the start of the school year one of the following: 1707

(i) A surety bond payable to the state or a letter of credit 1708
with the state as the beneficiary in an amount equal to one-half 1709
of the amount of the scholarship funds under this division 1710
expected to be received during the school year, as determined by 1711
the state superintendent; 1712

(ii) A guarantee in the amount of one million dollars from a person or organization with a net worth of at least five million dollars which shall be demonstrated to the satisfaction of the auditor of state. 1713
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(B) To maintain its eligibility to participate in the program, an eligible nonpublic school annually shall do all of the following: 1717
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(1) Communicate to the department of education the tuition structure for the school, including all discounts and other tuition adjustments to which a student may be entitled; 1720
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1722

(2) Present to the parent of each student awarded a scholarship under the program, or the student if at least eighteen years of age, a statement detailing the tuition and required student fees that will be subject to payment from the student's scholarship amount; 1723
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(3) Administer the state achievement assessments as prescribed by section 3310.14 of the Revised Code. 1728
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(4) Withdraw from the school any scholarship student as soon as a determination is made that the student will no longer attend the school. Withdrawal shall be recorded as the last date that the student attended classes. 1730
1731
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(C) An approved nonpublic school shall be subject to sections 3319.39, 3319.391, and 3319.392 of the Revised Code in the same manner as a chartered nonpublic school. 1734
1735
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Sec. 3310.10. (A) The treasurer of state shall adopt rules, in accordance with Chapter 119. of the Revised Code, prescribing procedures for the establishment of an education savings account for each student attending an eligible nonpublic school with a scholarship under the PACT scholarship program and for whom an excess amount has been determined under section 3310.08 of the 1737
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Revised Code. Once the account is established, the department of 1743
education shall pay the excess amount, determined under section 1744
3310.08 of the Revised Code, into the account. Each account shall 1745
be in the custody of the treasurer of state, but shall not be in 1746
the state treasury. The moneys in each account shall be held in 1747
trust for the benefit of the student. 1748

Interest accrued on moneys in each student's account shall be 1749
credited to the parental choice and taxpayer savings scholarship 1750
program support fund established under section 3310.18 of the 1751
Revised Code. 1752

The rules shall prescribe procedures for the administration 1753
of and for the disbursement of moneys from each student's 1754
education savings account. 1755

(B) Moneys in a student's account may be withdrawn by the 1756
student's parent, or the student if at least eighteen years of 1757
age, for any of the following: 1758

(1) Tuition and fees at an eligible nonpublic school for any 1759
future school years; 1760

(2) Textbooks required by any eligible nonpublic school or 1761
any college. 1762

(3) Tuition and fees for enrollment in a college. 1763

(4) Fees for national norm-referenced examinations, advanced 1764
placement examinations, and any examinations related to 1765
application for admission to a college. 1766

(C) The treasurer of state shall maintain each account as 1767
long as there are moneys in the account unless either of the 1768
following occurs: 1769

(1) The student reaches twenty-five years of age. 1770

(2) The student dies before reaching twenty-five years of 1771

age. 1772

Moneys in a student's account upon the occurrence of either 1773
of the conditions described in divisions (C)(1) and (2) of this 1774
section shall be transferred to the parental choice and taxpayer 1775
savings scholarship program support fund. 1776

(D) At least annually, the treasurer of state shall report to 1777
the governor and the general assembly, in accordance with section 1778
101.68 of the Revised Code, the total amount of interest credited 1779
to the parental choice and taxpayer savings scholarship program 1780
support fund under division (A) of this section and the total 1781
amount of moneys from students' education savings accounts 1782
transferred to that fund under division (C) of this section. 1783

Sec. 3310.11. (A) Only for the purpose of administering the 1784
~~educational-choice~~ PACT scholarship ~~pilot~~ program, the department 1785
of education may request from any of the following entities the 1786
data verification code assigned under division (D)(2) of section 1787
3301.0714 of the Revised Code to any student who is seeking a 1788
scholarship under the program: 1789

(1) The student's resident district; 1790

(2) If applicable, the community school in which that student 1791
is enrolled; 1792

(3) The independent contractor engaged to create and maintain 1793
student data verification codes. 1794

(B) Upon a request by the department under division (A) of 1795
this section for the data verification code of a student seeking a 1796
scholarship or a request by the student's parent for that code, 1797
the school district or community school shall submit that code to 1798
the department or parent in the manner specified by the 1799
department. If the student has not been assigned a code, because 1800
the student will be entering kindergarten during the school year 1801

for which the scholarship is sought, the district shall assign a 1802
code to that student and submit the code to the department or 1803
parent by a date specified by the department. If the district does 1804
not assign a code to the student by the specified date, the 1805
department shall assign a code to that student. 1806

The department annually shall submit to each school district 1807
the name and data verification code of each student residing in 1808
the district who is entering kindergarten, who has been awarded a 1809
scholarship under the program, and for whom the department has 1810
assigned a code under this division. 1811

(C) For the purpose of administering the applicable 1812
assessments prescribed under sections 3301.0710 and 3301.0712 of 1813
the Revised Code, as required by section 3310.14 of the Revised 1814
Code, the department shall provide to each ~~chartered~~ eligible 1815
nonpublic school that enrolls a scholarship student the data 1816
verification code for that student. 1817

(D) The department and each ~~chartered~~ nonpublic school that 1818
receives a data verification code under this section shall not 1819
release that code to any person except as provided by law. 1820

Any document relative to this program that the department 1821
holds in its files that contains both a student's name or other 1822
personally identifiable information and the student's data 1823
verification code shall not be a public record under section 1824
149.43 of the Revised Code. 1825

Sec. 3310.12. Except as provided in division (D) of section 1826
3310.11 of the Revised Code, documents relative to the ~~educational~~ 1827
~~choice~~ PACT scholarship ~~pilot~~ program that the department of 1828
education holds in its files are public records under section 1829
149.43 of the Revised Code and may be released pursuant to that 1830
section subject to the provisions of section 3319.321 of the 1831
Revised Code and the "Family Educational Rights and Privacy Act of 1832

1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended. 1833

Sec. 3310.13. (A) Eligible nonpublic schools under the PACT scholarship program are authorized to file scholarship applications on behalf of eligible students and their parents, if so designated in writing by the student's parent, or the student if at least eighteen years of age. In no case shall any financial charge be made to the applicant for application assistance. 1834
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(B) No eligible nonpublic school shall charge an eligible student tuition and fees that exceed the cost of providing the education to the student. When determining the appropriate tuition to charge an eligible student under the program, an eligible nonpublic school shall apply any tuition discounts or rates to which the student is entitled including, but not limited to, discounts for siblings in the same school or discounts for the child of a school employee. 1840
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(C) An eligible nonpublic school, pursuant to its own policy, may treat the amount of a PACT scholarship as a parental resource and consider its value before awarding any institutional financial aid. 1848
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Sec. 3310.14. Notwithstanding division (K) of section 3301.0711 of the Revised Code, each ~~chartered~~ eligible nonpublic school that enrolls students awarded scholarships under sections 3310.01 to ~~3310.17~~ 3310.18 of the Revised Code annually shall administer the assessments prescribed by section 3301.0710 or 3301.0712 of the Revised Code to each scholarship student enrolled in the school in accordance with section 3301.0711 of the Revised Code. Each ~~chartered~~ nonpublic school shall report to the department of education the results of each assessment administered to each scholarship student under this section. 1852
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Nothing in this section requires a ~~chartered~~ nonpublic school 1862

to administer any achievement assessment, except for an Ohio 1863
graduation test prescribed by division (B)(1) of section 3301.0710 1864
of the Revised Code, as required by section 3313.612 of the 1865
Revised Code, to any student enrolled in the school who is not a 1866
scholarship student. 1867

Sec. 3310.15. (A) The department of education annually shall 1868
compile the scores attained by scholarship students to whom an 1869
assessment is administered under section 3310.14 of the Revised 1870
Code. The scores shall be aggregated as follows: 1871

(1) By state, which shall include all students awarded a 1872
scholarship under the ~~educational-choice~~ PACT scholarship ~~pilot~~ 1873
program and who were required to take an assessment under section 1874
3310.14 of the Revised Code; 1875

(2) By school district, which shall include all scholarship 1876
students who were required to take an assessment under section 1877
3310.14 of the Revised Code and for whom the district is the 1878
student's resident district; 1879

(3) By ~~chartered~~ eligible nonpublic school, which shall 1880
include all scholarship students enrolled in that school who were 1881
required to take an assessment under section 3310.14 of the 1882
Revised Code. 1883

(B) The department shall disaggregate the student performance 1884
data described in division (A) of this section according to the 1885
following categories: 1886

(1) Age; 1887

(2) Race and ethnicity; 1888

(3) Gender; 1889

(4) Students who have participated in the scholarship program 1890
for three or more years; 1891

(5) Students who have participated in the scholarship program 1892
for more than one year and less than three years; 1893

(6) Students who have participated in the scholarship program 1894
for one year or less; 1895

(7) Economically disadvantaged students. 1896

(C) To the greatest extent possible, when computing student 1897
performance data under divisions (A) and (B) of this section, the 1898
department shall include student performance growth using the 1899
value-added progress dimension as prescribed by section 3302.021 1900
of the Revised Code. 1901

(D) The department shall post the student performance data 1902
required under divisions (A) ~~and~~, (B), and (C) of this section on 1903
its web site and, by the first day of February each year, shall 1904
distribute that data to the parent of each eligible student. In 1905
reporting student performance data under this division, the 1906
department shall not include any data that is statistically 1907
unreliable or that could result in the identification of 1908
individual students. For this purpose, the department shall not 1909
report performance data for any group that contains less than ten 1910
students. 1911

~~(D)~~(E) The department shall provide the parent of each 1912
scholarship student with information comparing the student's 1913
performance on the assessments administered under section 3310.14 1914
of the Revised Code with the average performance of similar 1915
students enrolled in the building operated by the student's 1916
resident district that the scholarship student would otherwise 1917
attend. In calculating the performance of similar students, the 1918
department shall consider age, grade, race and ethnicity, gender, 1919
and socioeconomic status. 1920

(F) Only to the extent and in the manner authorized by the 1921
"Family Educational Rights and Privacy Act of 1974," as amended, 1922

20 U.S.C. 1232g, the department shall afford independent research organizations that are part of or formally affiliated with public or private universities accredited by a regional accreditation agency approved by the United States department of education access to student assessment scores and performance data for the purpose of conducting longitudinal analysis of PACT scholarship student performance. Any data released to a research organization under this division shall not be used to disclose the academic level of individual students. 1923
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Sec. 3310.16. Any document relative to the former educational choice scholarship pilot program, operated under sections 3310.01 to 3310.17 of the Revised Code as those sections existed prior to the effective date of this section, or the former pilot project scholarship program, operated under former sections 3313.974 to 3313.979 of the Revised Code, that the department of education holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 1932
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Sec. 3310.17. (A) The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for the administration of the ~~educational choice~~ parental choice and taxpayer savings scholarship ~~pilot~~ program. 1942
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(B) The state board and the department of education shall not require ~~chartered~~ eligible nonpublic schools to comply with any education laws or rules or other requirements that are not specified in sections 3310.01 to 3310.17 of the Revised Code or in rules necessary for the administration of the program, adopted under division (A) of this section, and that otherwise would not apply to a ~~chartered~~ an eligible nonpublic school. 1947
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Sec. 3310.18. The parental choice and taxpayer savings scholarship program support fund is hereby established in the state treasury. The fund shall consist of moneys credited or transferred from student education savings accounts in the manner prescribed by section 3310.10 of the Revised Code. Moneys in the fund shall be used by the department of education to support administration of the parental choice and taxpayer savings scholarship program. 1954
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Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the Revised Code: 1962
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(A) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the eligible applicant owes fees for the services provided to the child: 1964
1965
1966
1967
1968

(1) A school district that is not the school district in which the child is entitled to attend school or the child's school district of residence, if different; 1969
1970
1971

(2) A public entity other than a school district. 1972

(B) "Child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code. 1973
1974
1975

(C) "Eligible applicant" means any of the following: 1976

(1) Either of the natural or adoptive parents of a qualified special education child, except as otherwise specified in this division. When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment, or when the natural or adoptive parents of the student are living separate and apart under a legal separation decree, and a court has issued an order allocating the parental 1977
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rights and responsibilities with respect to the child, "eligible applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated. 1984
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(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency; 1989
1990
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(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child; 1993
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(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caregiver authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code; 1995
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(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code; 2001
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2003

(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age. 2004
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2006

(D) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code. 2007
2008
2009

(E) "Formula ADM" and "formula amount" have the same meanings as in section 3317.02 of the Revised Code. 2010
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(F) "Qualified special education child" is a child for whom all of the following conditions apply: 2012
2013

<u>(1) The child is at least five years of age and less than</u>	2014
<u>twenty-two years of age.</u>	2015
<u>(2) The school district in which the child is entitled to</u>	2016
<u>attend school, or the child's school district of residence if</u>	2017
<u>different, has identified the child as a child with a disability.</u>	2018
<u>(3) The school district in which the child is entitled to</u>	2019
<u>attend school, or the child's school district of residence if</u>	2020
<u>different, has developed an individualized education program under</u>	2021
<u>Chapter 3323. of the Revised Code for the child.</u>	2022
<u>(4) The child either:</u>	2023
<u>(a) Was enrolled in the schools of the school district in</u>	2024
<u>which the child is entitled to attend school in any grade from</u>	2025
<u>kindergarten through twelve in the school year prior to the school</u>	2026
<u>year in which a scholarship is first sought for the child;</u>	2027
<u>(b) Is eligible to enter school in any grade kindergarten</u>	2028
<u>through twelve in the school district in which the child is</u>	2029
<u>entitled to attend school in the school year in which a</u>	2030
<u>scholarship is first sought for the child.</u>	2031
<u>(5) The department of education has not approved a</u>	2032
<u>scholarship for the child under the parental choice and taxpayer</u>	2033
<u>savings scholarship program, under sections 3310.01 to 3310.18 of</u>	2034
<u>the Revised Code, or the autism scholarship program, under section</u>	2035
<u>3310.41 of the Revised Code, for the same school year in which a</u>	2036
<u>scholarship under the special education scholarship program is</u>	2037
<u>sought.</u>	2038
<u>(6) The child and the child's parents are in compliance with</u>	2039
<u>the state compulsory attendance law under Chapter 3321. of the</u>	2040
<u>Revised Code.</u>	2041
<u>(G) "Registered private provider" means a nonpublic school or</u>	2042
<u>other nonpublic entity that has been registered by the</u>	2043

superintendent of public instruction under section 3310.58 of the 2044
Revised Code. 2045

(H) "Scholarship" means a scholarship awarded under the 2046
special education scholarship program pursuant to sections 3310.51 2047
to 3310.64 of the Revised Code. 2048

(I) "School district of residence" has the same meaning as in 2049
section 3323.01 of the Revised Code. A community school 2050
established under Chapter 3314. of the Revised Code is not a 2051
"school district of residence" for purposes of sections 3310.51 to 2052
3310.64 of the Revised Code. 2053

(J) "School year" has the same meaning as in section 3313.62 2054
of the Revised Code. 2055

(K) "Special education program" means a school or facility 2056
that provides special education and related services to children 2057
with disabilities. 2058

Sec. 3310.52. (A) The special education scholarship program 2059
is hereby established. Under the program, subject to division (B) 2060
of this section, the department of education annually shall pay a 2061
scholarship to an eligible applicant for services provided by an 2062
alternative public provider or a registered private provider for a 2063
qualified special education child. The scholarship shall be used 2064
only to pay all or part of the fees for the child to attend the 2065
special education program operated by the alternative public 2066
provider or registered private provider to implement the child's 2067
individualized education program, in lieu of the child's attending 2068
the special education program operated by the school district in 2069
which the child is entitled to attend school, and other services 2070
agreed to by the provider and eligible applicant that are not 2071
included in the individualized education program but are 2072
associated with educating the child. Upon agreement with the 2073
eligible applicant, the alternative public provider or registered 2074

private provider may modify the services provided to the child. 2075

(B) The number of scholarships awarded under the program in any fiscal year shall not exceed five per cent of the total number of students residing in the state identified as children with disabilities during the previous fiscal year. 2076
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(C) No scholarship or renewal of a scholarship shall be awarded to an eligible applicant on behalf of a qualified special education child for the next school year, unless on or before the application deadline the eligible applicant completes the application for the scholarship or renewal, in the manner prescribed by the department, and notifies the school district in which the child is entitled to attend school that the eligible applicant has applied for the scholarship or renewal. 2080
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The application deadline for academic terms that begin between the first day of July and the thirty-first day of December shall be the fifteenth day of April that precedes the first day of instruction. The application deadline for academic terms that begin between the first day of January and the thirtieth day of June shall be the fifteenth day of November that precedes the first day of instruction. 2088
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Sec. 3310.521. (A) As a condition of receiving payments for a scholarship, each eligible applicant shall attest to receipt of the profile prescribed by division (B) of this section. Such attestation shall be made and submitted to the department of education in the form and manner as required by the department. 2095
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(B) The alternative public provider or registered private provider that enrolls a qualified special education child shall submit in writing to the eligible applicant to whom a scholarship is awarded on behalf of that child a profile of the provider's special education program, in a form as prescribed by the department, that shall contain the following: 2100
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(1) Methods of instruction that will be utilized by the provider to provide services to the qualified special education child; 2106
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(2) Qualifications of teachers, instructors, and other persons who will be engaged by the provider to provide services to the qualified special education child. 2109
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Sec. 3310.53. (A) Except for development of the child's individualized education program, as specified in division (B) of this section, the school district in which a qualified special education child is entitled to attend school and the child's school district of residence, if different, are not obligated to provide the child with a free appropriate public education under Chapter 3323. of the Revised Code for as long as the child continues to attend the special education program operated by either an alternative public provider or a registered private provider for which a scholarship is awarded under the special education scholarship program. If at any time, the eligible applicant for the child decides no longer to accept scholarship payments and enrolls the child in the special education program of the school district in which the child is entitled to attend school, that district shall provide the child with a free appropriate public education under Chapter 3323. of the Revised Code. 2112
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(B) Each eligible applicant and each qualified special education child have a continuing right to the development of an individualized education program for the child that complies with Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and administrative rules or guidelines adopted by the Ohio department of education or the United States department of education. The school district in which a qualified special education child is entitled to attend school, or the child's school district of 2129
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residence if different, shall develop each individualized 2137
education program for the child in accordance with those 2138
provisions. 2139

(C) Each school district shall notify an eligible applicant 2140
of the applicant's and qualified special education child's rights 2141
under sections 3310.51 to 3310.64 of the Revised Code by providing 2142
to each eligible applicant the comparison document prescribed in 2143
section 3323.052 of the Revised Code. An eligible applicant's 2144
receipt of that document, as acknowledged in a format prescribed 2145
by the department of education, shall constitute notice that the 2146
eligible applicant has been informed of those rights. Upon receipt 2147
of that document, subsequent acceptance of a scholarship 2148
constitutes the eligible applicant's informed consent to the 2149
provisions of sections 3310.51 to 3310.64 of the Revised Code. 2150

Sec. 3310.54. A qualified special education child in any of 2151
grades kindergarten through twelve for whom a scholarship is 2152
awarded under the special education scholarship program shall be 2153
counted in the formula ADM and category one through six special 2154
education ADM, as appropriate, of the school district in which the 2155
child is entitled to attend school. A qualified special education 2156
child shall not be counted in the formula ADM or category one 2157
through six special education ADM of any other school district. 2158

Sec. 3310.55. The department of education shall deduct from a 2159
school district's state education aid, as defined in section 2160
3317.02 of the Revised Code, and if necessary, from its payment 2161
under sections 321.24 and 323.156 of the Revised Code, the 2162
aggregate amount of scholarships paid under section 3310.57 of the 2163
Revised Code for qualified special education children included in 2164
the formula ADM and the category one through six special education 2165
ADM of that school district. 2166

Sec. 3310.56. (A) The amount of the scholarship awarded and 2167
paid to an eligible applicant for services for a qualified special 2168
education child under the special education scholarship program in 2169
each school year shall be the lesser of the following: 2170

(1) The amount of fees charged for that school year by the 2171
alternative public provider or registered private provider; 2172

(2) The sum of the amounts calculated under divisions 2173
(A)(2)(a) and (b) of this section: 2174

(a) The sum of the formula amount plus the per pupil amount 2175
of the base funding supplements specified in divisions (C)(1) to 2176
(4) of section 3317.012 of the Revised Code for fiscal year 2009; 2177

(b) The formula amount times the following multiple 2178
prescribed for the child's disability: 2179

(i) For a student in category one, 0.2892; 2180

(ii) For a student in category two, 0.3691; 2181

(iii) For a student in category three, 1.7695; 2182

(iv) For a student in category four, 2.3646; 2183

(v) For a student in category five, 3.1129; 2184

(vi) For a student in category six, 4.7342. 2185

Before applying the multiples specified in divisions 2186
(A)(2)(b)(i) to (vi) of this section, they first shall be adjusted 2187
by multiplying them by 0.80. 2188

(B) As used in division (A)(2)(b) of this section, a child 2189
with a disability is in: 2190

(1) "Category one" if the child's primary or only identified 2191
disability is a speech and language disability, as this term is 2192
defined pursuant to Chapter 3323. of the Revised Code; 2193

(2) "Category two" if the child is identified as specific 2194

learning disabled or developmentally disabled, as these terms are 2195
defined pursuant to Chapter 3323. of the Revised Code, or as 2196
having an other health impairment-minor, as defined in section 2197
3306.02 of the Revised Code; 2198

(3) "Category three" if the child is identified as vision 2199
impaired, hearing disabled, or severe behavior disabled, as these 2200
terms are defined pursuant to Chapter 3323. of the Revised Code; 2201

(4) "Category four" if the child is identified as 2202
orthopedically disabled, as this term is defined pursuant to 2203
Chapter 3323. of the Revised Code, or as having an other health 2204
impairment-major, as defined in section 3306.02 of the Revised 2205
Code; 2206

(5) "Category five" if the child is identified as having 2207
multiple disabilities, as this term is defined pursuant to Chapter 2208
3323. of the Revised Code; 2209

(6) "Category six" if the child is identified as autistic, 2210
having traumatic brain injuries, or both visually and hearing 2211
impaired, as these terms are defined pursuant to Chapter 3323. of 2212
the Revised Code. 2213

Sec. 3310.57. The department of education shall make periodic 2214
payments to an eligible applicant for services for each qualified 2215
special education child for whom a scholarship has been awarded. 2216
The total of all payments made to an applicant in each school year 2217
shall not exceed the amount calculated for the child under section 2218
3310.56 of the Revised Code. 2219

The department shall proportionately reduce the scholarship 2220
amount in the case of a child who is not enrolled in the special 2221
education program of an alternative public provider or a 2222
registered private provider for the entire school year. 2223

In accordance with division (A) of section 3310.62 of the 2224

Revised Code, the department shall make no payments to an 2225
applicant for a first-time scholarship for a qualified special 2226
education child while any administrative or judicial mediation or 2227
proceedings with respect to the content of the child's 2228
individualized education program are pending. 2229

Sec. 3310.58. No nonpublic school or entity shall receive 2230
payments from an eligible applicant for services for a qualified 2231
special education child under the special education scholarship 2232
program until the school or entity registers with the 2233
superintendent of public instruction. The superintendent shall 2234
register and designate as a registered private provider any 2235
nonpublic school or entity that meets the following requirements: 2236

(A) The school or entity complies with the antidiscrimination 2237
provisions of 42 U.S.C. 2000d, regardless of whether the school or 2238
entity receives federal financial assistance. 2239

(B) If the school or entity is not chartered by the state 2240
board under section 3301.16 of the Revised Code, the school or 2241
entity agrees to comply with sections 3319.39, 3319.391, and 2242
3319.392 of the Revised Code as if it were a school district. 2243

(C) The school or entity meets applicable health and safety 2244
standards established by law. 2245

(D) The school or entity agrees to retain on file 2246
documentation as required by the department of education. 2247

(E) The school or entity agrees to provide a record of the 2248
implementation of the individualized education program for each 2249
qualified special education child enrolled in the school's or 2250
entity's special education program, including evaluation of the 2251
child's progress, to the school district in which the child is 2252
entitled to attend school, in the form and manner prescribed by 2253
the department. 2254

(F) The school or entity agrees that, if it declines to 2255
enroll a particular qualified special education child, it will 2256
notify in writing the eligible applicant of its reasons for 2257
declining to enroll the child. 2258

Sec. 3310.59. The superintendent of public instruction shall 2259
revoke the registration of any school or entity if, after a 2260
hearing, the superintendent determines that the school or entity 2261
is in violation of any provision of section 3310.58 of the Revised 2262
Code. 2263

Sec. 3310.60. A qualified special education child attending a 2264
special education program at an alternative public provider or a 2265
registered private provider with a scholarship shall be entitled 2266
to transportation to and from that program in the manner 2267
prescribed by law for any child with a disability attending a 2268
nonpublic special education program. 2269

Sec. 3310.61. An eligible applicant on behalf of a child who 2270
currently attends a public special education program under a 2271
contract, compact, or other bilateral agreement, or on behalf of a 2272
child who currently attends a community school, shall not be 2273
prohibited from applying for and accepting a scholarship so that 2274
the applicant may withdraw the child from that program or 2275
community school and use the scholarship for the child to attend a 2276
special education program operated by an alternative public 2277
provider or a registered private provider. 2278

Sec. 3310.62. (A) A scholarship under the special education 2279
scholarship program shall not be awarded for the first time to an 2280
eligible applicant on behalf of a qualified special education 2281
child while the child's individualized education program is being 2282
developed by the school district in which the child is entitled to 2283

attend school, or by the child's school district of residence if 2284
different, or while any administrative or judicial mediation or 2285
proceedings with respect to the content of that individualized 2286
education program are pending. 2287

(B) Development of individualized education programs 2288
subsequent to the one developed for the child the first time a 2289
scholarship was awarded on behalf of the child and the 2290
prosecuting, by the eligible applicant on behalf of the child, of 2291
administrative or judicial mediation or proceedings with respect 2292
to any of those subsequent individualized education programs do 2293
not affect the applicant's and the child's continued eligibility 2294
for scholarship payments. 2295

(C) In the case of any child for whom a scholarship has been 2296
awarded, if the school district in which the child is entitled to 2297
attend school has agreed to provide some services for the child 2298
under an agreement entered into with the eligible applicant or 2299
with the alternative public provider or registered private 2300
provider implementing the child's individualized education 2301
program, or if the district is required by law to provide some 2302
services for the child, including transportation services under 2303
sections 3310.60 and 3327.01 of the Revised Code, the district 2304
shall not discontinue the services it is providing pending 2305
completion of any administrative proceedings regarding those 2306
services. The prosecuting, by the eligible applicant on behalf of 2307
the child, of administrative proceedings regarding the services 2308
provided by the district does not affect the applicant's and the 2309
child's continued eligibility for scholarship payments. 2310

(D) The department of education shall continue to make 2311
payments to the eligible applicant under section 3310.57 of the 2312
Revised Code while either of the following are pending: 2313

(1) Administrative or judicial mediation or proceedings with 2314
respect to a subsequent individualized education program for the 2315

child referred to in division (B) of this section; 2316

(2) Administrative proceedings regarding services provided by 2317
the district under division (C) of this section. 2318

Sec. 3310.63. (A) Only for the purpose of administering the 2319
special education scholarship program, the department of education 2320
may request from any of the following entities the data 2321
verification code assigned under division (D)(2) of section 2322
3301.0714 of the Revised Code to any qualified special education 2323
child for whom a scholarship is sought under the program: 2324

(1) The school district in which the child is entitled to 2325
attend school; 2326

(2) If applicable, the community school in which the child is 2327
enrolled; 2328

(3) The independent contractor engaged to create and maintain 2329
data verification codes. 2330

(B) Upon a request by the department under division (A) of 2331
this section for the data verification code of a qualified special 2332
education child or a request by the eligible applicant for the 2333
child for that code, the school district or community school shall 2334
submit that code to the department or applicant in the manner 2335
specified by the department. If the child has not been assigned a 2336
code, because the child will be entering kindergarten during the 2337
school year for which the scholarship is sought, the district 2338
shall assign a code to that child and submit the code to the 2339
department or applicant by a date specified by the department. If 2340
the district does not assign a code to the child by the specified 2341
date, the department shall assign a code to the child. 2342

The department annually shall submit to each school district 2343
the name and data verification code of each child residing in the 2344
district who is entering kindergarten, who has been awarded a 2345

scholarship under the program, and for whom the department has 2346
assigned a code under this division. 2347

(C) The department shall not release any data verification 2348
code that it receives under this section to any person except as 2349
provided by law. 2350

(D) Any document relative to the special education 2351
scholarship program that the department holds in its files that 2352
contains both a qualified special education child's name or other 2353
personally identifiable information and the child's data 2354
verification code shall not be a public record under section 2355
149.43 of the Revised Code. 2356

Sec. 3310.64. The state board of education shall adopt rules 2357
in accordance with Chapter 119. of the Revised Code prescribing 2358
procedures necessary to implement sections 3310.51 to 3310.63 of 2359
the Revised Code including, but not limited to, procedures for 2360
parents to apply for scholarships, standards for registered 2361
private providers, and procedures for registration of private 2362
providers. 2363

Sec. 3317.03. The information certified and verified under 2364
this section shall be used to calculate payments under this 2365
chapter and Chapter 3306. of the Revised Code. 2366

(A) The superintendent of each city, local, and exempted 2367
village school district and of each educational service center 2368
shall, for the schools under the superintendent's supervision, 2369
certify to the state board of education on or before the fifteenth 2370
day of October in each year for the first full school week in 2371
October the average daily membership of students receiving 2372
services from schools under the superintendent's supervision, and 2373
the numbers of other students entitled to attend school in the 2374
district under section 3313.64 or 3313.65 of the Revised Code the 2375

superintendent is required to report under this section, so that 2376
the department of education can calculate the district's formula 2377
ADM. If a school under the superintendent's supervision is closed 2378
for one or more days during that week due to hazardous weather 2379
conditions or other circumstances described in the first paragraph 2380
of division (B) of section 3317.01 of the Revised Code, the 2381
superintendent may apply to the superintendent of public 2382
instruction for a waiver, under which the superintendent of public 2383
instruction may exempt the district superintendent from certifying 2384
the average daily membership for that school for that week and 2385
specify an alternate week for certifying the average daily 2386
membership of that school. 2387

The average daily membership during such week shall consist 2388
of the sum of the following: 2389

(1) On an FTE basis, the number of students in grades 2390
kindergarten through twelve receiving any educational services 2391
from the district, except that the following categories of 2392
students shall not be included in the determination: 2393

(a) Students enrolled in adult education classes; 2394

(b) Adjacent or other district students enrolled in the 2395
district under an open enrollment policy pursuant to section 2396
3313.98 of the Revised Code; 2397

(c) Students receiving services in the district pursuant to a 2398
compact, cooperative education agreement, or a contract, but who 2399
are entitled to attend school in another district pursuant to 2400
section 3313.64 or 3313.65 of the Revised Code; 2401

(d) Students for whom tuition is payable pursuant to sections 2402
3317.081 and 3323.141 of the Revised Code; 2403

(e) Students receiving services in the district through a 2404
scholarship awarded under either section 3310.41 or sections 2405
3310.51 to 3310.64 of the Revised Code. 2406

(2) On an FTE basis, 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:

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

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section~~+~~. Division (A)(2)(b) of this section does not apply after the repeal of sections 3313.974 to 3313.979 of the Revised Code by ...B... of the 129th general assembly.

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

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

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

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

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

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41

or sections 3310.51 to 3310.64 of the Revised Code. 2437

As used in this section, "alternative public provider" and 2438
"registered private provider" have the same meanings as in section 2439
3310.41 or 3310.51 of the Revised Code, as applicable. 2440

(i) A science, technology, engineering, and mathematics 2441
school established under Chapter 3326. of the Revised Code, 2442
including any participation in a college pursuant to Chapter 3365. 2443
of the Revised Code while enrolled in the school. 2444

(3) The number of students enrolled in a joint vocational 2445
school district or under a vocational education compact, excluding 2446
any students entitled to attend school in the district under 2447
section 3313.64 or 3313.65 of the Revised Code who are enrolled in 2448
another school district through an open enrollment policy as 2449
reported under division (A)(2)(d) of this section and then enroll 2450
in a joint vocational school district or under a vocational 2451
education compact; 2452

(4) The number of children with disabilities, other than 2453
preschool children with disabilities, entitled to attend school in 2454
the district pursuant to section 3313.64 or 3313.65 of the Revised 2455
Code who are placed by the district with a county DD board, minus 2456
the number of such children placed with a county DD board in 2457
fiscal year 1998. If this calculation produces a negative number, 2458
the number reported under division (A)(4) of this section shall be 2459
zero. 2460

(B) To enable the department of education to obtain the data 2461
needed to complete the calculation of payments pursuant to this 2462
chapter and Chapter 3306. of the Revised Code, in addition to the 2463
average daily membership, each superintendent shall report 2464
separately the following student counts for the same week for 2465
which average daily membership is certified: 2466

(1) The total average daily membership in regular learning 2467

day classes included in the report under division (A)(1) or (2) of 2468
this section for each of the individual grades kindergarten 2469
through twelve in schools under the superintendent's supervision; 2470

(2) The number of all preschool children with disabilities 2471
enrolled as of the first day of December in classes in the 2472
district that are eligible for approval under division (B) of 2473
section 3317.05 of the Revised Code and the number of those 2474
classes, which shall be reported not later than the fifteenth day 2475
of December, in accordance with rules adopted under that section; 2476

(3) The number of children entitled to attend school in the 2477
district pursuant to section 3313.64 or 3313.65 of the Revised 2478
Code who are: 2479

(a) Participating in a pilot project scholarship program 2480
established under sections 3313.974 to 3313.979 of the Revised 2481
Code as described in division (I)(2)(a) or (b) of this section; 2482
Division (B)(3)(a) of this section does not apply after the repeal 2483
of sections 3313.974 to 3313.979 of the Revised Code by ...B... of 2484
the 129th general assembly. 2485

(b) Enrolled in a college under Chapter 3365. of the Revised 2486
Code, except when the student is enrolled in the college while 2487
also enrolled in a community school pursuant to Chapter 3314. or a 2488
science, technology, engineering, and mathematics school 2489
established under Chapter 3326. of the Revised Code; 2490

(c) Enrolled in an adjacent or other school district under 2491
section 3313.98 of the Revised Code; 2492

(d) Enrolled in a community school established under Chapter 2493
3314. of the Revised Code that is not an internet- or 2494
computer-based community school as defined in section 3314.02 of 2495
the Revised Code, including any participation in a college 2496
pursuant to Chapter 3365. of the Revised Code while enrolled in 2497
such community school; 2498

(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;	2499 2500 2501 2502
(f) Enrolled in a chartered <u>an eligible</u> nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	2503 2504
(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;	2505 2506 2507 2508
(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;	2509 2510 2511
(i) Participating in a program operated by a county DD board or a state institution;	2512 2513
(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.	2514 2515 2516 2517
(4) The number of pupils enrolled in joint vocational schools;	2518 2519
(5) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (D)(1) of section 3306.02 of the Revised Code, <u>including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;</u>	2520 2521 2522 2523 2524 2525 2526 2527
(6) The <u>combined</u> average daily membership of children with	2528

disabilities reported under division (A)(1) or (2) of this section 2529
receiving special education services for category two disabilities 2530
described in division (D)(2) of section 3306.02 of the Revised 2531
Code, including children attending a special education program 2532
operated by an alternative public provider or a registered private 2533
provider with a scholarship awarded under sections 3310.51 to 2534
3310.64 of the Revised Code; 2535

(7) The combined average daily membership of children with 2536
disabilities reported under division (A)(1) or (2) of this section 2537
receiving special education services for category three 2538
disabilities described in division (D)(3) of section 3306.02 of 2539
the Revised Code, including children attending a special education 2540
program operated by an alternative public provider or a registered 2541
private provider with a scholarship awarded under sections 3310.51 2542
to 3310.64 of the Revised Code; 2543

(8) The combined average daily membership of children with 2544
disabilities reported under division (A)(1) or (2) of this section 2545
receiving special education services for category four 2546
disabilities described in division (D)(4) of section 3306.02 of 2547
the Revised Code, including children attending a special education 2548
program operated by an alternative public provider or a registered 2549
private provider with a scholarship awarded under sections 3310.51 2550
to 3310.64 of the Revised Code; 2551

(9) The combined average daily membership of children with 2552
disabilities reported under division (A)(1) or (2) of this section 2553
receiving special education services for the category five 2554
disabilities described in division (D)(5) of section 3306.02 of 2555
the Revised Code, including children attending a special education 2556
program operated by an alternative public provider or a registered 2557
private provider with a scholarship awarded under sections 3310.51 2558
to 3310.64 of the Revised Code; 2559

(10) The combined average daily membership of children with 2560

disabilities reported under division (A)(1) or (2) and under 2561
division (B)(3)(h) of this section receiving special education 2562
services for category six disabilities described in division 2563
(D)(6) of section 3306.02 of the Revised Code, including children 2564
attending a special education program operated by an alternative 2565
public provider or a registered private provider with a 2566
scholarship awarded under either section 3310.41 or sections 2567
3310.51 to 3310.64 of the Revised Code; 2568

(11) The average daily membership of pupils reported under 2569
division (A)(1) or (2) of this section enrolled in category one 2570
vocational education programs or classes, described in division 2571
(A) of section 3317.014 of the Revised Code, operated by the 2572
school district or by another district, other than a joint 2573
vocational school district, or by an educational service center, 2574
excluding any student reported under division (B)(3)(e) of this 2575
section as enrolled in an internet- or computer-based community 2576
school, notwithstanding division (C) of section 3317.02 of the 2577
Revised Code and division (C)(3) of this section; 2578

(12) The average daily membership of pupils reported under 2579
division (A)(1) or (2) of this section enrolled in category two 2580
vocational education programs or services, described in division 2581
(B) of section 3317.014 of the Revised Code, operated by the 2582
school district or another school district, other than a joint 2583
vocational school district, or by an educational service center, 2584
excluding any student reported under division (B)(3)(e) of this 2585
section as enrolled in an internet- or computer-based community 2586
school, notwithstanding division (C) of section 3317.02 of the 2587
Revised Code and division (C)(3) of this section; 2588

Beginning with fiscal year 2010, vocational education ADM 2589
shall not be used to calculate a district's funding but shall be 2590
reported under divisions (B)(11) and (12) of this section for 2591
statistical purposes. 2592

(13) The average number of children transported by the school district on board-owned or contractor-owned and -operated buses, reported in accordance with rules adopted by the department of education;	2593 2594 2595 2596
(14)(a) The number of children, other than preschool children with disabilities, the district placed with a county DD board in fiscal year 1998;	2597 2598 2599
(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for the category one disability described in division (D)(1) of section 3306.02 of the Revised Code;	2600 2601 2602 2603 2604
(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category two disabilities described in division (D)(2) of section 3306.02 of the Revised Code;	2605 2606 2607 2608 2609
(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category three disabilities described in division (D)(3) of section 3306.02 of the Revised Code;	2610 2611 2612 2613 2614
(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category four disabilities described in division (D)(4) of section 3306.02 of the Revised Code;	2615 2616 2617 2618 2619
(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for the category five disabilities described in division	2620 2621 2622 2623

(D)(5) of section 3306.02 of the Revised Code; 2624

(g) The number of children with disabilities, other than 2625
preschool children with disabilities, placed with a county DD 2626
board in the current fiscal year to receive special education 2627
services for category six disabilities described in division 2628
(D)(6) of section 3306.02 of the Revised Code. 2629

(C)(1) The average daily membership in divisions (B)(1) to 2630
(12) of this section shall be based upon the number of full-time 2631
equivalent students. The state board of education shall adopt 2632
rules defining full-time equivalent students and for determining 2633
the average daily membership therefrom for the purposes of 2634
divisions (A), (B), and (D) of this section. Each student enrolled 2635
in kindergarten shall be counted as one full-time equivalent 2636
student regardless of whether the student is enrolled in a 2637
part-day or all-day kindergarten class. 2638

(2) A student enrolled in a community school established 2639
under Chapter 3314. or a science, technology, engineering, and 2640
mathematics school established under Chapter 3326. of the Revised 2641
Code shall be counted in the formula ADM and, if applicable, the 2642
category one, two, three, four, five, or six special education ADM 2643
of the school district in which the student is entitled to attend 2644
school under section 3313.64 or 3313.65 of the Revised Code for 2645
the same proportion of the school year that the student is counted 2646
in the enrollment of the community school or the science, 2647
technology, engineering, and mathematics school for purposes of 2648
section 3314.08 or 3326.33 of the Revised Code. Notwithstanding 2649
the number of students reported pursuant to division (B)(3)(d), 2650
(e), or (j) of this section, the department may adjust the formula 2651
ADM of a school district to account for students entitled to 2652
attend school in the district under section 3313.64 or 3313.65 of 2653
the Revised Code who are enrolled in a community school or a 2654
science, technology, engineering, and mathematics school for only 2655

a portion of the school year. 2656

(3) No child shall be counted as more than a total of one 2657
child in the sum of the average daily memberships of a school 2658
district under division (A), divisions (B)(1) to (12), or division 2659
(D) of this section, except as follows: 2660

(a) A child with a disability described in division (D) of 2661
section 3306.02 of the Revised Code may be counted both in formula 2662
ADM and in category one, two, three, four, five, or six special 2663
education ADM and, if applicable, in category one or two 2664
vocational education ADM. As provided in division (C) of section 2665
3317.02 of the Revised Code, such a child shall be counted in 2666
category one, two, three, four, five, or six special education ADM 2667
in the same proportion that the child is counted in formula ADM. 2668

(b) A child enrolled in vocational education programs or 2669
classes described in section 3317.014 of the Revised Code may be 2670
counted both in formula ADM and category one or two vocational 2671
education ADM and, if applicable, in category one, two, three, 2672
four, five, or six special education ADM. Such a child shall be 2673
counted in category one or two vocational education ADM in the 2674
same proportion as the percentage of time that the child spends in 2675
the vocational education programs or classes. 2676

(4) Based on the information reported under this section, the 2677
department of education shall determine the total student count, 2678
as defined in section 3301.011 of the Revised Code, for each 2679
school district. 2680

(D)(1) The superintendent of each joint vocational school 2681
district shall certify to the superintendent of public instruction 2682
on or before the fifteenth day of October in each year for the 2683
first full school week in October the formula ADM, for purposes of 2684
section 3318.42 of the Revised Code and for any other purpose 2685
prescribed by law for which "formula ADM" of the joint vocational 2686

district is a factor. If a school operated by the joint vocational 2687
school district is closed for one or more days during that week 2688
due to hazardous weather conditions or other circumstances 2689
described in the first paragraph of division (B) of section 2690
3317.01 of the Revised Code, the superintendent may apply to the 2691
superintendent of public instruction for a waiver, under which the 2692
superintendent of public instruction may exempt the district 2693
superintendent from certifying the formula ADM for that school for 2694
that week and specify an alternate week for certifying the formula 2695
ADM of that school. 2696

The formula ADM, except as otherwise provided in this 2697
division, shall consist of the average daily membership during 2698
such week, on an FTE basis, of the number of students receiving 2699
any educational services from the district, including students 2700
enrolled in a community school established under Chapter 3314. or 2701
a science, technology, engineering, and mathematics school 2702
established under Chapter 3326. of the Revised Code who are 2703
attending the joint vocational district under an agreement between 2704
the district board of education and the governing authority of the 2705
community school or the governing body of the science, technology, 2706
engineering, and mathematics school and are entitled to attend 2707
school in a city, local, or exempted village school district whose 2708
territory is part of the territory of the joint vocational 2709
district. 2710

The following categories of students shall not be included in 2711
the determination made under division (D)(1) of this section: 2712

(a) Students enrolled in adult education classes; 2713

(b) Adjacent or other district joint vocational students 2714
enrolled in the district under an open enrollment policy pursuant 2715
to section 3313.98 of the Revised Code; 2716

(c) Students receiving services in the district pursuant to a 2717

compact, cooperative education agreement, or a contract, but who	2718
are entitled to attend school in a city, local, or exempted	2719
village school district whose territory is not part of the	2720
territory of the joint vocational district;	2721
(d) Students for whom tuition is payable pursuant to sections	2722
3317.081 and 3323.141 of the Revised Code.	2723
(2) In addition to the formula ADM, each superintendent shall	2724
report separately the average daily membership included in the	2725
report under division (D)(1) of this section for each of the	2726
following categories of students for the same week for which	2727
formula ADM is certified:	2728
(a) Students enrolled in each individual grade included in	2729
the joint vocational district schools;	2730
(b) Children with disabilities receiving special education	2731
services for the category one disability described in division	2732
(D)(1) of section 3306.02 of the Revised Code;	2733
(c) Children with disabilities receiving special education	2734
services for the category two disabilities described in division	2735
(D)(2) of section 3306.02 of the Revised Code;	2736
(d) Children with disabilities receiving special education	2737
services for category three disabilities described in division	2738
(D)(3) of section 3306.02 of the Revised Code;	2739
(e) Children with disabilities receiving special education	2740
services for category four disabilities described in division	2741
(D)(4) of section 3306.02 of the Revised Code;	2742
(f) Children with disabilities receiving special education	2743
services for the category five disabilities described in division	2744
(D)(5) of section 3306.02 of the Revised Code;	2745
(g) Children with disabilities receiving special education	2746
services for category six disabilities described in division	2747

(D)(6) of section 3306.02 of the Revised Code;	2748
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	2749 2750 2751
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	2752 2753 2754
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.	2755 2756 2757 2758 2759
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following:	2760 2761 2762 2763 2764 2765 2766 2767 2768 2769 2770 2771 2772 2773 2774
(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;	2775 2776
(2) Any pupil who is not a resident of the state;	2777
(3) Any pupil who was enrolled in the schools of the district	2778

during the previous school year when assessments were administered 2779
under section 3301.0711 of the Revised Code but did not take one 2780
or more of the assessments required by that section and was not 2781
excused pursuant to division (C)(1) or (3) of that section; 2782

(4) Any pupil who has attained the age of twenty-two years, 2783
except for veterans of the armed services whose attendance was 2784
interrupted before completing the recognized twelve-year course of 2785
the public schools by reason of induction or enlistment in the 2786
armed forces and who apply for reenrollment in the public school 2787
system of their residence not later than four years after 2788
termination of war or their honorable discharge. 2789

If, however, any veteran described by division (E)(4) of this 2790
section elects to enroll in special courses organized for veterans 2791
for whom tuition is paid under the provisions of federal laws, or 2792
otherwise, that veteran shall not be included in average daily 2793
membership. 2794

Notwithstanding division (E)(3) of this section, the 2795
membership of any school may include a pupil who did not take an 2796
assessment required by section 3301.0711 of the Revised Code if 2797
the superintendent of public instruction grants a waiver from the 2798
requirement to take the assessment to the specific pupil and a 2799
parent is not paying tuition for the pupil pursuant to section 2800
3313.6410 of the Revised Code. The superintendent may grant such a 2801
waiver only for good cause in accordance with rules adopted by the 2802
state board of education. 2803

Except as provided in divisions (B)(2) and (F) of this 2804
section, the average daily membership figure of any local, city, 2805
exempted village, or joint vocational school district shall be 2806
determined by dividing the figure representing the sum of the 2807
number of pupils enrolled during each day the school of attendance 2808
is actually open for instruction during the week for which the 2809
average daily membership is being certified by the total number of 2810

days the school was actually open for instruction during that 2811
week. For purposes of state funding, "enrolled" persons are only 2812
those pupils who are attending school, those who have attended 2813
school during the current school year and are absent for 2814
authorized reasons, and those children with disabilities currently 2815
receiving home instruction. 2816

The average daily membership figure of any cooperative 2817
education school district shall be determined in accordance with 2818
rules adopted by the state board of education. 2819

(F)(1) If the formula ADM for the first full school week in 2820
February is at least three per cent greater than that certified 2821
for the first full school week in the preceding October, the 2822
superintendent of schools of any city, exempted village, or joint 2823
vocational school district or educational service center shall 2824
certify such increase to the superintendent of public instruction. 2825
Such certification shall be submitted no later than the fifteenth 2826
day of February. For the balance of the fiscal year, beginning 2827
with the February payments, the superintendent of public 2828
instruction shall use the increased formula ADM in calculating or 2829
recalculating the amounts to be allocated in accordance with 2830
section 3317.022 or 3317.16 of the Revised Code. In no event shall 2831
the superintendent use an increased membership certified to the 2832
superintendent after the fifteenth day of February. Division 2833
(F)(1) of this section does not apply after fiscal year 2006. 2834

(2) If on the first school day of April the total number of 2835
classes or units for preschool children with disabilities that are 2836
eligible for approval under division (B) of section 3317.05 of the 2837
Revised Code exceeds the number of units that have been approved 2838
for the year under that division, the superintendent of schools of 2839
any city, exempted village, or cooperative education school 2840
district or educational service center shall make the 2841
certifications required by this section for that day. If the 2842

department determines additional units can be approved for the 2843
fiscal year within any limitations set forth in the acts 2844
appropriating moneys for the funding of such units, the department 2845
shall approve additional units for the fiscal year on the basis of 2846
such average daily membership. For each unit so approved, the 2847
department shall pay an amount computed in the manner prescribed 2848
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 2849
Code. 2850

(3) If a student attending a community school under Chapter 2851
3314. or a science, technology, engineering, and mathematics 2852
school established under Chapter 3326. of the Revised Code is not 2853
included in the formula ADM certified for the school district in 2854
which the student is entitled to attend school under section 2855
3313.64 or 3313.65 of the Revised Code, the department of 2856
education shall adjust the formula ADM of that school district to 2857
include the student in accordance with division (C)(2) of this 2858
section, and shall recalculate the school district's payments 2859
under this chapter and Chapter 3306. of the Revised Code for the 2860
entire fiscal year on the basis of that adjusted formula ADM. This 2861
requirement applies regardless of whether the student was 2862
enrolled, as defined in division (E) of this section, in the 2863
community school or the science, technology, engineering, and 2864
mathematics school during the week for which the formula ADM is 2865
being certified. 2866

(4) If a student awarded ~~an educational choice~~ a scholarship 2867
under the parental choice and taxpayer savings scholarship program 2868
is not included in the formula ADM of the school district from 2869
which the department deducts funds for the scholarship under 2870
section 3310.08 of the Revised Code, the department shall adjust 2871
the formula ADM of that school district to include the student to 2872
the extent necessary to account for the deduction, and shall 2873
recalculate the school district's payments under this chapter and 2874

Chapter 3306. of the Revised Code for the entire fiscal year on 2875
the basis of that adjusted formula ADM. This requirement applies 2876
regardless of whether the student was enrolled, as defined in 2877
division (E) of this section, in the chartered nonpublic school, 2878
the school district, or a community school during the week for 2879
which the formula ADM is being certified. 2880

(5) If a student awarded a scholarship under the special 2881
education scholarship program is not included in the formula ADM 2882
of the school district from which the department deducts funds for 2883
the scholarship under section 3310.55 of the Revised Code, the 2884
department shall adjust the formula ADM of that school district to 2885
include the student to the extent necessary to account for the 2886
deduction, and shall recalculate the school district's payments 2887
under this chapter for the entire fiscal year on the basis of that 2888
adjusted formula ADM. This requirement applies regardless of 2889
whether the student was enrolled, as defined in division (E) of 2890
this section, in an alternative public provider, a registered 2891
private provider, or the school district during the week for which 2892
the formula ADM is being certified. 2893

(G)(1)(a) The superintendent of an institution operating a 2894
special education program pursuant to section 3323.091 of the 2895
Revised Code shall, for the programs under such superintendent's 2896
supervision, certify to the state board of education, in the 2897
manner prescribed by the superintendent of public instruction, 2898
both of the following: 2899

(i) The average daily membership of all children with 2900
disabilities other than preschool children with disabilities 2901
receiving services at the institution for each category of 2902
disability described in divisions (D)(1) to (6) of section 3306.02 2903
of the Revised Code; 2904

(ii) The average daily membership of all preschool children 2905
with disabilities in classes or programs approved annually by the 2906

department of education for unit funding under section 3317.05 of 2907
the Revised Code. 2908

(b) The superintendent of an institution with vocational 2909
education units approved under division (A) of section 3317.05 of 2910
the Revised Code shall, for the units under the superintendent's 2911
supervision, certify to the state board of education the average 2912
daily membership in those units, in the manner prescribed by the 2913
superintendent of public instruction. 2914

(2) The superintendent of each county DD board that maintains 2915
special education classes under section 3317.20 of the Revised 2916
Code or units approved pursuant to section 3317.05 of the Revised 2917
Code shall do both of the following: 2918

(a) Certify to the state board, in the manner prescribed by 2919
the board, the average daily membership in classes under section 2920
3317.20 of the Revised Code for each school district that has 2921
placed children in the classes; 2922

(b) Certify to the state board, in the manner prescribed by 2923
the board, the number of all preschool children with disabilities 2924
enrolled as of the first day of December in classes eligible for 2925
approval under division (B) of section 3317.05 of the Revised 2926
Code, and the number of those classes. 2927

(3)(a) If on the first school day of April the number of 2928
classes or units maintained for preschool children with 2929
disabilities by the county DD board that are eligible for approval 2930
under division (B) of section 3317.05 of the Revised Code is 2931
greater than the number of units approved for the year under that 2932
division, the superintendent shall make the certification required 2933
by this section for that day. 2934

(b) If the department determines that additional classes or 2935
units can be approved for the fiscal year within any limitations 2936
set forth in the acts appropriating moneys for the funding of the 2937

classes and units described in division (G)(3)(a) of this section, 2938
the department shall approve and fund additional units for the 2939
fiscal year on the basis of such average daily membership. For 2940
each unit so approved, the department shall pay an amount computed 2941
in the manner prescribed in sections 3317.052 and 3317.053 of the 2942
Revised Code. 2943

(H) Except as provided in division (I) of this section, when 2944
any city, local, or exempted village school district provides 2945
instruction for a nonresident pupil whose attendance is 2946
unauthorized attendance as defined in section 3327.06 of the 2947
Revised Code, that pupil's membership shall not be included in 2948
that district's membership figure used in the calculation of that 2949
district's formula ADM or included in the determination of any 2950
unit approved for the district under section 3317.05 of the 2951
Revised Code. The reporting official shall report separately the 2952
average daily membership of all pupils whose attendance in the 2953
district is unauthorized attendance, and the membership of each 2954
such pupil shall be credited to the school district in which the 2955
pupil is entitled to attend school under division (B) of section 2956
3313.64 or section 3313.65 of the Revised Code as determined by 2957
the department of education. 2958

(I)(1) A city, local, exempted village, or joint vocational 2959
school district admitting a scholarship student of a pilot project 2960
district pursuant to division (C) of section 3313.976 of the 2961
Revised Code may count such student in its average daily 2962
membership. 2963

(2) In any year for which funds are appropriated for pilot 2964
project scholarship programs, a school district implementing a 2965
state-sponsored pilot project scholarship program that year 2966
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 2967
count in average daily membership: 2968

(a) All children residing in the district and utilizing a 2969

scholarship to attend kindergarten in any alternative school, as 2970
defined in section 3313.974 of the Revised Code; 2971

(b) All children who were enrolled in the district in the 2972
preceding year who are utilizing a scholarship to attend any such 2973
alternative school. 2974

Division (I) of this section does not apply after the repeal 2975
of sections 3313.974 to 3313.979 of the Revised Code by ...B... of 2976
the 129th general assembly. 2977

(J) The superintendent of each cooperative education school 2978
district shall certify to the superintendent of public 2979
instruction, in a manner prescribed by the state board of 2980
education, the applicable average daily memberships for all 2981
students in the cooperative education district, also indicating 2982
the city, local, or exempted village district where each pupil is 2983
entitled to attend school under section 3313.64 or 3313.65 of the 2984
Revised Code. 2985

(K) If the superintendent of public instruction determines 2986
that a component of the average daily membership certified or 2987
reported by a district superintendent, or other reporting entity, 2988
is not correct, the superintendent of public instruction may order 2989
that the formula ADM used for the purposes of payments under any 2990
section of Title XXXVIII of the Revised Code be adjusted in the 2991
amount of the error. 2992

Sec. 3323.052. Not later than sixty days after the effective 2993
date of this section, the department of education shall develop a 2994
document that compares a parent's and child's rights under this 2995
chapter and 20 U.S.C. 1400 et seq. with the parent's and child's 2996
rights under the special education scholarship program, 2997
established in sections 3310.51 to 3310.64 of the Revised Code, 2998
including the deadline for application for a scholarship or 2999
renewal of a scholarship and notice of that application to the 3000

child's school district, prescribed in division (C) of section 3310.52 of the Revised Code, and the provisions of divisions (A) and (B) of section 3310.53 of the Revised Code. The department shall revise that document as necessary to reflect any pertinent changes in state or federal statutory law, rule, or regulation enacted or adopted after the initial document is developed. The department and each school district shall ensure that the document prescribed in this section is included in, appended to, or otherwise distributed in conjunction with the notice required under 20 U.S.C. 1415(d), and any provision of the Code of Federal Regulations implementing that requirement, in the manner and at all the times specified for such notice in federal law or regulation. As used in this section, a "child's school district" means the school district in which the child is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

Sec. 4776.01. As used in this chapter:

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

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

(2) An authorization evidenced by a license or certificate that is issued by a licensing agency described in division (C)(2) of this section pursuant to section 4715.12, 4715.16, 4715.21, or 4715.27 of the Revised Code to a licensee or to an applicant for an initial license by which the licensee or initial license

applicant has or claims the privilege to engage in a profession, 3032
occupation, or occupational activity over which the licensing 3033
agency has jurisdiction. 3034

(B) "Licensee" means the person to whom the license is issued 3035
by a licensing agency. 3036

(C) "Licensing agency" means any of the following: 3037

(1) The board authorized by Chapters 4701., 4717., 4725., 3038
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4755., 4757., 3039
4759., 4760., 4761., 4762., and 4779. of the Revised Code to issue 3040
a license to engage in a specific profession, occupation, or 3041
occupational activity, or to have charge of and operate certain 3042
specified equipment, machinery, or premises. 3043

(2) The state dental board, relative to its authority to 3044
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 3045
4715.27 of the Revised Code. 3046

(D) "Applicant for an initial license" includes persons 3047
seeking a license for the first time and persons seeking a license 3048
by reciprocity, endorsement, or similar manner of a license issued 3049
in another state. 3050

(E) "Applicant for a restored license" includes persons 3051
seeking restoration of a certificate under section 4730.14, 3052
4731.281, 4760.06, or 4762.06 of the Revised Code. 3053

(F) "Criminal records check" has the same meaning as in 3054
division ~~(E)~~(F) of section 109.572 of the Revised Code. 3055

Sec. 5727.84. (A) As used in this section and sections 3056
5727.85, 5727.86, and 5727.87 of the Revised Code: 3057

(1) "School district" means a city, local, or exempted 3058
village school district. 3059

(2) "Joint vocational school district" means a joint 3060

vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

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

(4) "State education aid," for a school district, means the following:

(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (G), (L), and (N) of section 3317.024; and sections 3317.029, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code; and the adjustments required by: division (C) of section 3310.08; division (C)(2) of section 3310.41; division (C) of section 3314.08; division (D)(2) of section 3314.091; division (D) of section 3314.13; divisions (E), (K), (L), (M), and (N) of section 3317.023; division (C) of section 3317.20; and former sections 3313.979 and 3313.981 of the Revised Code. However, when calculating state education aid for a school district for fiscal years 2008 and 2009, include the amount computed for the district under Section 269.20.80 of H.B. 119 of the 127th general assembly, as subsequently amended, instead of division (D) of section 3317.022 of the Revised Code; and include amounts calculated under Section 269.30.80 of this act, as subsequently amended.

(b) For fiscal year 2010 and for each fiscal year thereafter,

the sum of the amounts computed for the district under sections 3093
3306.052, 3306.12, 3306.13, 3306.19, 3306.191, and 3306.192; 3094
division (G) of section 3317.024; sections 3317.05, 3317.052, and 3095
3317.053 of the Revised Code; and the adjustments required by 3096
division (C) of section 3310.08; division (C)(2) of section 3097
3310.41; section 3310.55; division (C) of section 3314.08; 3098
division (D)(2) of section 3314.091; division (D) of section 3099
3314.13; divisions (E), (K), (L), (M), and (N) of section 3100
3317.023; division (C) of section 3317.20; and former sections 3101
3313.979 and 3313.981 of the Revised Code. 3102

(5) "State education aid," for a joint vocational school 3103
district, means the following: 3104

(a) For fiscal years prior to fiscal year 2010, the sum of 3105
the state aid amounts computed for the district under division (N) 3106
of section 3317.024 and section 3317.16 of the Revised Code. 3107
However, when calculating state education aid for a joint 3108
vocational school district for fiscal years 2008 and 2009, include 3109
the amount computed for the district under Section 269.30.90 of 3110
H.B. 119 of the 127th general assembly, as subsequently amended. 3111

(b) For fiscal years 2010 and 2011, the amount computed for 3112
the district in accordance with the section of this act entitled 3113
"FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS". 3114

(6) "State education aid offset" means the amount determined 3115
for each school district or joint vocational school district under 3116
division (A)(1) of section 5727.85 of the Revised Code. 3117

(7) "Recognized valuation" has the same meaning as in section 3118
3317.02 of the Revised Code. 3119

(8) "Electric company tax value loss" means the amount 3120
determined under division (D) of this section. 3121

(9) "Natural gas company tax value loss" means the amount 3122
determined under division (E) of this section. 3123

(10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss.	3124 3125
(11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy.	3126 3127
(12) "Fixed-rate levy loss" means the amount determined under division (G) of this section.	3128 3129
(13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies imposed pursuant to section 5705.194 of the Revised Code.	3130 3131 3132 3133 3134
(14) "Fixed-sum levy loss" means the amount determined under division (H) of this section.	3135 3136
(15) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor.	3137 3138 3139
(B) The kilowatt-hour tax receipts fund is hereby created in the state treasury and shall consist of money arising from the tax imposed by section 5727.81 of the Revised Code. All money in the kilowatt-hour tax receipts fund shall be credited as follows:	3140 3141 3142 3143
(1) Sixty-three per cent shall be credited to the general revenue fund.	3144 3145
(2) Twenty-five and four-tenths per cent shall be credited to the school district property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.85 of the Revised Code.	3146 3147 3148 3149
(3) Eleven and six-tenths per cent shall be credited to the local government property tax replacement fund, which is hereby created in the state treasury for the purpose of making the payments described in section 5727.86 of the Revised Code.	3150 3151 3152 3153

(C) The natural gas tax receipts fund is hereby created in 3154
the state treasury and shall consist of money arising from the tax 3155
imposed by section 5727.811 of the Revised Code. All money in the 3156
fund shall be credited as follows: 3157

(1) Sixty-eight and seven-tenths per cent shall be credited 3158
to the school district property tax replacement fund for the 3159
purpose of making the payments described in section 5727.85 of the 3160
Revised Code. 3161

(2) Thirty-one and three-tenths per cent shall be credited to 3162
the local government property tax replacement fund for the purpose 3163
of making the payments described in section 5727.86 of the Revised 3164
Code. 3165

(D) Not later than January 1, 2002, the tax commissioner 3166
shall determine for each taxing district its electric company tax 3167
value loss, which is the sum of the applicable amounts described 3168
in divisions (D)(1) to (4) of this section: 3169

(1) The difference obtained by subtracting the amount 3170
described in division (D)(1)(b) from the amount described in 3171
division (D)(1)(a) of this section. 3172

(a) The value of electric company and rural electric company 3173
tangible personal property as assessed by the tax commissioner for 3174
tax year 1998 on a preliminary assessment, or an amended 3175
preliminary assessment if issued prior to March 1, 1999, and as 3176
apportioned to the taxing district for tax year 1998; 3177

(b) The value of electric company and rural electric company 3178
tangible personal property as assessed by the tax commissioner for 3179
tax year 1998 had the property been apportioned to the taxing 3180
district for tax year 2001, and assessed at the rates in effect 3181
for tax year 2001. 3182

(2) The difference obtained by subtracting the amount 3183
described in division (D)(2)(b) from the amount described in 3184

division (D)(2)(a) of this section. 3185

(a) The three-year average for tax years 1996, 1997, and 1998 3186
of the assessed value from nuclear fuel materials and assemblies 3187
assessed against a person under Chapter 5711. of the Revised Code 3188
from the leasing of them to an electric company for those 3189
respective tax years, as reflected in the preliminary assessments; 3190

(b) The three-year average assessed value from nuclear fuel 3191
materials and assemblies assessed under division (D)(2)(a) of this 3192
section for tax years 1996, 1997, and 1998, as reflected in the 3193
preliminary assessments, using an assessment rate of twenty-five 3194
per cent. 3195

(3) In the case of a taxing district having a nuclear power 3196
plant within its territory, any amount, resulting in an electric 3197
company tax value loss, obtained by subtracting the amount 3198
described in division (D)(1) of this section from the difference 3199
obtained by subtracting the amount described in division (D)(3)(b) 3200
of this section from the amount described in division (D)(3)(a) of 3201
this section. 3202

(a) The value of electric company tangible personal property 3203
as assessed by the tax commissioner for tax year 2000 on a 3204
preliminary assessment, or an amended preliminary assessment if 3205
issued prior to March 1, 2001, and as apportioned to the taxing 3206
district for tax year 2000; 3207

(b) The value of electric company tangible personal property 3208
as assessed by the tax commissioner for tax year 2001 on a 3209
preliminary assessment, or an amended preliminary assessment if 3210
issued prior to March 1, 2002, and as apportioned to the taxing 3211
district for tax year 2001. 3212

(4) In the case of a taxing district having a nuclear power 3213
plant within its territory, the difference obtained by subtracting 3214
the amount described in division (D)(4)(b) of this section from 3215

the amount described in division (D)(4)(a) of this section, 3216
provided that such difference is greater than ten per cent of the 3217
amount described in division (D)(4)(a) of this section. 3218

(a) The value of electric company tangible personal property 3219
as assessed by the tax commissioner for tax year 2005 on a 3220
preliminary assessment, or an amended preliminary assessment if 3221
issued prior to March 1, 2006, and as apportioned to the taxing 3222
district for tax year 2005; 3223

(b) The value of electric company tangible personal property 3224
as assessed by the tax commissioner for tax year 2006 on a 3225
preliminary assessment, or an amended preliminary assessment if 3226
issued prior to March 1, 2007, and as apportioned to the taxing 3227
district for tax year 2006. 3228

(E) Not later than January 1, 2002, the tax commissioner 3229
shall determine for each taxing district its natural gas company 3230
tax value loss, which is the sum of the amounts described in 3231
divisions (E)(1) and (2) of this section: 3232

(1) The difference obtained by subtracting the amount 3233
described in division (E)(1)(b) from the amount described in 3234
division (E)(1)(a) of this section. 3235

(a) The value of all natural gas company tangible personal 3236
property, other than property described in division (E)(2) of this 3237
section, as assessed by the tax commissioner for tax year 1999 on 3238
a preliminary assessment, or an amended preliminary assessment if 3239
issued prior to March 1, 2000, and apportioned to the taxing 3240
district for tax year 1999; 3241

(b) The value of all natural gas company tangible personal 3242
property, other than property described in division (E)(2) of this 3243
section, as assessed by the tax commissioner for tax year 1999 had 3244
the property been apportioned to the taxing district for tax year 3245
2001, and assessed at the rates in effect for tax year 2001. 3246

(2) The difference in the value of current gas obtained by 3247
subtracting the amount described in division (E)(2)(b) from the 3248
amount described in division (E)(2)(a) of this section. 3249

(a) The three-year average assessed value of current gas as 3250
assessed by the tax commissioner for tax years 1997, 1998, and 3251
1999 on a preliminary assessment, or an amended preliminary 3252
assessment if issued prior to March 1, 2001, and as apportioned in 3253
the taxing district for those respective years; 3254

(b) The three-year average assessed value from current gas 3255
under division (E)(2)(a) of this section for tax years 1997, 1998, 3256
and 1999, as reflected in the preliminary assessment, using an 3257
assessment rate of twenty-five per cent. 3258

(F) The tax commissioner may request that natural gas 3259
companies, electric companies, and rural electric companies file a 3260
report to help determine the tax value loss under divisions (D) 3261
and (E) of this section. The report shall be filed within thirty 3262
days of the commissioner's request. A company that fails to file 3263
the report or does not timely file the report is subject to the 3264
penalty in section 5727.60 of the Revised Code. 3265

(G) Not later than January 1, 2002, the tax commissioner 3266
shall determine for each school district, joint vocational school 3267
district, and local taxing unit its fixed-rate levy loss, which is 3268
the sum of its electric company tax value loss multiplied by the 3269
tax rate in effect in tax year 1998 for fixed-rate levies and its 3270
natural gas company tax value loss multiplied by the tax rate in 3271
effect in tax year 1999 for fixed-rate levies. 3272

(H) Not later than January 1, 2002, the tax commissioner 3273
shall determine for each school district, joint vocational school 3274
district, and local taxing unit its fixed-sum levy loss, which is 3275
the amount obtained by subtracting the amount described in 3276
division (H)(2) of this section from the amount described in 3277

division (H)(1) of this section: 3278

(1) The sum of the electric company tax value loss multiplied 3279
by the tax rate in effect in tax year 1998, and the natural gas 3280
company tax value loss multiplied by the tax rate in effect in tax 3281
year 1999, for fixed-sum levies for all taxing districts within 3282
each school district, joint vocational school district, and local 3283
taxing unit. For the years 2002 through 2006, this computation 3284
shall include school district emergency levies that existed in 3285
1998 in the case of the electric company tax value loss, and 1999 3286
in the case of the natural gas company tax value loss, and all 3287
other fixed-sum levies that existed in 1998 in the case of the 3288
electric company tax value loss and 1999 in the case of the 3289
natural gas company tax value loss and continue to be charged in 3290
the tax year preceding the distribution year. For the years 2007 3291
through 2016 in the case of school district emergency levies, and 3292
for all years after 2006 in the case of all other fixed-sum 3293
levies, this computation shall exclude all fixed-sum levies that 3294
existed in 1998 in the case of the electric company tax value loss 3295
and 1999 in the case of the natural gas company tax value loss, 3296
but are no longer in effect in the tax year preceding the 3297
distribution year. For the purposes of this section, an emergency 3298
levy that existed in 1998 in the case of the electric company tax 3299
value loss, and 1999 in the case of the natural gas company tax 3300
value loss, continues to exist in a year beginning on or after 3301
January 1, 2007, but before January 1, 2017, if, in that year, the 3302
board of education levies a school district emergency levy for an 3303
annual sum at least equal to the annual sum levied by the board in 3304
tax year 1998 or 1999, respectively, less the amount of the 3305
payment certified under this division for 2002. 3306

(2) The total taxable value in tax year 1999 less the tax 3307
value loss in each school district, joint vocational school 3308
district, and local taxing unit multiplied by one-fourth of one 3309

mill. 3310

If the amount computed under division (H) of this section for 3311
any school district, joint vocational school district, or local 3312
taxing unit is greater than zero, that amount shall equal the 3313
fixed-sum levy loss reimbursed pursuant to division (E) of section 3314
5727.85 of the Revised Code or division (A)(2) of section 5727.86 3315
of the Revised Code, and the one-fourth of one mill that is 3316
subtracted under division (H)(2) of this section shall be 3317
apportioned among all contributing fixed-sum levies in the 3318
proportion of each levy to the sum of all fixed-sum levies within 3319
each school district, joint vocational school district, or local 3320
taxing unit. 3321

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 3322
section, in computing the tax value loss, fixed-rate levy loss, 3323
and fixed-sum levy loss, the tax commissioner shall use the 3324
greater of the 1998 tax rate or the 1999 tax rate in the case of 3325
levy losses associated with the electric company tax value loss, 3326
but the 1999 tax rate shall not include for this purpose any tax 3327
levy approved by the voters after June 30, 1999, and the tax 3328
commissioner shall use the greater of the 1999 or the 2000 tax 3329
rate in the case of levy losses associated with the natural gas 3330
company tax value loss. 3331

(J) Not later than January 1, 2002, the tax commissioner 3332
shall certify to the department of education the tax value loss 3333
determined under divisions (D) and (E) of this section for each 3334
taxing district, the fixed-rate levy loss calculated under 3335
division (G) of this section, and the fixed-sum levy loss 3336
calculated under division (H) of this section. The calculations 3337
under divisions (G) and (H) of this section shall separately 3338
display the levy loss for each levy eligible for reimbursement. 3339

(K) Not later than September 1, 2001, the tax commissioner 3340
shall certify the amount of the fixed-sum levy loss to the county 3341

auditor of each county in which a school district with a fixed-sum 3342
levy loss has territory. 3343

Section 2. That existing sections 109.57, 109.572, 3301.0714, 3344
3310.01, 3310.04, 3310.06, 3310.07, 3310.11, 3310.12, 3310.14, 3345
3310.15, 3310.17, 3317.03, 4776.01, and 5727.84 and sections 3346
3310.02, 3310.03, 3310.05, 3310.08, 3310.09, 3310.10, 3310.13, 3347
3313.974, 3313.975, 3313.976, 3313.977, 3313.978, 3313.979, and 3348
3314.111 of the Revised Code are hereby repealed. 3349

Section 3. The State Board of Education shall initiate 3350
rulemaking procedures for the rules for the Special Education 3351
Scholarship Program, required under section 3310.64 of the Revised 3352
Code, as enacted by this act, so that those rules are in effect 3353
not later than one hundred twenty days after the effective date of 3354
this section. 3355

Section 4. The Department of Education shall conduct a 3356
formative evaluation of the Special Education Scholarship Program 3357
established under sections 3310.51 to 3310.64 of the Revised Code, 3358
using both quantitative and qualitative analyses, and shall report 3359
its findings to the General Assembly, in accordance with section 3360
101.68 of the Revised Code, not later than December 31, 2014. 3361

The study shall include an assessment of: 3362

(A) The level of the participating student's satisfaction 3363
with the program; 3364

(B) The level of the participating parent's satisfaction with 3365
the program; 3366

(C) The fiscal impact to the state and resident school 3367
districts affected by the program. 3368

In conducting the evaluation, the Department shall to the 3369
extent possible gather comments from parents who have been awarded 3370

scholarships under the program, school district officials, 3371
representatives of registered private providers, educators, and 3372
representatives of educational organizations for inclusion in the 3373
report required under this section. 3374

The Department may contract with one or more qualified 3375
researchers who have previous experience evaluating school choice 3376
programs to conduct this study. The Department may accept grants 3377
to assist in funding this study. 3378

Section 5. This act shall be known as the "Parental Choice 3379
and Taxpayer Savings Scholarship Act." 3380

Section 6. Section 3317.03 of the Revised Code is presented 3381
in this act as a composite of the section as amended by both Am. 3382
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. The 3383
General Assembly, applying the principle stated in division (B) of 3384
section 1.52 of the Revised Code that amendments are to be 3385
harmonized if reasonably capable of simultaneous operation, finds 3386
that the composite is the resulting version of the section in 3387
effect prior to the effective date of the section as presented in 3388
this act. 3389