

As Reported by the House Education Committee

129th General Assembly

Regular Session

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Sub. 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, Bulp,
Hollington, Boose, Hottinger, Burke**

—

A B I L L

To amend sections 109.57, 109.572, 3301.0714, 1
3310.02, 3310.03, 3310.06, 3310.51, 3317.03, and 2
5727.84, to enact sections 3310.21 to 3310.35, 3
3310.37, and 3310.38, and to repeal section 4
3310.05 of the Revised Code to revise the 5
Educational Choice Scholarship Pilot Program and 6
to establish the Parental Choice and Taxpayer 7
Savings Scholarship Program. 8

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

Section 1. That sections 109.57, 109.572, 3301.0714, 3310.02, 9
3310.03, 3310.06, 3310.51, 3317.03, and 5727.84 be amended and 10
sections 3310.21, 3310.22, 3310.23, 3310.24, 3310.25, 3310.26, 11
3310.27, 3310.28, 3310.29, 3310.30, 3310.31, 3310.32, 3310.33, 12
3310.34, 3310.35, 3310.37, and 3310.38 of the Revised Code be 13
enacted to read as follows: 14

Sec. 109.57. (A)(1) The superintendent of the bureau of 15
criminal identification and investigation shall procure from 16
wherever procurable and file for record photographs, pictures, 17
descriptions, fingerprints, measurements, and other information 18
that may be pertinent of all persons who have been convicted of 19
committing within this state a felony, any crime constituting a 20
misdemeanor on the first offense and a felony on subsequent 21
offenses, or any misdemeanor described in division (A)(1)(a), 22
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 23
of all children under eighteen years of age who have been 24
adjudicated delinquent children for committing within this state 25
an act that would be a felony or an offense of violence if 26
committed by an adult or who have been convicted of or pleaded 27
guilty to committing within this state a felony or an offense of 28
violence, and of all well-known and habitual criminals. The person 29
in charge of any county, multicounty, municipal, municipal-county, 30
or multicounty-municipal jail or workhouse, community-based 31
correctional facility, halfway house, alternative residential 32
facility, or state correctional institution and the person in 33
charge of any state institution having custody of a person 34
suspected of having committed a felony, any crime constituting a 35
misdemeanor on the first offense and a felony on subsequent 36
offenses, or any misdemeanor described in division (A)(1)(a), 37
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 38
having custody of a child under eighteen years of age with respect 39
to whom there is probable cause to believe that the child may have 40
committed an act that would be a felony or an offense of violence 41
if committed by an adult shall furnish such material to the 42
superintendent of the bureau. Fingerprints, photographs, or other 43
descriptive information of a child who is under eighteen years of 44
age, has not been arrested or otherwise taken into custody for 45
committing an act that would be a felony or an offense of violence 46

who is not in any other category of child specified in this 47
division, if committed by an adult, has not been adjudicated a 48
delinquent child for committing an act that would be a felony or 49
an offense of violence if committed by an adult, has not been 50
convicted of or pleaded guilty to committing a felony or an 51
offense of violence, and is not a child with respect to whom there 52
is probable cause to believe that the child may have committed an 53
act that would be a felony or an offense of violence if committed 54
by an adult shall not be procured by the superintendent or 55
furnished by any person in charge of any county, multicounty, 56
municipal, municipal-county, or multicounty-municipal jail or 57
workhouse, community-based correctional facility, halfway house, 58
alternative residential facility, or state correctional 59
institution, except as authorized in section 2151.313 of the 60
Revised Code. 61

(2) Every clerk of a court of record in this state, other 62
than the supreme court or a court of appeals, shall send to the 63
superintendent of the bureau a weekly report containing a summary 64
of each case involving a felony, involving any crime constituting 65
a misdemeanor on the first offense and a felony on subsequent 66
offenses, involving a misdemeanor described in division (A)(1)(a), 67
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 68
or involving an adjudication in a case in which a child under 69
eighteen years of age was alleged to be a delinquent child for 70
committing an act that would be a felony or an offense of violence 71
if committed by an adult. The clerk of the court of common pleas 72
shall include in the report and summary the clerk sends under this 73
division all information described in divisions (A)(2)(a) to (f) 74
of this section regarding a case before the court of appeals that 75
is served by that clerk. The summary shall be written on the 76
standard forms furnished by the superintendent pursuant to 77
division (B) of this section and shall include the following 78
information: 79

(a) The incident tracking number contained on the standard forms furnished by the superintendent pursuant to division (B) of this section;	80 81 82
(b) The style and number of the case;	83
(c) The date of arrest, offense, summons, or arraignment;	84
(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;	85 86 87 88 89 90 91 92 93 94 95 96
(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;	97 98
(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.	99 100 101 102
If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.	103 104 105 106 107
(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification	108 109 110

and in obtaining fingerprints and other means of identification of 111
all persons arrested on a charge of a felony, any crime 112
constituting a misdemeanor on the first offense and a felony on 113
subsequent offenses, or a misdemeanor described in division 114
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 115
Revised Code and of all children under eighteen years of age 116
arrested or otherwise taken into custody for committing an act 117
that would be a felony or an offense of violence if committed by 118
an adult. The superintendent also shall file for record the 119
fingerprint impressions of all persons confined in a county, 120
multicounty, municipal, municipal-county, or multicounty-municipal 121
jail or workhouse, community-based correctional facility, halfway 122
house, alternative residential facility, or state correctional 123
institution for the violation of state laws and of all children 124
under eighteen years of age who are confined in a county, 125
multicounty, municipal, municipal-county, or multicounty-municipal 126
jail or workhouse, community-based correctional facility, halfway 127
house, alternative residential facility, or state correctional 128
institution or in any facility for delinquent children for 129
committing an act that would be a felony or an offense of violence 130
if committed by an adult, and any other information that the 131
superintendent may receive from law enforcement officials of the 132
state and its political subdivisions. 133

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

(5) The bureau shall perform centralized recordkeeping 139
functions for criminal history records and services in this state 140
for purposes of the national crime prevention and privacy compact 141
set forth in section 109.571 of the Revised Code and is the 142

criminal history record repository as defined in that section for 143
purposes of that compact. The superintendent or the 144
superintendent's designee is the compact officer for purposes of 145
that compact and shall carry out the responsibilities of the 146
compact officer specified in that compact. 147

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

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

that are gathered pursuant to those sections. 175

(2) The superintendent or the superintendent's designee shall 176
gather information of the nature described in division (C)(1) of 177
this section that pertains to the offense and delinquency history 178
of a person who has been convicted of, pleaded guilty to, or been 179
adjudicated a delinquent child for committing a sexually oriented 180
offense or a child-victim oriented offense for inclusion in the 181
state registry of sex offenders and child-victim offenders 182
maintained pursuant to division (A)(1) of section 2950.13 of the 183
Revised Code and in the internet database operated pursuant to 184
division (A)(13) of that section and for possible inclusion in the 185
internet database operated pursuant to division (A)(11) of that 186
section. 187

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

(4) The attorney general may adopt rules under Chapter 119. 194
of the Revised Code establishing guidelines for the operation of 195
and participation in the Ohio law enforcement gateway. The rules 196
may include criteria for granting and restricting access to 197
information gathered and disseminated through the Ohio law 198
enforcement gateway. The attorney general shall permit the state 199
medical board and board of nursing to access and view, but not 200
alter, information gathered and disseminated through the Ohio law 201
enforcement gateway. 202

The attorney general may appoint a steering committee to 203
advise the attorney general in the operation of the Ohio law 204
enforcement gateway that is comprised of persons who are 205
representatives of the criminal justice agencies in this state 206

that use the Ohio law enforcement gateway and is chaired by the superintendent or the superintendent's designee. 207
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(D)(1) The following are not public records under section 209
149.43 of the Revised Code: 210

(a) Information and materials furnished to the superintendent pursuant to division (A) of this section; 211
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(b) Information, data, and statistics gathered or disseminated through the Ohio law enforcement gateway pursuant to division (C)(1) of this section; 213
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(c) Information and materials furnished to any board or person under division (F) or (G) of this section. 216
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(2) The superintendent or the superintendent's designee shall gather and retain information so furnished under division (A) of this section that pertains to the offense and delinquency history of a person who has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense for the purposes described in division (C)(2) of this section. 218
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(E) The attorney general shall adopt rules, in accordance with Chapter 119. of the Revised Code, setting forth the procedure by which a person may receive or release information gathered by the superintendent pursuant to division (A) of this section. A reasonable fee may be charged for this service. If a temporary employment service submits a request for a determination of whether a person the service plans to refer to an employment position has been convicted of or pleaded guilty to an offense listed in division (A)(1), (3), (4), (5), or (6) of section 109.572 of the Revised Code, the request shall be treated as a single request and only one fee shall be charged. 225
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(F)(1) As used in division (F)(2) of this section, "head start agency" means an entity in this state that has been approved 236
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to be an agency for purposes of subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, as amended.

(2)(a) In addition to or in conjunction with any request that is required to be made under section 109.572, 2151.86, 3301.32, 3301.541, division (C) of section 3310.58, or section 3319.39, 3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code or that is made under section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the board of education of any school district; the director of developmental disabilities; any county board of developmental disabilities; any entity under contract with a county board of developmental disabilities; the chief administrator of any chartered or approved nonpublic school; the chief administrator of a registered private provider that is not also a chartered nonpublic school; the chief administrator of any home health agency; the chief administrator of or person operating any child day-care center, type A family day-care home, or type B family day-care home licensed or certified under Chapter 5104. of the Revised Code; the administrator of any type C family day-care home certified pursuant to Section 1 of Sub. H.B. 62 of the 121st general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st general assembly; the chief administrator of any head start agency; the executive director of a public children services agency; a private company described in section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer described in division (J)(2) of section 3327.10 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied for employment in any position after October 2, 1989, or any individual wishing to apply for employment with a board of education may request, with regard to the individual, whether the bureau has any information gathered under division (A) of this

section that pertains to that individual. On receipt of the 271
request, the superintendent shall determine whether that 272
information exists and, upon request of the person, board, or 273
entity requesting information, also shall request from the federal 274
bureau of investigation any criminal records it has pertaining to 275
that individual. The superintendent or the superintendent's 276
designee also may request criminal history records from other 277
states or the federal government pursuant to the national crime 278
prevention and privacy compact set forth in section 109.571 of the 279
Revised Code. Within thirty days of the date that the 280
superintendent receives a request, the superintendent shall send 281
to the board, entity, or person a report of any information that 282
the superintendent determines exists, including information 283
contained in records that have been sealed under section 2953.32 284
of the Revised Code, and, within thirty days of its receipt, shall 285
send the board, entity, or person a report of any information 286
received from the federal bureau of investigation, other than 287
information the dissemination of which is prohibited by federal 288
law. 289

(b) When a board of education or a registered private 290
provider is required to receive information under this section as 291
a prerequisite to employment of an individual pursuant to division 292
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 293
may accept a certified copy of records that were issued by the 294
bureau of criminal identification and investigation and that are 295
presented by an individual applying for employment with the 296
district in lieu of requesting that information itself. In such a 297
case, the board or provider shall accept the certified copy issued 298
by the bureau in order to make a photocopy of it for that 299
individual's employment application documents and shall return the 300
certified copy to the individual. In a case of that nature, a 301
district or provider only shall accept a certified copy of records 302
of that nature within one year after the date of their issuance by 303

the bureau. 304

(c) Notwithstanding division (F)(2)(a) of this section, in 305
the case of a request under section 3319.39, 3319.391, or 3327.10 306
of the Revised Code only for criminal records maintained by the 307
federal bureau of investigation, the superintendent shall not 308
determine whether any information gathered under division (A) of 309
this section exists on the person for whom the request is made. 310

(3) The state board of education may request, with respect to 311
any individual who has applied for employment after October 2, 312
1989, in any position with the state board or the department of 313
education, any information that a school district board of 314
education is authorized to request under division (F)(2) of this 315
section, and the superintendent of the bureau shall proceed as if 316
the request has been received from a school district board of 317
education under division (F)(2) of this section. 318

(4) When the superintendent of the bureau receives a request 319
for information under section 3319.291 of the Revised Code, the 320
superintendent shall proceed as if the request has been received 321
from a school district board of education and shall comply with 322
divisions (F)(2)(a) and (c) of this section. 323

(5) When a recipient of a classroom reading improvement grant 324
paid under section 3301.86 of the Revised Code requests, with 325
respect to any individual who applies to participate in providing 326
any program or service funded in whole or in part by the grant, 327
the information that a school district board of education is 328
authorized to request under division (F)(2)(a) of this section, 329
the superintendent of the bureau shall proceed as if the request 330
has been received from a school district board of education under 331
division (F)(2)(a) of this section. 332

(G) In addition to or in conjunction with any request that is 333
required to be made under section 3701.881, 3712.09, 3721.121, 334

5119.693, or 5119.85 of the Revised Code with respect to an 335
individual who has applied for employment in a position that 336
involves providing direct care to an older adult or adult 337
resident, the chief administrator of a home health agency, hospice 338
care program, home licensed under Chapter 3721. of the Revised 339
Code, adult day-care program operated pursuant to rules adopted 340
under section 3721.04 of the Revised Code, adult foster home, or 341
adult care facility may request that the superintendent of the 342
bureau investigate and determine, with respect to any individual 343
who has applied after January 27, 1997, for employment in a 344
position that does not involve providing direct care to an older 345
adult or adult resident, whether the bureau has any information 346
gathered under division (A) of this section that pertains to that 347
individual. 348

In addition to or in conjunction with any request that is 349
required to be made under section 173.27 of the Revised Code with 350
respect to an individual who has applied for employment in a 351
position that involves providing ombudsperson services to 352
residents of long-term care facilities or recipients of 353
community-based long-term care services, the state long-term care 354
ombudsperson, ombudsperson's designee, or director of health may 355
request that the superintendent investigate and determine, with 356
respect to any individual who has applied for employment in a 357
position that does not involve providing such ombudsperson 358
services, whether the bureau has any information gathered under 359
division (A) of this section that pertains to that applicant. 360

In addition to or in conjunction with any request that is 361
required to be made under section 173.394 of the Revised Code with 362
respect to an individual who has applied for employment in a 363
position that involves providing direct care to an individual, the 364
chief administrator of a community-based long-term care agency may 365
request that the superintendent investigate and determine, with 366

respect to any individual who has applied for employment in a 367
position that does not involve providing direct care, whether the 368
bureau has any information gathered under division (A) of this 369
section that pertains to that applicant. 370

On receipt of a request under this division, the 371
superintendent shall determine whether that information exists 372
and, on request of the individual requesting information, shall 373
also request from the federal bureau of investigation any criminal 374
records it has pertaining to the applicant. The superintendent or 375
the superintendent's designee also may request criminal history 376
records from other states or the federal government pursuant to 377
the national crime prevention and privacy compact set forth in 378
section 109.571 of the Revised Code. Within thirty days of the 379
date a request is received, the superintendent shall send to the 380
requester a report of any information determined to exist, 381
including information contained in records that have been sealed 382
under section 2953.32 of the Revised Code, and, within thirty days 383
of its receipt, shall send the requester a report of any 384
information received from the federal bureau of investigation, 385
other than information the dissemination of which is prohibited by 386
federal law. 387

(H) Information obtained by a government entity or person 388
under this section is confidential and shall not be released or 389
disseminated. 390

(I) The superintendent may charge a reasonable fee for 391
providing information or criminal records under division (F)(2) or 392
(G) of this section. 393

(J) As used in this section: 394

(1) "Sexually oriented offense" and "child-victim oriented 395
offense" have the same meanings as in section 2950.01 of the 396
Revised Code. 397

(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 Jon Peterson special needs scholarship
program.

(3) "Approved nonpublic school" has the same meaning as in
section 3310.29 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
the Revised Code that would have been a violation of section

2905.04 of the Revised Code as it existed prior to July 1, 1996, 429
had the violation been committed prior to that date, or a 430
violation of section 2925.11 of the Revised Code that is not a 431
minor drug possession offense; 432

(b) A violation of an existing or former law of this state, 433
any other state, or the United States that is substantially 434
equivalent to any of the offenses listed in division (A)(1)(a) of 435
this section. 436

(2) On receipt of a request pursuant to section 5123.081 of 437
the Revised Code with respect to an applicant for employment in 438
any position with the department of developmental disabilities, 439
pursuant to section 5126.28 of the Revised Code with respect to an 440
applicant for employment in any position with a county board of 441
developmental disabilities, or pursuant to section 5126.281 of the 442
Revised Code with respect to an applicant for employment in a 443
direct services position with an entity contracting with a county 444
board for employment, a completed form prescribed pursuant to 445
division (C)(1) of this section, and a set of fingerprint 446
impressions obtained in the manner described in division (C)(2) of 447
this section, the superintendent of the bureau of criminal 448
identification and investigation shall conduct a criminal records 449
check. The superintendent shall conduct the criminal records check 450
in the manner described in division (B) of this section to 451
determine whether any information exists that indicates that the 452
person who is the subject of the request has been convicted of or 453
pleaded guilty to any of the following: 454

(a) A violation of section 2903.01, 2903.02, 2903.03, 455
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 456
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 457
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 458
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 459
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 460

2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 461
2925.03, or 3716.11 of the Revised Code; 462

(b) An existing or former municipal ordinance or law of this 463
state, any other state, or the United States that is substantially 464
equivalent to any of the offenses listed in division (A)(2)(a) of 465
this section. 466

(3) On receipt of a request pursuant to section 173.27, 467
173.394, 3712.09, 3721.121, 5119.693, or 5119.85 of the Revised 468
Code, a completed form prescribed pursuant to division (C)(1) of 469
this section, and a set of fingerprint impressions obtained in the 470
manner described in division (C)(2) of this section, the 471
superintendent of the bureau of criminal identification and 472
investigation shall conduct a criminal records check with respect 473
to any person who has applied for employment in a position for 474
which a criminal records check is required by those sections. The 475
superintendent shall conduct the criminal records check in the 476
manner described in division (B) of this section to determine 477
whether any information exists that indicates that the person who 478
is the subject of the request previously has been convicted of or 479
pleaded guilty to any of the following: 480

(a) A violation of section 2903.01, 2903.02, 2903.03, 481
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 482
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 483
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 484
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 485
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 486
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 487
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 488
2925.22, 2925.23, or 3716.11 of the Revised Code; 489

(b) An existing or former law of this state, any other state, 490
or the United States that is substantially equivalent to any of 491
the offenses listed in division (A)(3)(a) of this section. 492

(4) On receipt of a request pursuant to section 3701.881 of the Revised Code with respect to an applicant for employment with a home health agency as a person responsible for the care, custody, or control of a child, 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. 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) 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, 2905.04, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 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 or a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense;

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

(5) On receipt of a request pursuant to section 5111.032, 5111.033, or 5111.034 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 525
criminal records check. The superintendent shall conduct the 526
criminal records check in the manner described in division (B) of 527
this section to determine whether any information exists that 528
indicates that the person who is the subject of the request 529
previously has been convicted of, has pleaded guilty to, or has 530
been found eligible for intervention in lieu of conviction for any 531
of the following, regardless of the date of the conviction, the 532
date of entry of the guilty plea, or the date the person was found 533
eligible for intervention in lieu of conviction: 534

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 535
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 536
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 537
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 538
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 539
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 540
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 541
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 542
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 543
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 544
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 545
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 546
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 547
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 548
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 549
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 550
penetration in violation of former section 2907.12 of the Revised 551
Code, a violation of section 2905.04 of the Revised Code as it 552
existed prior to July 1, 1996, a violation of section 2919.23 of 553
the Revised Code that would have been a violation of section 554
2905.04 of the Revised Code as it existed prior to July 1, 1996, 555
had the violation been committed prior to that date; 556

(b) A violation of an existing or former municipal ordinance 557
or law of this state, any other state, or the United States that 558
is substantially equivalent to any of the offenses listed in 559
division (A)(5)(a) of this section. 560

(6) On receipt of a request pursuant to section 3701.881 of 561
the Revised Code with respect to an applicant for employment with 562
a home health agency in a position that involves providing direct 563
care to an older adult, a completed form prescribed pursuant to 564
division (C)(1) of this section, and a set of fingerprint 565
impressions obtained in the manner described in division (C)(2) of 566
this section, the superintendent of the bureau of criminal 567
identification and investigation shall conduct a criminal records 568
check. The superintendent shall conduct the criminal records check 569
in the manner described in division (B) of this section to 570
determine whether any information exists that indicates that the 571
person who is the subject of the request previously has been 572
convicted of or pleaded guilty to any of the following: 573

(a) A violation of section 2903.01, 2903.02, 2903.03, 574
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 575
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 576
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 577
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 578
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 579
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 580
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 581
2925.22, 2925.23, or 3716.11 of the Revised Code; 582

(b) An existing or former law of this state, any other state, 583
or the United States that is substantially equivalent to any of 584
the offenses listed in division (A)(6)(a) of this section. 585

(7) When conducting a criminal records check upon a request 586
pursuant to section 3319.39 of the Revised Code for an applicant 587
who is a teacher, in addition to the determination made under 588

division (A)(1) of this section, the superintendent shall 589
determine whether any information exists that indicates that the 590
person who is the subject of the request previously has been 591
convicted of or pleaded guilty to any offense specified in section 592
3319.31 of the Revised Code. 593

(8) On receipt of a request pursuant to section 2151.86 of 594
the Revised Code, a completed form prescribed pursuant to division 595
(C)(1) of this section, and a set of fingerprint impressions 596
obtained in the manner described in division (C)(2) of this 597
section, the superintendent of the bureau of criminal 598
identification and investigation shall conduct a criminal records 599
check in the manner described in division (B) of this section to 600
determine whether any information exists that indicates that the 601
person who is the subject of the request previously has been 602
convicted of or pleaded guilty to any of the following: 603

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 604
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 605
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 606
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 607
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 608
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 609
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 610
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 611
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 612
of the Revised Code, a violation of section 2905.04 of the Revised 613
Code as it existed prior to July 1, 1996, a violation of section 614
2919.23 of the Revised Code that would have been a violation of 615
section 2905.04 of the Revised Code as it existed prior to July 1, 616
1996, had the violation been committed prior to that date, a 617
violation of section 2925.11 of the Revised Code that is not a 618
minor drug possession offense, two or more OVI or OVUAC violations 619
committed within the three years immediately preceding the 620

submission of the application or petition that is the basis of the 621
request, or felonious sexual penetration in violation of former 622
section 2907.12 of the Revised Code; 623

(b) A violation of an existing or former law of this state, 624
any other state, or the United States that is substantially 625
equivalent to any of the offenses listed in division (A)(8)(a) of 626
this section. 627

(9) Upon receipt of a request pursuant to section 5104.012 or 628
5104.013 of the Revised Code, a completed form prescribed pursuant 629
to division (C)(1) of this section, and a set of fingerprint 630
impressions obtained in the manner described in division (C)(2) of 631
this section, the superintendent of the bureau of criminal 632
identification and investigation shall conduct a criminal records 633
check in the manner described in division (B) of this section to 634
determine whether any information exists that indicates that the 635
person who is the subject of the request has been convicted of or 636
pleaded guilty to any of the following: 637

(a) A violation of section 2903.01, 2903.02, 2903.03, 638
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 639
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 640
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 641
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 642
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 643
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 644
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 645
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 646
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 647
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 648
3716.11 of the Revised Code, felonious sexual penetration in 649
violation of former section 2907.12 of the Revised Code, a 650
violation of section 2905.04 of the Revised Code as it existed 651
prior to July 1, 1996, a violation of section 2919.23 of the 652

Revised Code that would have been a violation of section 2905.04 653
of the Revised Code as it existed prior to July 1, 1996, had the 654
violation been committed prior to that date, a violation of 655
section 2925.11 of the Revised Code that is not a minor drug 656
possession offense, a violation of section 2923.02 or 2923.03 of 657
the Revised Code that relates to a crime specified in this 658
division, or a second violation of section 4511.19 of the Revised 659
Code within five years of the date of application for licensure or 660
certification. 661

(b) A violation of an existing or former law of this state, 662
any other state, or the United States that is substantially 663
equivalent to any of the offenses or violations described in 664
division (A)(9)(a) of this section. 665

(10) Upon receipt of a request pursuant to section 5153.111 666
of the Revised Code, a completed form prescribed pursuant to 667
division (C)(1) of this section, and a set of fingerprint 668
impressions obtained in the manner described in division (C)(2) of 669
this section, the superintendent of the bureau of criminal 670
identification and investigation shall conduct a criminal records 671
check in the manner described in division (B) of this section to 672
determine whether any information exists that indicates that the 673
person who is the subject of the request previously has been 674
convicted of or pleaded guilty to any of the following: 675

(a) A violation of section 2903.01, 2903.02, 2903.03, 676
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 677
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 678
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 679
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 680
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 681
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 682
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 683
felonious sexual penetration in violation of former section 684

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

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

(11) On receipt of a request for a criminal records check from an individual pursuant to section 4749.03 or 4749.06 of the Revised Code, accompanied by a completed copy of the form prescribed in division (C)(1) of this section and a set of fingerprint impressions obtained in a 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 indicating that the person who is the subject of the request has been convicted of or pleaded guilty to a felony in this state or in any other state. If the individual indicates that a firearm will be carried in the course of business, the superintendent shall require information from the federal bureau of investigation as described in division (B)(2) of this section. The superintendent shall report the findings of the criminal records check and any information the federal bureau of investigation provides to the director of public safety.

(12) On receipt of a request pursuant to section 1321.37, 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 717
manner described in division (C)(2) of this section, the 718
superintendent of the bureau of criminal identification and 719
investigation shall conduct a criminal records check with respect 720
to any person who has applied for a license, permit, or 721
certification from the department of commerce or a division in the 722
department. The superintendent shall conduct the criminal records 723
check in the manner described in division (B) of this section to 724
determine whether any information exists that indicates that the 725
person who is the subject of the request previously has been 726
convicted of or pleaded guilty to any of the following: a 727
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 728
2925.03 of the Revised Code; any other criminal offense involving 729
theft, receiving stolen property, embezzlement, forgery, fraud, 730
passing bad checks, money laundering, or drug trafficking, or any 731
criminal offense involving money or securities, as set forth in 732
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 733
the Revised Code; or any existing or former law of this state, any 734
other state, or the United States that is substantially equivalent 735
to those offenses. 736

(13) On receipt of a request for a criminal records check 737
from the treasurer of state under section 113.041 of the Revised 738
Code or from an individual under section 4701.08, 4715.101, 739
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 740
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 741
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 742
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 743
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 744
a completed form prescribed under division (C)(1) of this section 745
and a set of fingerprint impressions obtained in the manner 746
described in division (C)(2) of this section, the superintendent 747
of the bureau of criminal identification and investigation shall 748
conduct a criminal records check in the manner described in 749

division (B) of this section to determine whether any information 750
exists that indicates that the person who is the subject of the 751
request has been convicted of or pleaded guilty to any criminal 752
offense in this state or any other state. The superintendent shall 753
send the results of a check requested under section 113.041 of the 754
Revised Code to the treasurer of state and shall send the results 755
of a check requested under any of the other listed sections to the 756
licensing board specified by the individual in the request. 757

(14) On receipt of a request pursuant to section 1121.23, 758
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 759
Code, a completed form prescribed pursuant to division (C)(1) of 760
this section, and a set of fingerprint impressions obtained in the 761
manner described in division (C)(2) of this section, the 762
superintendent of the bureau of criminal identification and 763
investigation shall conduct a criminal records check in the manner 764
described in division (B) of this section to determine whether any 765
information exists that indicates that the person who is the 766
subject of the request previously has been convicted of or pleaded 767
guilty to any criminal offense under any existing or former law of 768
this state, any other state, or the United States. 769

(15) On receipt of a request for a criminal records check 770
from an appointing or licensing authority under section 3772.07 of 771
the Revised Code, a completed form prescribed under division 772
(C)(1) of this section, and a set of fingerprint impressions 773
obtained in the manner prescribed in division (C)(2) of this 774
section, the superintendent of the bureau of criminal 775
identification and investigation shall conduct a criminal records 776
check in the manner described in division (B) of this section to 777
determine whether any information exists that indicates that the 778
person who is the subject of the request previously has been 779
convicted of or pleaded guilty or no contest to any offense under 780
any existing or former law of this state, any other state, or the 781

United States that is a disqualifying offense as defined in 782
section 3772.07 of the Revised Code or substantially equivalent to 783
such an offense. 784

(16) Not later than thirty days after the date the 785
superintendent receives a request of a type described in division 786
(A)(1), (2), (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), 787
(14), or (15) of this section, the completed form, and the 788
fingerprint impressions, the superintendent shall send the person, 789
board, or entity that made the request any information, other than 790
information the dissemination of which is prohibited by federal 791
law, the superintendent determines exists with respect to the 792
person who is the subject of the request that indicates that the 793
person previously has been convicted of or pleaded guilty to any 794
offense listed or described in division (A)(1), (2), (3), (4), 795
(5), (6), (7), (8), (9), (10), (11), (12), (14), or (15) of this 796
section, as appropriate. The superintendent shall send the person, 797
board, or entity that made the request a copy of the list of 798
offenses specified in division (A)(1), (2), (3), (4), (5), (6), 799
(7), (8), (9), (10), (11), (12), (14), or (15) of this section, as 800
appropriate. If the request was made under section 3701.881 of the 801
Revised Code with regard to an applicant who may be both 802
responsible for the care, custody, or control of a child and 803
involved in providing direct care to an older adult, the 804
superintendent shall provide a list of the offenses specified in 805
divisions (A)(4) and (6) of this section. 806

Not later than thirty days after the superintendent receives 807
a request for a criminal records check pursuant to section 113.041 808
of the Revised Code, the completed form, and the fingerprint 809
impressions, the superintendent shall send the treasurer of state 810
any information, other than information the dissemination of which 811
is prohibited by federal law, the superintendent determines exist 812
with respect to the person who is the subject of the request that 813

indicates that the person previously has been convicted of or 814
pleaded guilty to any criminal offense in this state or any other 815
state. 816

(B) The superintendent shall conduct any criminal records 817
check requested under section 113.041, 121.08, 173.27, 173.394, 818
1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 1322.03, 819
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 820
3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 4717.061, 821
4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 822
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 823
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 824
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 825
4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 5104.013, 826
5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 5123.081, 827
5126.28, 5126.281, or 5153.111 of the Revised Code as follows: 828

(1) The superintendent shall review or cause to be reviewed 829
any relevant information gathered and compiled by the bureau under 830
division (A) of section 109.57 of the Revised Code that relates to 831
the person who is the subject of the request, including, if the 832
criminal records check was requested under section 113.041, 833
121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 834
1321.37, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 835
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 836
3772.07, 4749.03, 4749.06, 4763.05, 5104.012, 5104.013, 5111.032, 837
5111.033, 5111.034, 5119.693, 5119.85, 5123.081, 5126.28, 838
5126.281, or 5153.111 of the Revised Code, any relevant 839
information contained in records that have been sealed under 840
section 2953.32 of the Revised Code; 841

(2) If the request received by the superintendent asks for 842
information from the federal bureau of investigation, the 843
superintendent shall request from the federal bureau of 844
investigation any information it has with respect to the person 845

who is the subject of the request, including fingerprint-based 846
checks of national crime information databases as described in 42 847
U.S.C. 671 if the request is made pursuant to section 2151.86, 848
5104.012, or 5104.013 of the Revised Code or if any other Revised 849
Code section requires fingerprint-based checks of that nature, and 850
shall review or cause to be reviewed any information the 851
superintendent receives from that bureau. If a request under 852
section 3319.39 of the Revised Code asks only for information from 853
the federal bureau of investigation, the superintendent shall not 854
conduct the review prescribed by division (B)(1) of this section. 855

(3) The superintendent or the superintendent's designee may 856
request criminal history records from other states or the federal 857
government pursuant to the national crime prevention and privacy 858
compact set forth in section 109.571 of the Revised Code. 859

(C)(1) The superintendent shall prescribe a form to obtain 860
the information necessary to conduct a criminal records check from 861
any person for whom a criminal records check is requested under 862
section 113.041 of the Revised Code or required by section 121.08, 863
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 864
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 865
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 866
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 867
4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 868
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 869
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 870
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 871
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 872
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. The 873
form that the superintendent prescribes pursuant to this division 874
may be in a tangible format, in an electronic format, or in both 875
tangible and electronic formats. 876

(2) The superintendent shall prescribe standard impression 877

sheets to obtain the fingerprint impressions of any person for 878
whom a criminal records check is requested under section 113.041 879
of the Revised Code or required by section 121.08, 173.27, 880
173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 1321.531, 881
1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 882
3319.39, 3701.881, 3712.09, 3721.121, 3772.07, 4701.08, 4715.101, 883
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 884
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 885
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 886
4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 887
4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 888
5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 5119.85, 889
5123.081, 5126.28, 5126.281, or 5153.111 of the Revised Code. Any 890
person for whom a records check is requested under or required by 891
any of those sections shall obtain the fingerprint impressions at 892
a county sheriff's office, municipal police department, or any 893
other entity with the ability to make fingerprint impressions on 894
the standard impression sheets prescribed by the superintendent. 895
The office, department, or entity may charge the person a 896
reasonable fee for making the impressions. The standard impression 897
sheets the superintendent prescribes pursuant to this division may 898
be in a tangible format, in an electronic format, or in both 899
tangible and electronic formats. 900

(3) Subject to division (D) of this section, the 901
superintendent shall prescribe and charge a reasonable fee for 902
providing a criminal records check requested under section 903
113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05, 904
1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 905
2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 906
3772.07, 4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 907
4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 908
4731.222, 4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 909
4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 910

4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 911
5104.012, 5104.013, 5111.032, 5111.033, 5111.034, 5119.693, 912
5119.85, 5123.081, 5126.28, 5126.281, or 5153.111 of the Revised 913
Code. The person making a criminal records request under any of 914
those sections shall pay the fee prescribed pursuant to this 915
division. A person making a request under section 3701.881 of the 916
Revised Code for a criminal records check for an applicant who may 917
be both responsible for the care, custody, or control of a child 918
and involved in providing direct care to an older adult shall pay 919
one fee for the request. In the case of a request under section 920
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, or 5111.032 921
of the Revised Code, the fee shall be paid in the manner specified 922
in that section. 923

(4) The superintendent of the bureau of criminal 924
identification and investigation may prescribe methods of 925
forwarding fingerprint impressions and information necessary to 926
conduct a criminal records check, which methods shall include, but 927
not be limited to, an electronic method. 928

(D) A determination whether any information exists that 929
indicates that a person previously has been convicted of or 930
pleaded guilty to any offense listed or described in division 931
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 932
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 933
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), or (A)(15) 934
of this section, or that indicates that a person previously has 935
been convicted of or pleaded guilty to any criminal offense in 936
this state or any other state regarding a criminal records check 937
of a type described in division (A)(13) of this section, and that 938
is made by the superintendent with respect to information 939
considered in a criminal records check in accordance with this 940
section is valid for the person who is the subject of the criminal 941
records check for a period of one year from the date upon which 942

the superintendent makes the determination. During the period in 943
which the determination in regard to a person is valid, if another 944
request under this section is made for a criminal records check 945
for that person, the superintendent shall provide the information 946
that is the basis for the superintendent's initial determination 947
at a lower fee than the fee prescribed for the initial criminal 948
records check. 949

(E) When the superintendent receives a request for 950
information from a registered private provider or an approved 951
nonpublic school, the superintendent shall proceed as if the 952
request was received from a school district board of education 953
under section 3319.39 of the Revised Code. The superintendent 954
shall apply division (A)(7) of this section to any such request 955
for an applicant who is a teacher. 956

(F) As used in this section: 957

(1) "Approved nonpublic school" has the same meaning as in 958
section 3310.29 of the Revised Code. 959

(2) "Criminal records check" means any criminal records check 960
conducted by the superintendent of the bureau of criminal 961
identification and investigation in accordance with division (B) 962
of this section. 963

~~(2)~~(3) "Minor drug possession offense" has the same meaning 964
as in section 2925.01 of the Revised Code. 965

~~(3)~~(4) "Older adult" means a person age sixty or older. 966

~~(4)~~(5) "OVI or OVUAC violation" means a violation of section 967
4511.19 of the Revised Code or a violation of an existing or 968
former law of this state, any other state, or the United States 969
that is substantially equivalent to section 4511.19 of the Revised 970
Code. 971

~~(5)~~(6) "Registered private provider" means a nonpublic school 972

or entity registered with the superintendent of public instruction 973
under section 3310.41 of the Revised Code to participate in the 974
autism scholarship program or section 3310.58 of the Revised Code 975
to participate in the Jon Peterson special needs scholarship 976
program. 977

Sec. 3301.0714. (A) The state board of education shall adopt 978
rules for a statewide education management information system. The 979
rules shall require the state board to establish guidelines for 980
the establishment and maintenance of the system in accordance with 981
this section and the rules adopted under this section. The 982
guidelines shall include: 983

(1) Standards identifying and defining the types of data in 984
the system in accordance with divisions (B) and (C) of this 985
section; 986

(2) Procedures for annually collecting and reporting the data 987
to the state board in accordance with division (D) of this 988
section; 989

(3) Procedures for annually compiling the data in accordance 990
with division (G) of this section; 991

(4) Procedures for annually reporting the data to the public 992
in accordance with division (H) of this section. 993

(B) The guidelines adopted under this section shall require 994
the data maintained in the education management information system 995
to include at least the following: 996

(1) Student participation and performance data, for each 997
grade in each school district as a whole and for each grade in 998
each school building in each school district, that includes: 999

(a) The numbers of students receiving each category of 1000
instructional service offered by the school district, such as 1001
regular education instruction, vocational education instruction, 1002

specialized instruction programs or enrichment instruction that is 1003
part of the educational curriculum, instruction for gifted 1004
students, instruction for students with disabilities, and remedial 1005
instruction. The guidelines shall require instructional services 1006
under this division to be divided into discrete categories if an 1007
instructional service is limited to a specific subject, a specific 1008
type of student, or both, such as regular instructional services 1009
in mathematics, remedial reading instructional services, 1010
instructional services specifically for students gifted in 1011
mathematics or some other subject area, or instructional services 1012
for students with a specific type of disability. The categories of 1013
instructional services required by the guidelines under this 1014
division shall be the same as the categories of instructional 1015
services used in determining cost units pursuant to division 1016
(C)(3) of this section. 1017

(b) The numbers of students receiving support or 1018
extracurricular services for each of the support services or 1019
extracurricular programs offered by the school district, such as 1020
counseling services, health services, and extracurricular sports 1021
and fine arts programs. The categories of services required by the 1022
guidelines under this division shall be the same as the categories 1023
of services used in determining cost units pursuant to division 1024
(C)(4)(a) of this section. 1025

(c) Average student grades in each subject in grades nine 1026
through twelve; 1027

(d) Academic achievement levels as assessed under sections 1028
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 1029

(e) The number of students designated as having a disabling 1030
condition pursuant to division (C)(1) of section 3301.0711 of the 1031
Revised Code; 1032

(f) The numbers of students reported to the state board 1033

pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	1034 1035
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	1036 1037 1038 1039
(h) Expulsion rates;	1040
(i) Suspension rates;	1041
(j) Dropout rates;	1042
(k) Rates of retention in grade;	1043
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	1044 1045 1046
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	1047 1048 1049 1050 1051
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student if the parent of that student requests the district not to report those results.	1052 1053 1054 1055 1056 1057 1058
(2) Personnel and classroom enrollment data for each school district, including:	1059 1060
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of	1061 1062 1063

instructional service, instructional support service, and 1064
administrative support service used pursuant to division (C)(3) of 1065
this section. The guidelines adopted under this section shall 1066
require these categories of data to be maintained for the school 1067
district as a whole and, wherever applicable, for each grade in 1068
the school district as a whole, for each school building as a 1069
whole, and for each grade in each school building. 1070

(b) The total number of employees and the number of full-time 1071
equivalent employees providing each category of service used 1072
pursuant to divisions (C)(4)(a) and (b) of this section, and the 1073
total numbers of licensed employees and nonlicensed employees and 1074
the numbers of full-time equivalent licensed employees and 1075
nonlicensed employees providing each category used pursuant to 1076
division (C)(4)(c) of this section. The guidelines adopted under 1077
this section shall require these categories of data to be 1078
maintained for the school district as a whole and, wherever 1079
applicable, for each grade in the school district as a whole, for 1080
each school building as a whole, and for each grade in each school 1081
building. 1082

(c) The total number of regular classroom teachers teaching 1083
classes of regular education and the average number of pupils 1084
enrolled in each such class, in each of grades kindergarten 1085
through five in the district as a whole and in each school 1086
building in the school district. 1087

(d) The number of lead teachers employed by each school 1088
district and each school building. 1089

(3)(a) Student demographic data for each school district, 1090
including information regarding the gender ratio of the school 1091
district's pupils, the racial make-up of the school district's 1092
pupils, the number of limited English proficient students in the 1093
district, and an appropriate measure of the number of the school 1094
district's pupils who reside in economically disadvantaged 1095

households. The demographic data shall be collected in a manner to 1096
allow correlation with data collected under division (B)(1) of 1097
this section. Categories for data collected pursuant to division 1098
(B)(3) of this section shall conform, where appropriate, to 1099
standard practices of agencies of the federal government. 1100

(b) With respect to each student entering kindergarten, 1101
whether the student previously participated in a public preschool 1102
program, a private preschool program, or a head start program, and 1103
the number of years the student participated in each of these 1104
programs. 1105

(4) Any data required to be collected pursuant to federal 1106
law. 1107

(C) The education management information system shall include 1108
cost accounting data for each district as a whole and for each 1109
school building in each school district. The guidelines adopted 1110
under this section shall require the cost data for each school 1111
district to be maintained in a system of mutually exclusive cost 1112
units and shall require all of the costs of each school district 1113
to be divided among the cost units. The guidelines shall require 1114
the system of mutually exclusive cost units to include at least 1115
the following: 1116

(1) Administrative costs for the school district as a whole. 1117
The guidelines shall require the cost units under this division 1118
(C)(1) to be designed so that each of them may be compiled and 1119
reported in terms of average expenditure per pupil in formula ADM 1120
in the school district, as determined pursuant to section 3317.03 1121
of the Revised Code. 1122

(2) Administrative costs for each school building in the 1123
school district. The guidelines shall require the cost units under 1124
this division (C)(2) to be designed so that each of them may be 1125
compiled and reported in terms of average expenditure per 1126

full-time equivalent pupil receiving instructional or support 1127
services in each building. 1128

(3) Instructional services costs for each category of 1129
instructional service provided directly to students and required 1130
by guidelines adopted pursuant to division (B)(1)(a) of this 1131
section. The guidelines shall require the cost units under 1132
division (C)(3) of this section to be designed so that each of 1133
them may be compiled and reported in terms of average expenditure 1134
per pupil receiving the service in the school district as a whole 1135
and average expenditure per pupil receiving the service in each 1136
building in the school district and in terms of a total cost for 1137
each category of service and, as a breakdown of the total cost, a 1138
cost for each of the following components: 1139

(a) The cost of each instructional services category required 1140
by guidelines adopted under division (B)(1)(a) of this section 1141
that is provided directly to students by a classroom teacher; 1142

(b) The cost of the instructional support services, such as 1143
services provided by a speech-language pathologist, classroom 1144
aide, multimedia aide, or librarian, provided directly to students 1145
in conjunction with each instructional services category; 1146

(c) The cost of the administrative support services related 1147
to each instructional services category, such as the cost of 1148
personnel that develop the curriculum for the instructional 1149
services category and the cost of personnel supervising or 1150
coordinating the delivery of the instructional services category. 1151

(4) Support or extracurricular services costs for each 1152
category of service directly provided to students and required by 1153
guidelines adopted pursuant to division (B)(1)(b) of this section. 1154
The guidelines shall require the cost units under division (C)(4) 1155
of this section to be designed so that each of them may be 1156
compiled and reported in terms of average expenditure per pupil 1157

receiving the service in the school district as a whole and 1158
average expenditure per pupil receiving the service in each 1159
building in the school district and in terms of a total cost for 1160
each category of service and, as a breakdown of the total cost, a 1161
cost for each of the following components: 1162

(a) The cost of each support or extracurricular services 1163
category required by guidelines adopted under division (B)(1)(b) 1164
of this section that is provided directly to students by a 1165
licensed employee, such as services provided by a guidance 1166
counselor or any services provided by a licensed employee under a 1167
supplemental contract; 1168

(b) The cost of each such services category provided directly 1169
to students by a nonlicensed employee, such as janitorial 1170
services, cafeteria services, or services of a sports trainer; 1171

(c) The cost of the administrative services related to each 1172
services category in division (C)(4)(a) or (b) of this section, 1173
such as the cost of any licensed or nonlicensed employees that 1174
develop, supervise, coordinate, or otherwise are involved in 1175
administering or aiding the delivery of each services category. 1176

(D)(1) The guidelines adopted under this section shall 1177
require school districts to collect information about individual 1178
students, staff members, or both in connection with any data 1179
required by division (B) or (C) of this section or other reporting 1180
requirements established in the Revised Code. The guidelines may 1181
also require school districts to report information about 1182
individual staff members in connection with any data required by 1183
division (B) or (C) of this section or other reporting 1184
requirements established in the Revised Code. The guidelines shall 1185
not authorize school districts to request social security numbers 1186
of individual students. The guidelines shall prohibit the 1187
reporting under this section of a student's name, address, and 1188
social security number to the state board of education or the 1189

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

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

Individual student data shall be reported to the department through the information technology centers utilizing the code but, except as provided in sections 3310.11, 3310.31, 3310.42, 3310.63, 3313.978, ~~3310.63~~, and 3317.20 of the Revised Code, at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

Each school district shall ensure that the data verification code is included in the student's records reported to any subsequent school district, community school, or state institution

of higher education, as defined in section 3345.011 of the Revised Code, in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

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

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

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

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

(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 1284
record for the purposes of section 149.43 of the Revised Code. 1285

(J) As used in this section: 1286

(1) "School district" means any city, local, exempted 1287
village, or joint vocational school district and, in accordance 1288
with section 3314.17 of the Revised Code, any community school. As 1289
used in division (L) of this section, "school district" also 1290
includes any educational service center or other educational 1291
entity required to submit data using the system established under 1292
this section. 1293

(2) "Cost" means any expenditure for operating expenses made 1294
by a school district excluding any expenditures for debt 1295
retirement except for payments made to any commercial lending 1296
institution for any loan approved pursuant to section 3313.483 of 1297
the Revised Code. 1298

(K) Any person who removes data from the information system 1299
established under this section for the purpose of releasing it to 1300
any person not entitled under law to have access to such 1301
information is subject to section 2913.42 of the Revised Code 1302
prohibiting tampering with data. 1303

(L)(1) In accordance with division (L)(2) of this section and 1304
the rules adopted under division (L)(10) of this section, the 1305
department of education may sanction any school district that 1306
reports incomplete or inaccurate data, reports data that does not 1307
conform to data requirements and descriptions published by the 1308
department, fails to report data in a timely manner, or otherwise 1309
does not make a good faith effort to report data as required by 1310
this section. 1311

(2) If the department decides to sanction a school district 1312
under this division, the department shall take the following 1313
sequential actions: 1314

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

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

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

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

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

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

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

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

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

(vi) Conduct an investigation to determine whether to suspend

or revoke the license of any district employee in accordance with 1345
division (N) of this section; 1346

(vii) If the district is issued a report card under section 1347
3302.03 of the Revised Code, indicate on the report card that the 1348
district has been sanctioned for failing to report data as 1349
required by this section; 1350

(viii) If the district is issued a report card under section 1351
3302.03 of the Revised Code and incomplete or inaccurate data 1352
submitted by the district likely caused the district to receive a 1353
higher performance rating than it deserved under that section, 1354
issue a revised report card for the district; 1355

(ix) Any other action designed to correct the district's data 1356
reporting problems. 1357

(3) Any time the department takes an action against a school 1358
district under division (L)(2) of this section, the department 1359
shall make a report of the circumstances that prompted the action. 1360
The department shall send a copy of the report to the district 1361
superintendent or chief administrator and maintain a copy of the 1362
report in its files. 1363

(4) If any action taken under division (L)(2) of this section 1364
resolves a school district's data reporting problems to the 1365
department's satisfaction, the department shall not take any 1366
further actions described by that division. If the department 1367
withheld funds from the district under that division, the 1368
department may release those funds to the district, except that if 1369
the department withheld funding under division (L)(2)(c) of this 1370
section, the department shall not release the funds withheld under 1371
division (L)(2)(b) of this section and, if the department withheld 1372
funding under division (L)(2)(d) of this section, the department 1373
shall not release the funds withheld under division (L)(2)(b) or 1374
(c) of this section. 1375

(5) Notwithstanding anything in this section to the contrary, 1376
the department may use its own staff or an outside entity to 1377
conduct an audit of a school district's data reporting practices 1378
any time the department has reason to believe the district has not 1379
made a good faith effort to report data as required by this 1380
section. If any audit conducted by an outside entity under 1381
division (L)(2)(d)(i) or (5) of this section confirms that a 1382
district has not made a good faith effort to report data as 1383
required by this section, the district shall reimburse the 1384
department for the full cost of the audit. The department may 1385
withhold state funds due to the district for this purpose. 1386

(6) Prior to issuing a revised report card for a school 1387
district under division (L)(2)(d)(viii) of this section, the 1388
department may hold a hearing to provide the district with an 1389
opportunity to demonstrate that it made a good faith effort to 1390
report data as required by this section. The hearing shall be 1391
conducted by a referee appointed by the department. Based on the 1392
information provided in the hearing, the referee shall recommend 1393
whether the department should issue a revised report card for the 1394
district. If the referee affirms the department's contention that 1395
the district did not make a good faith effort to report data as 1396
required by this section, the district shall bear the full cost of 1397
conducting the hearing and of issuing any revised report card. 1398

(7) If the department determines that any inaccurate data 1399
reported under this section caused a school district to receive 1400
excess state funds in any fiscal year, the district shall 1401
reimburse the department an amount equal to the excess funds, in 1402
accordance with a payment schedule determined by the department. 1403
The department may withhold state funds due to the district for 1404
this purpose. 1405

(8) Any school district that has funds withheld under 1406
division (L)(2) of this section may appeal the withholding in 1407

accordance with Chapter 119. of the Revised Code. 1408

(9) In all cases of a disagreement between the department and 1409
a school district regarding the appropriateness of an action taken 1410
under division (L)(2) of this section, the burden of proof shall 1411
be on the district to demonstrate that it made a good faith effort 1412
to report data as required by this section. 1413

(10) The state board of education shall adopt rules under 1414
Chapter 119. of the Revised Code to implement division (L) of this 1415
section. 1416

(M) No information technology center or school district shall 1417
acquire, change, or update its student administration software 1418
package to manage and report data required to be reported to the 1419
department unless it converts to a student software package that 1420
is certified by the department. 1421

(N) The state board of education, in accordance with sections 1422
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1423
license as defined under division (A) of section 3319.31 of the 1424
Revised Code that has been issued to any school district employee 1425
found to have willfully reported erroneous, inaccurate, or 1426
incomplete data to the education management information system. 1427

(O) No person shall release or maintain any information about 1428
any student in violation of this section. Whoever violates this 1429
division is guilty of a misdemeanor of the fourth degree. 1430

(P) The department shall disaggregate the data collected 1431
under division (B)(1)(n) of this section according to the race and 1432
socioeconomic status of the students assessed. No data collected 1433
under that division shall be included on the report cards required 1434
by section 3302.03 of the Revised Code. 1435

(Q) If the department cannot compile any of the information 1436
required by division (C)(5) of section 3302.03 of the Revised Code 1437
based upon the data collected under this section, the department 1438

shall develop a plan and a reasonable timeline for the collection 1439
of any data necessary to comply with that division. 1440

Sec. 3310.02. (A) The educational choice scholarship pilot 1441
program is hereby established. Under the program, the department 1442
of education annually shall pay scholarships to attend chartered 1443
nonpublic schools in accordance with section 3310.08 of the 1444
Revised Code for up to the following number of eligible students, 1445
unless division (B) of this section applies: 1446

(1) Thirty thousand in the 2011-2012 school year; 1447

(2) Sixty thousand in the 2012-2013 school year and 1448
thereafter. 1449

(B) For any school year for which the number of applications 1450
for scholarships timely submitted on behalf of eligible students 1451
exceeds ninety per cent of the maximum number of scholarships 1452
permitted, the department shall increase the maximum number of 1453
scholarships permitted for that school year by twenty-five per 1454
cent. The department shall make the increased number of 1455
scholarships available for each subsequent school year until the 1456
department is again required to increase the number of 1457
scholarships under this division. 1458

(C) If the number of students who apply for a scholarship 1459
exceeds the number of scholarships available under ~~division~~ 1460
divisions (A) and (B) of this section for the applicable school 1461
year, the department shall award scholarships in the following 1462
order of priority: 1463

(1) First, to eligible students who received scholarships in 1464
the prior school year; 1465

(2) Second, to eligible students with family incomes at or 1466
below two hundred per cent of the federal poverty guidelines, as 1467
defined in section 5101.46 of the Revised Code, who qualify under 1468

division (A) of section 3310.03 of the Revised Code. If the number 1469
of students described in division ~~(B)~~(C)(2) of this section who 1470
apply for a scholarship exceeds the number of available 1471
scholarships after awards are made under division ~~(B)~~(C)(1) of 1472
this section, the department shall select students described in 1473
division ~~(B)~~(C)(2) of this section by lot to receive any remaining 1474
scholarships. 1475

(3) Third, to other eligible students who qualify under 1476
division (A) of section 3310.03 of the Revised Code. If the number 1477
of students described in division ~~(B)~~(C)(3) of this section who 1478
apply for a scholarship exceeds the number of available 1479
scholarships after awards are made under divisions ~~(B)~~(C)(1) and 1480
(2) of this section, the department shall select students 1481
described in division ~~(B)~~(C)(3) of this section by lot to receive 1482
any remaining scholarships. 1483

(4) Fourth, to eligible students with family incomes at or 1484
below two hundred per cent of the federal poverty guidelines who 1485
qualify under division (B) of section 3310.03 of the Revised Code. 1486
If the number of students described in division ~~(B)~~(C)(4) of this 1487
section who apply for a scholarship exceeds the number of 1488
available scholarships after awards are made under divisions 1489
~~(B)~~(C)(1) to (3) of this section, the department shall select 1490
students described in division ~~(B)~~(C)(4) of this section by lot to 1491
receive any remaining scholarships. 1492

(5) Fifth, to other eligible students who qualify under 1493
division (B) of section 3310.03 of the Revised Code. If the number 1494
of students described in division ~~(B)~~(C)(5) of this section who 1495
apply for a scholarship exceeds the number of available 1496
scholarships after awards are made under divisions ~~(B)~~(C)(1) to 1497
(4) of this section, the department shall select students 1498
described in division ~~(B)~~(C)(5) of this section by lot to receive 1499
any remaining scholarships. 1500

Sec. 3310.03. A student is an "eligible student" for purposes 1501
of the educational choice scholarship pilot program if the 1502
~~student's resident district is not a school district in which the~~ 1503
~~pilot project scholarship program is operating under sections~~ 1504
~~3313.974 to 3313.979 of the Revised Code and the student satisfies~~ 1505
one of the conditions in division (A) or (B) of this section: 1506

(A)(1) The student is enrolled in a school building that is 1507
operated by the student's resident district and to which both of 1508
the following apply: 1509

(a) The building was declared, in at least two of the three 1510
most recent ratings of school buildings published prior to the 1511
first day of July of the school year for which a scholarship is 1512
sought, to be in a state of academic emergency or academic watch 1513
under section 3302.03 of the Revised Code; 1514

(b) The building was not declared to be excellent or 1515
effective under that section in the most recent rating published 1516
prior to the first day of July of the school year for which a 1517
scholarship is sought. 1518

(2) The student is eligible to enroll in kindergarten in the 1519
school year for which a scholarship is sought and otherwise would 1520
be assigned under section 3319.01 of the Revised Code to a school 1521
building described in division (A)(1) of this section. 1522

(3) The student is enrolled in a community school established 1523
under Chapter 3314. of the Revised Code but otherwise would be 1524
assigned under section 3319.01 of the Revised Code to a building 1525
described in division (A)(1) of this section. 1526

(4) The student is enrolled in a school building that is 1527
operated by the student's resident district or in a community 1528
school established under Chapter 3314. of the Revised Code and 1529
otherwise would be assigned under section 3319.01 of the Revised 1530

Code to a school building described in division (A)(1) of this 1531
section in the school year for which the scholarship is sought. 1532

(5) The student is eligible to enroll in kindergarten in the 1533
school year for which a scholarship is sought, or is enrolled in a 1534
community school established under Chapter 3314. of the Revised 1535
Code, and all of the following apply to the student's resident 1536
district: 1537

(a) The district has in force an intradistrict open 1538
enrollment policy under which no student in kindergarten or the 1539
community school student's grade level, respectively, is 1540
automatically assigned to a particular school building; 1541

(b) In at least two of the three most recent ratings of 1542
school districts published prior to the first day of July of the 1543
school year for which a scholarship is sought, the district was 1544
declared to be in a state of academic emergency under section 1545
3302.03 of the Revised Code; 1546

(c) The district was not declared to be excellent or 1547
effective under that section in the most recent rating published 1548
prior to the first day of July of the school year for which a 1549
scholarship is sought. 1550

(6) The student received a scholarship under sections 1551
3313.974 to 3313.979 of the Revised Code in the 2010-2011 school 1552
year and otherwise would be assigned under section 3319.01 of the 1553
Revised Code in a district in which that program is operating to a 1554
school building described in division (A)(1) of this section. 1555

(B)(1) The student is enrolled in a school building that is 1556
operated by the student's resident district and to which both of 1557
the following apply: 1558

(a) The building was ranked, for at least two of the three 1559
most recent rankings published under section 3302.21 of the 1560
Revised Code prior to the first day of July of the school year for 1561

which a scholarship is sought, in the lowest ten per cent of all public school buildings according to performance index score under section 3302.21 of the Revised Code.

(b) The building was not declared to be excellent or effective under section 3302.03 of the Revised Code in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(2) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (B)(1) of this section.

(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (B)(1) of this section.

(4) The student is enrolled in a school building that is operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (B)(1) of this section in the school year for which the scholarship is sought.

(5) The student received a scholarship under sections 3313.974 to 3313.979 of the Revised Code in the 2010-2011 school year and otherwise would be assigned under section 3319.01 of the Revised Code in a district in which that program is operating to a school building described in division (B)(1) of this section.

(C) No student shall receive a scholarship under the educational choice scholarship pilot program, under sections 3310.01 to 3310.17 of the Revised Code, and the pilot project scholarship program, under sections 3313.974 to 3313.979 of the Revised Code, for the same school year.

(D) A student who receives a scholarship under the 1593
educational choice scholarship pilot program remains an eligible 1594
student and may continue to receive scholarships in subsequent 1595
school years until the student completes grade twelve, so long as 1596
all of the following apply: 1597

(1) The student's resident district remains the same, or the 1598
student transfers to a new resident district and otherwise would 1599
be assigned in the new resident district to a school building 1600
described in division (A)(1) or (B)(1) of this section; 1601

(2) The student takes each assessment prescribed for the 1602
student's grade level under section 3301.0710 or 3301.0712 of the 1603
Revised Code while enrolled in a chartered nonpublic school; 1604

(3) In each school year that the student is enrolled in a 1605
chartered nonpublic school, the student is absent from school for 1606
not more than twenty days that the school is open for instruction, 1607
not including excused absences. 1608

~~(D)~~(E)(1) The department shall cease awarding first-time 1609
scholarships pursuant to divisions (A)(1) to (4) and (6) of this 1610
section with respect to a school building that, in the most recent 1611
ratings of school buildings published under section 3302.03 of the 1612
Revised Code prior to the first day of July of the school year, 1613
ceases to meet the criteria in division (A)(1) of this section. 1614
The department shall cease awarding first-time scholarships 1615
pursuant to division (A)(5) of this section with respect to a 1616
school district that, in the most recent ratings of school 1617
districts published under section 3302.03 of the Revised Code 1618
prior to the first day of July of the school year, ceases to meet 1619
the criteria in division (A)(5) of this section. 1620

(2) The department shall cease awarding first-time 1621
scholarships pursuant to divisions (B)(1) to ~~(4)~~(5) of this 1622
section with respect to a school building that, in the most recent 1623

ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (B)(1) of this section.

(3) However, students who have received scholarships in the prior school year remain eligible students pursuant to division ~~(C)~~(D) of this section.

~~(E)~~(F) The state board of education shall adopt rules defining excused absences for purposes of division ~~(C)~~(D)(3) of this section.

Sec. 3310.06. It is the policy adopted by the general assembly that the educational choice scholarship pilot program shall be construed as one of several educational options available for students enrolled in academic emergency or academic watch school buildings. Students may be enrolled in the schools of the student's resident district, in a community school established under Chapter 3314. of the Revised Code, in the schools of another school district pursuant to an open enrollment policy adopted under section 3313.98 of the Revised Code, in a ~~chartered~~ nonpublic school with or without a scholarship under the educational choice scholarship pilot program or the PACT scholarship program, or in other schools as the law may provide.

Sec. 3310.21. As used in sections 3310.21 to 3310.38 of the Revised Code:

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

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

(C) "Community school" means a community school established

under Chapter 3314. of the Revised Code. 1654

(D) An "eligible nonpublic school" is a school that is 1655
designated as an eligible nonpublic school in accordance with 1656
division (A) of section 3310.29 of the Revised Code. 1657

(E) An "eligible student" is a student who satisfies the 1658
conditions specified in section 3310.23 of the Revised Code. 1659

(F) "Entitled to attend school" means entitled to attend 1660
school in a school district under section 3313.64 or 3313.65 of 1661
the Revised Code. 1662

(G) "Formula amount" has the same meaning as in section 1663
3317.02 of the Revised Code. 1664

(H) "Income standard for a reduced-price lunch" means the 1665
income standard to qualify for a reduced-price lunch under the 1666
"National School Lunch Act," 42 U.S.C. 1751, et seq., as amended, 1667
and the "Child Nutrition Act of 1966," 42 U.S.C. 1771, et seq., as 1668
amended. 1669

(I) "PACT" is an acronym for "parental choice and taxpayer 1670
savings." "PACT scholarship" means a scholarship under the 1671
parental choice and taxpayer savings scholarship program 1672
established under sections 3310.21 to 3310.38 of the Revised Code, 1673
which program may be referred to as the "PACT scholarship 1674
program." 1675

(J) "Parent" has the same meaning as in section 3313.98 of 1676
the Revised Code. 1677

(K) "Resident district" means the school district in which a 1678
student is entitled to attend school. 1679

(L) "School year" has the same meaning as in section 3313.62 1680
of the Revised Code. 1681

(M) "State education aid" has the same meaning as in section 1682
5751.20 of the Revised Code. 1683

(N) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code. 1684
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Sec. 3310.22. (A) The parental choice and taxpayer savings scholarship program is hereby established. Under the program, beginning with the 2012-2013 school year and subject to divisions (B), (C), and (D) of this section, the department of education annually shall award a scholarship in the amount prescribed by section 3310.25 of the Revised Code, upon application, to each eligible student. The scholarship shall be used to pay all or part of the cost of tuition and fees for the student to attend an eligible nonpublic school, and any remainder of the scholarship amount shall be credited to an education savings account for the student. The student may use the moneys credited to the education savings account for the purposes prescribed by division (B) of section 3310.30 of the Revised Code. 1687
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No student for whom a scholarship is awarded under sections 3310.01 to 3310.17, 3310.41, 3310.51 to 3310.64, or 3313.974 to 3313.979 of the Revised Code shall be awarded a scholarship for the same school year under this section. 1700
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(B) The number of PACT scholarships that may be awarded for any school year shall not exceed the difference of the maximum number of educational choice scholarships that may be awarded under section 3310.02 of the Revised Code, minus the total number of educational choice scholarships actually awarded for that school year. 1704
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(C) If the number of applicants for PACT scholarships for any school year exceeds the number available as prescribed by division (B) of this section, the department shall award PACT scholarships in the following order of priority: 1710
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(1) First, to eligible students who received PACT 1714

scholarships in the prior school year. If the number of such 1715
eligible students who apply for a scholarship exceeds the number 1716
of available scholarships as prescribed by division (B) of this 1717
section, the department shall award scholarships to all such 1718
eligible students, notwithstanding the limit of that division. 1719

(2) Second, to eligible students who attended a school of a 1720
school district, a community school, or a STEM school in the 1721
school year prior to the school year for which a scholarship is 1722
sought. If the number of students described in division (C)(2) of 1723
this section who apply for a scholarship exceeds the number of 1724
available scholarships after awards are made under division (C)(1) 1725
of this section, the department shall select students described in 1726
division (C)(2) of this section by lot to receive any remaining 1727
scholarships. 1728

(3) Third, to eligible students who qualify under division 1729
(A)(2) of section 3310.23 of the Revised Code. If the number of 1730
students described in division (C)(3) of this section who apply 1731
for a scholarship exceeds the number of available scholarships 1732
after awards are made under divisions (C)(1) and (2) of this 1733
section, the department shall select students described in 1734
division (C)(3) of this section by lot to receive any remaining 1735
scholarships. 1736

(4) Fourth, to all other eligible students. If the number of 1737
students described in division (C)(4) of this section who apply 1738
for a scholarship exceeds the number of available scholarships 1739
after awards are made under divisions (C)(1) to (3) of this 1740
section, the department shall select students described in 1741
division (C)(4) of this section by lot to receive any remaining 1742
scholarships. 1743

(D) Notwithstanding anything to the contrary in this section, 1744
at no time shall the department award more scholarships to 1745
students from a single resident district than can be financed in 1746

the aggregate by the amount of that district's state education 1747
aid. 1748

Sec. 3310.23. (A)(1) Subject to the phase-in provisions of 1749
division (B) of this section, to be eligible for a PACT 1750
scholarship, a student must be entitled to attend school in a 1751
school district and the student's family annual income for the 1752
preceding tax year as measured by the family's federal adjusted 1753
gross income, as defined by the Internal Revenue Code, must not 1754
exceed an amount equal to the lesser of the following: 1755

(a) 2.5 times the income standard for a reduced-price lunch; 1756

(b) Ninety-five thousand dollars. 1757

(2) A student who received a scholarship under either of the 1758
following programs for the previous school year, and whose family 1759
meets the income requirement prescribed by division (A)(1) of this 1760
section, may receive a PACT scholarship in lieu of continued 1761
participation in the other scholarship program: 1762

(a) The pilot project scholarship program under sections 1763
3313.974 to 3313.979 of the Revised Code; 1764

(b) The educational choice scholarship pilot program under 1765
sections 3310.01 to 3310.17 of the Revised Code. 1766

(B) Unless the student qualifies for a PACT scholarship under 1767
division (A)(2) of this section or received a PACT scholarship in 1768
the prior school year, a student who attended a nonpublic school 1769
in Ohio during the school year immediately prior to the first 1770
school year for which the PACT scholarship is sought for the 1771
student, and whose family meets the income requirement prescribed 1772
by division (A)(1) of this section, shall be eligible for the 1773
scholarship only as follows: 1774

(1) For a scholarship for the 2012-2013 school year, the 1775
student is applying for a scholarship to enter kindergarten. 1776

(2) For a scholarship for the 2013-2014 school year, the student is applying for a scholarship to enroll in any grade from kindergarten to four. 1777
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(3) For a scholarship for the 2014-2015 school year, the student is applying for a scholarship to enroll in any grade from kindergarten to eight. 1780
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(4) For a scholarship for the 2015-2016 school year and each school year thereafter, the student is applying for a scholarship to enroll in any grade between kindergarten to twelve. 1783
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A student who did not attend a nonpublic school in Ohio during the school year immediately prior to the first school year for which the scholarship is sought for the student shall be eligible for a scholarship for any school year to enroll in any grade from kindergarten to twelve. 1786
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(C) A student who receives a scholarship under the PACT scholarship program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes the high school curriculum of an eligible nonpublic school, so long as all of the following apply: 1791
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(1) The student is entitled to attend school in a school district. 1796
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(2) The student's family continues to meet the income requirement prescribed by division (A)(1) of this section. 1798
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(3) The student takes each assessment prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in an eligible nonpublic school. 1800
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(4) In each school year that the student is enrolled in an eligible nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences. 1803
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(D) A student who has received a PACT scholarship, but no longer meets the requirements to be an eligible student under division (C) of this section, may continue to use the accumulated moneys credited to the student's education savings account in accordance with section 3310.30 of the Revised Code.

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

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Sec. 3310.24. Any eligible student who is enrolled in an eligible nonpublic school and for whom a PACT scholarship has been awarded shall be entitled to transportation to and from the nonpublic school by the student's resident district in the manner prescribed in section 3327.01 of the Revised Code.

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Sec. 3310.25. The scholarship amount awarded to an eligible student under the PACT scholarship program shall be based on 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. The scholarship amount shall be as follows:

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

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

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(C) For a student whose family annual income is greater than 2 times but less than or equal to 2.5 times the income standard for a reduced-price lunch, an amount equal to forty per cent of the sum of the formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code for fiscal year 2009.

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However, at no time shall a scholarship be awarded in any amount to a student whose family annual income for the preceding tax year exceeds ninety-five thousand dollars, regardless of family size.

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Sec. 3310.26. It is the policy adopted by the general assembly that the PACT scholarship program shall be construed as one of several educational options available for eligible Ohio students. Students may be enrolled in the schools of the student's resident district, in a community school, in the schools of another school district pursuant to an open enrollment policy adopted under section 3313.98 of the Revised Code, in an alternative school under the Cleveland scholarship and tutoring program, in a nonpublic school with or without a scholarship under the educational choice scholarship pilot program or the PACT scholarship program, or in other schools as the law may provide.

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Sec. 3310.27. Any parent, or any student who is at least eighteen years of age, who is seeking a scholarship under the PACT scholarship program shall notify the department of education of the student's and parent's names and address, the eligible nonpublic school in which the student has been accepted for enrollment, and the tuition and fees charged by the school.

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Sec. 3310.28. (A) Except for an excess amount credited to the student's education savings account, if applicable, the department of education shall pay the amount of each scholarship awarded

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under the PACT scholarship program on a periodic basis determined 1867
by the department to the eligible student's parent or to the 1868
student, if at least eighteen years of age. If the scholarship 1869
amount exceeds the amount of tuition and fees charged by the 1870
eligible nonpublic school the student attends with the 1871
scholarship, as reported under section 3310.27 of the Revised 1872
Code, the department shall pay the excess amount into an education 1873
savings account established for the student under section 3310.30 1874
of the Revised Code. Payments credited to the student's education 1875
savings account shall be made at the end of the school year for 1876
which the scholarship is awarded, and only if the student is 1877
enrolled in an eligible nonpublic school using the scholarship at 1878
the end of the school year. 1879

(B) The department shall proportionately reduce or terminate 1880
the payments for any student who, prior to the end of the school 1881
year, withdraws from an eligible nonpublic school and does not 1882
reenroll in another eligible nonpublic school using the 1883
scholarship. 1884

(C)(1) The department shall deduct from the state education 1885
aid payments made to each school district for each eligible 1886
student awarded a PACT scholarship who is entitled to attend 1887
school in the district an amount equal to the sum of the formula 1888
amount plus the per pupil amount of the base funding supplements 1889
specified in divisions (C)(1) to (4) of section 3317.012 of the 1890
Revised Code for fiscal year 2009. 1891

The difference between each student's scholarship amount and 1892
the amount deducted under this division shall be retained by the 1893
state, except as provided in division (C)(2) of this section. 1894

However, at no time shall the aggregate amount deducted from 1895
a school district under this division exceed the amount of the 1896
district's state education aid. 1897

(2) If the department reduces or terminates payments to a parent or a student, as prescribed in division (B) of this section, and the student enrolls in the schools of the student's resident district, in a community school, or in a STEM school, before the end of the school year, the department shall proportionately restore to the resident district the amount deducted for that student under division (C)(1) of this section.

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

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

Where:

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

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

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

The amount shown on the form as prescribed by this division is the total amount of state and district funds generated by the district's PACT scholarship students less the total amount deducted for those students.

Sec. 3310.29. (A) A nonpublic school shall not receive

payments from a parent or student who is paid a scholarship under 1928
the PACT scholarship program unless it is designated an eligible 1929
nonpublic school, by satisfying one of the following conditions: 1930

(1) The school is a chartered nonpublic school that has 1931
registered with the superintendent of public instruction the 1932
school's intent to accept scholarship students under the program 1933
and its agreement to comply with the requirements of sections 1934
3310.21 to 3310.38 of the Revised Code. 1935

(2) The school is an approved nonpublic school that has 1936
registered with the state superintendent the school's intent to 1937
accept scholarship students under the program and its agreement to 1938
comply with the requirements of sections 3310.21 to 3310.38 of the 1939
Revised Code. 1940

As used in this section, an "approved nonpublic school" means 1941
a nonpublic school that meets both of the following conditions: 1942

(a) The school is in the process of becoming a chartered 1943
nonpublic school and has received a preliminary approval to 1944
operate from the state board of education within the past three 1945
years. 1946

(b) The school files with the state superintendent prior to 1947
the start of the school year one of the following: 1948

(i) A surety bond payable to the state or a letter of credit 1949
with the state as the beneficiary in an amount equal to one-half 1950
of the amount of the scholarship funds under this division 1951
expected to be received during the school year, as determined by 1952
the state superintendent; 1953

(ii) A guarantee in the amount of one million dollars from a 1954
person or organization with a net worth of at least five million 1955
dollars which shall be demonstrated to the satisfaction of the 1956
auditor of state. 1957

(B) To maintain its eligibility to participate in the 1958
program, an eligible nonpublic school annually shall do all of the 1959
following: 1960

(1) Communicate to the department of education the tuition 1961
structure for the school, including all discounts and other 1962
tuition adjustments to which a student may be entitled; 1963

(2) Present to the parent of each student awarded a 1964
scholarship under the program, or the student if at least eighteen 1965
years of age, a statement detailing the tuition and required 1966
student fees that will be subject to payment from the student's 1967
scholarship amount; 1968

(3) Administer the state achievement assessments as 1969
prescribed by section 3310.34 of the Revised Code; 1970

(4) Withdraw from the school any scholarship student as soon 1971
as a determination is made that the student will no longer attend 1972
the school. Withdrawal shall be recorded as the last date that the 1973
student attended classes. 1974

(C) An approved nonpublic school shall be subject to sections 1975
3319.39, 3319.391, and 3319.392 of the Revised Code in the same 1976
manner as a chartered nonpublic school. 1977

Sec. 3310.30. (A) The state board of education and the 1978
treasurer of state jointly shall adopt rules, in accordance with 1979
Chapter 119. of the Revised Code, prescribing procedures for the 1980
establishment of an education savings account for each student 1981
attending an eligible nonpublic school with a scholarship under 1982
the PACT scholarship program and for whom an excess amount has 1983
been determined under section 3310.28 of the Revised Code. Once 1984
the account is established, the department of education shall 1985
transfer the excess amount, determined under section 3310.28 of 1986
the Revised Code, to the treasurer of state, who shall deposit the 1987

aggregate amount transferred into a fund or account the treasurer 1988
of state determines is suitable for the amount transferred. The 1989
moneys transferred under this section shall be in the custody of 1990
the treasurer of state, but shall not be in the state treasury. 1991
The moneys transferred shall be held in trust for the benefit of 1992
the student. The department of education shall maintain the record 1993
of each student's account. 1994

Interest accrued on moneys transferred to the treasurer of 1995
state under this section shall be credited to the parental choice 1996
and taxpayer savings scholarship program support fund established 1997
under section 3310.38 of the Revised Code. 1998

The rules shall prescribe procedures for the administration 1999
of and for the disbursement of moneys credited to each student's 2000
education savings account. 2001

(B) Moneys credited to a student's account may be disbursed 2002
to the student's parent, or the student if at least eighteen years 2003
of age, for use for any of the following: 2004

(1) Tuition and fees at an eligible nonpublic school for any 2005
future school years; 2006

(2) Textbooks required by any eligible nonpublic school or 2007
any college; 2008

(3) Tuition and fees for enrollment in a college; 2009

(4) Fees for national norm-referenced examinations, advanced 2010
placement examinations, and any examinations related to 2011
application for admission to a college. 2012

(C) The department of education shall maintain each account 2013
as long as there are moneys credited to the student in the account 2014
unless either of the following occurs: 2015

(1) The student reaches twenty-five years of age. 2016

(2) The student dies before reaching twenty-five years of age. 2017
2018

Moneys still credited to a student's account upon the occurrence of either of the conditions described in divisions (C)(1) and (2) of this section shall be transferred to the parental choice and taxpayer savings scholarship program support fund. 2019
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(D) At least annually, the treasurer of state shall report to the governor and the general assembly, in accordance with section 101.68 of the Revised Code, the total amount of interest credited to the parental choice and taxpayer savings scholarship program support fund under division (A) of this section and the total amount of moneys from students' education savings accounts transferred to that fund under division (C) of this section. 2024
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Sec. 3310.31. (A) Only for the purpose of administering the PACT scholarship program, the department of education may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program: 2031
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(1) The student's resident district; 2037

(2) If applicable, the community school in which that student is enrolled; 2038
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(3) The independent contractor engaged to create and maintain student data verification codes. 2040
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(B) Upon a request by the department under division (A) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the 2042
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department. If the student has not been assigned a code, because 2047
the student will be entering kindergarten during the school year 2048
for which the scholarship is sought, the district shall assign a 2049
code to that student and submit the code to the department or 2050
parent by a date specified by the department. If the district does 2051
not assign a code to the student by the specified date, the 2052
department shall assign a code to that student. 2053

The department annually shall submit to each school district 2054
the name and data verification code of each student residing in 2055
the district who is entering kindergarten, who has been awarded a 2056
scholarship under the program, and for whom the department has 2057
assigned a code under this division. 2058

(C) For the purpose of administering the applicable 2059
assessments prescribed under sections 3301.0710 and 3301.0712 of 2060
the Revised Code, as required by section 3310.34 of the Revised 2061
Code, the department shall provide to each eligible nonpublic 2062
school that enrolls a scholarship student the data verification 2063
code for that student. 2064

(D) The department and each nonpublic school that receives a 2065
data verification code under this section shall not release that 2066
code to any person except as provided by law. 2067

Any document relative to this program that the department 2068
holds in its files that contains both a student's name or other 2069
personally identifiable information and the student's data 2070
verification code shall not be a public record under section 2071
149.43 of the Revised Code. 2072

Sec. 3310.32. Except as provided in division (D) of section 2073
3310.31 of the Revised Code, documents relative to the PACT 2074
scholarship program that the department of education holds in its 2075
files are public records under section 149.43 of the Revised Code 2076
and may be released pursuant to that section subject to the 2077

provisions of section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended. 2078
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Sec. 3310.33. (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. 2081
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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. 2087
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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. 2095
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Sec. 3310.34. Notwithstanding division (K) of section 3301.0711 of the Revised Code, each eligible nonpublic school that enrolls students awarded scholarships under sections 3310.21 to 3310.38 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 nonpublic school shall report to the department of education the results of each assessment administered to each scholarship 2099
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student under this section. 2108

Nothing in this section requires a nonpublic school to 2109
administer any achievement assessment, except for an Ohio 2110
graduation test prescribed by division (B)(1) of section 3301.0710 2111
of the Revised Code, as required by section 3313.612 of the 2112
Revised Code, to any student enrolled in the school who is not a 2113
scholarship student. 2114

Sec. 3310.35. (A) The department of education annually shall 2115
compile the scores attained by scholarship students to whom an 2116
assessment is administered under section 3310.34 of the Revised 2117
Code. The scores shall be aggregated as follows: 2118

(1) By state, which shall include all students awarded a 2119
scholarship under the PACT scholarship program and who were 2120
required to take an assessment under section 3310.34 of the 2121
Revised Code; 2122

(2) By school district, which shall include all scholarship 2123
students who were required to take an assessment under section 2124
3310.34 of the Revised Code and for whom the district is the 2125
student's resident district; 2126

(3) By eligible nonpublic school, which shall include all 2127
scholarship students enrolled in that school who were required to 2128
take an assessment under section 3310.34 of the Revised Code. 2129

(B) The department shall disaggregate the student performance 2130
data described in division (A) of this section according to the 2131
following categories: 2132

(1) Age; 2133

(2) Race and ethnicity; 2134

(3) Gender; 2135

(4) Students who have participated in the scholarship program 2136

<u>for three or more years;</u>	2137
<u>(5) Students who have participated in the scholarship program</u>	2138
<u>for more than one year and less than three years;</u>	2139
<u>(6) Students who have participated in the scholarship program</u>	2140
<u>for one year or less;</u>	2141
<u>(7) Economically disadvantaged students.</u>	2142
<u>(C) To the greatest extent possible, when computing student</u>	2143
<u>performance data under divisions (A) and (B) of this section, the</u>	2144
<u>department shall include student performance growth using the</u>	2145
<u>value-added progress dimension as prescribed by section 3302.021</u>	2146
<u>of the Revised Code.</u>	2147
<u>(D) The department shall post the student performance data</u>	2148
<u>required under divisions (A), (B), and (C) of this section on its</u>	2149
<u>web site and, by the first day of February each year, shall</u>	2150
<u>distribute that data to the parent of each eligible student. In</u>	2151
<u>reporting student performance data under this division, the</u>	2152
<u>department shall not include any data that is statistically</u>	2153
<u>unreliable or that could result in the identification of</u>	2154
<u>individual students. For this purpose, the department shall not</u>	2155
<u>report performance data for any group that contains less than ten</u>	2156
<u>students.</u>	2157
<u>(E) The department shall provide the parent of each</u>	2158
<u>scholarship student with information comparing the student's</u>	2159
<u>performance on the assessments administered under section 3310.34</u>	2160
<u>of the Revised Code with the average performance of similar</u>	2161
<u>students enrolled in the building operated by the student's</u>	2162
<u>resident district that the scholarship student would otherwise</u>	2163
<u>attend. In calculating the performance of similar students, the</u>	2164
<u>department shall consider age, grade, race and ethnicity, gender,</u>	2165
<u>and socioeconomic status.</u>	2166
<u>(F) Only to the extent and in the manner authorized by the</u>	2167

"Family Educational Rights and Privacy Act of 1974," as amended, 2168
20 U.S.C. 1232g, the department shall afford independent research 2169
organizations that are part of or formally affiliated with public 2170
or private universities accredited by a regional accreditation 2171
agency approved by the United States department of education 2172
access to student assessment scores and performance data for the 2173
purpose of conducting longitudinal analysis of PACT scholarship 2174
student performance. Any data released to a research organization 2175
under this division shall not be used to disclose the academic 2176
level of individual students. 2177

Sec. 3310.37. (A) The state board of education shall adopt 2178
rules in accordance with Chapter 119. of the Revised Code 2179
prescribing procedures for the administration of the parental 2180
choice and taxpayer savings scholarship program. 2181

(B) The state board and the department of education shall not 2182
require eligible nonpublic schools to comply with any education 2183
laws or rules or other requirements that are not specified in 2184
sections 3310.21 to 3310.37 of the Revised Code or in rules 2185
necessary for the administration of the program, adopted under 2186
division (A) of this section, and that otherwise would not apply 2187
to an eligible nonpublic school. 2188

Sec. 3310.38. The parental choice and taxpayer savings 2189
scholarship program support fund is hereby established in the 2190
state treasury. The fund shall consist of moneys credited or 2191
transferred from student education savings accounts in the manner 2192
prescribed by section 3310.30 of the Revised Code. Moneys in the 2193
fund shall be used by the department of education to support 2194
administration of the parental choice and taxpayer savings 2195
scholarship program. 2196

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the 2197

Revised Code:	2198
(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:	2199 2200 2201 2202 2203
(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;	2204 2205 2206
(2) A public entity other than a school district.	2207
(B) "Child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.	2208 2209 2210
(C) "Eligible applicant" means any of the following:	2211
(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 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.	2212 2213 2214 2215 2216 2217 2218 2219 2220 2221 2222 2223
(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;	2224 2225 2226 2227

(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child;	2228 2229
(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;	2230 2231 2232 2233 2234 2235
(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;	2236 2237 2238
(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.	2239 2240 2241
(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.	2242 2243 2244
(E) "Formula ADM" and "formula amount" have the same meanings as in section 3317.02 of the Revised Code.	2245 2246
(F) "Qualified special education child" is a child for whom all of the following conditions apply:	2247 2248
(1) The child is at least five years of age and less than twenty-two years of age.	2249 2250
(2) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has identified the child as a child with a disability.	2251 2252 2253
(3) The school district in which the child is entitled to attend school, or the child's school district of residence if different, has developed an individualized education program under Chapter 3323. of the Revised Code for the child.	2254 2255 2256 2257

(4) The child either:	2258
(a) Was enrolled in the schools of the school district in which the child is entitled to attend school in any grade from kindergarten through twelve in the school year prior to the school year in which a scholarship is first sought for the child;	2259 2260 2261 2262
(b) Is eligible to enter school in any grade kindergarten through twelve in the school district in which the child is entitled to attend school in the school year in which a scholarship is first sought for the child.	2263 2264 2265 2266
(5) The department of education has not approved a scholarship for the child under the educational choice scholarship pilot program, under sections 3310.01 to 3310.17 of the Revised Code, <u>the parental choice and taxpayer savings scholarship program, under sections 3310.21 to 3310.38 of the Revised Code,</u> the autism scholarship program, under section 3310.41 of the Revised Code, or the pilot project scholarship program, under sections 3313.974 to 3313.979 of the Revised Code for the same school year in which a scholarship under the Jon Peterson special needs scholarship program is sought.	2267 2268 2269 2270 2271 2272 2273 2274 2275 2276
(6) The child and the child's parents are in compliance with the state compulsory attendance law under Chapter 3321. of the Revised Code.	2277 2278 2279
(G) "Registered private provider" means a nonpublic school or other nonpublic entity that has been registered by the superintendent of public instruction under section 3310.58 of the Revised Code.	2280 2281 2282 2283
(H) "Scholarship" means a scholarship awarded under the Jon Peterson special needs scholarship program pursuant to sections 3310.51 to 3310.64 of the Revised Code.	2284 2285 2286
(I) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code. A community school	2287 2288

established under Chapter 3314. of the Revised Code is not a 2289
"school district of residence" for purposes of sections 3310.51 to 2290
3310.64 of the Revised Code. 2291

(J) "School year" has the same meaning as in section 3313.62 2292
of the Revised Code. 2293

(K) "Special education program" means a school or facility 2294
that provides special education and related services to children 2295
with disabilities. 2296

Sec. 3317.03. (A) The superintendent of each city, local, and 2297
exempted village school district and of each educational service 2298
center shall, for the schools under the superintendent's 2299
supervision, certify to the state board of education on or before 2300
the fifteenth day of October in each year for the first full 2301
school week in October the average daily membership of students 2302
receiving services from schools under the superintendent's 2303
supervision, and the numbers of other students entitled to attend 2304
school in the district under section 3313.64 or 3313.65 of the 2305
Revised Code the superintendent is required to report under this 2306
section, so that the department of education can calculate the 2307
district's formula ADM. If a school under the superintendent's 2308
supervision is closed for one or more days during that week due to 2309
hazardous weather conditions or other circumstances described in 2310
the first paragraph of division (B) of section 3317.01 of the 2311
Revised Code, the superintendent may apply to the superintendent 2312
of public instruction for a waiver, under which the superintendent 2313
of public instruction may exempt the district superintendent from 2314
certifying the average daily membership for that school for that 2315
week and specify an alternate week for certifying the average 2316
daily membership of that school. 2317

The average daily membership during such week shall consist 2318
of the sum of the following: 2319

(1) On an FTE basis, the number of students in grades	2320
kindergarten through twelve receiving any educational services	2321
from the district, except that the following categories of	2322
students shall not be included in the determination:	2323
(a) Students enrolled in adult education classes;	2324
(b) Adjacent or other district students enrolled in the	2325
district under an open enrollment policy pursuant to section	2326
3313.98 of the Revised Code;	2327
(c) Students receiving services in the district pursuant to a	2328
compact, cooperative education agreement, or a contract, but who	2329
are entitled to attend school in another district pursuant to	2330
section 3313.64 or 3313.65 of the Revised Code;	2331
(d) Students for whom tuition is payable pursuant to sections	2332
3317.081 and 3323.141 of the Revised Code;	2333
(e) Students receiving services in the district through a	2334
scholarship awarded under either section 3310.41 or sections	2335
3310.51 to 3310.64 of the Revised Code.	2336
(2) On an FTE basis, the number of students entitled to	2337
attend school in the district pursuant to section 3313.64 or	2338
3313.65 of the Revised Code, but receiving educational services in	2339
grades kindergarten through twelve from one or more of the	2340
following entities:	2341
(a) A community school pursuant to Chapter 3314. of the	2342
Revised Code, including any participation in a college pursuant to	2343
Chapter 3365. of the Revised Code while enrolled in such community	2344
school;	2345
(b) An alternative school pursuant to sections 3313.974 to	2346
3313.979 of the Revised Code as described in division (I)(2)(a) or	2347
(b) of this section;	2348
(c) A college pursuant to Chapter 3365. of the Revised Code,	2349

except when the student is enrolled in the college while also 2350
enrolled in a community school pursuant to Chapter 3314. or a 2351
science, technology, engineering, and mathematics school 2352
established under Chapter 3326. of the Revised Code; 2353

(d) An adjacent or other school district under an open 2354
enrollment policy adopted pursuant to section 3313.98 of the 2355
Revised Code; 2356

(e) An educational service center or cooperative education 2357
district; 2358

(f) Another school district under a cooperative education 2359
agreement, compact, or contract; 2360

(g) A ~~chartered~~ nonpublic school with a scholarship paid 2361
under section 3310.08 or 3310.28 of the Revised Code; 2362

(h) An alternative public provider or a registered private 2363
provider with a scholarship awarded under either section 3310.41 2364
or sections 3310.51 to 3310.64 of the Revised Code. 2365

As used in this section, "alternative public provider" and 2366
"registered private provider" have the same meanings as in section 2367
3310.41 or 3310.51 of the Revised Code, as applicable. 2368

(i) A science, technology, engineering, and mathematics 2369
school established under Chapter 3326. of the Revised Code, 2370
including any participation in a college pursuant to Chapter 3365. 2371
of the Revised Code while enrolled in the school; 2372

(j) A college-preparatory boarding school established under 2373
Chapter 3328. of the Revised Code. 2374

(3) The number of students enrolled in a joint vocational 2375
school district or under a vocational education compact, excluding 2376
any students entitled to attend school in the district under 2377
section 3313.64 or 3313.65 of the Revised Code who are enrolled in 2378
another school district through an open enrollment policy as 2379

reported under division (A)(2)(d) of this section and then enroll 2380
in a joint vocational school district or under a vocational 2381
education compact; 2382

(4) The number of children with disabilities, other than 2383
preschool children with disabilities, entitled to attend school in 2384
the district pursuant to section 3313.64 or 3313.65 of the Revised 2385
Code who are placed by the district with a county DD board, minus 2386
the number of such children placed with a county DD board in 2387
fiscal year 1998. If this calculation produces a negative number, 2388
the number reported under division (A)(4) of this section shall be 2389
zero. 2390

(B) To enable the department of education to obtain the data 2391
needed to complete the calculation of payments pursuant to this 2392
chapter, in addition to the average daily membership, each 2393
superintendent shall report separately the following student 2394
counts for the same week for which average daily membership is 2395
certified: 2396

(1) The total average daily membership in regular learning 2397
day classes included in the report under division (A)(1) or (2) of 2398
this section for each of the individual grades kindergarten 2399
through twelve in schools under the superintendent's supervision; 2400

(2) The number of all preschool children with disabilities 2401
enrolled as of the first day of December in classes in the 2402
district that are eligible for approval under division (B) of 2403
section 3317.05 of the Revised Code and the number of those 2404
classes, which shall be reported not later than the fifteenth day 2405
of December, in accordance with rules adopted under that section; 2406

(3) The number of children entitled to attend school in the 2407
district pursuant to section 3313.64 or 3313.65 of the Revised 2408
Code who are: 2409

(a) Participating in a pilot project scholarship program 2410

established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	2411 2412
(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	2413 2414 2415 2416 2417
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	2418 2419
(d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	2420 2421 2422 2423 2424 2425
(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;	2426 2427 2428 2429
(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 <u>or 3310.28</u> of the Revised Code;	2430 2431 2432
(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;	2433 2434 2435 2436
(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;	2437 2438 2439
(i) Participating in a program operated by a county DD board	2440

or a state institution;	2441
(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;	2442 2443 2444 2445
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code.	2446 2447
(4) The number of pupils enrolled in joint vocational schools;	2448 2449
(5) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, 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;	2450 2451 2452 2453 2454 2455 2456 2457
(6) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, 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;	2458 2459 2460 2461 2462 2463 2464 2465
(7) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered	2466 2467 2468 2469 2470 2471

private provider with a scholarship awarded under sections 3310.51 2472
to 3310.64 of the Revised Code; 2473

(8) The combined average daily membership of children with 2474
disabilities reported under division (A)(1) or (2) of this section 2475
receiving special education services for category four 2476
disabilities described in division (D) of section 3317.013 of the 2477
Revised Code, including children attending a special education 2478
program operated by an alternative public provider or a registered 2479
private provider with a scholarship awarded under sections 3310.51 2480
to 3310.64 of the Revised Code; 2481

(9) The combined average daily membership of children with 2482
disabilities reported under division (A)(1) or (2) of this section 2483
receiving special education services for the category five 2484
disabilities described in division (E) of section 3317.013 of the 2485
Revised Code, including children attending a special education 2486
program operated by an alternative public provider or a registered 2487
private provider with a scholarship awarded under sections 3310.51 2488
to 3310.64 of the Revised Code; 2489

(10) The combined average daily membership of children with 2490
disabilities reported under division (A)(1) or (2) and under 2491
division (B)(3)(h) of this section receiving special education 2492
services for category six disabilities described in division (F) 2493
of section 3317.013 of the Revised Code, including children 2494
attending a special education program operated by an alternative 2495
public provider or a registered private provider with a 2496
scholarship awarded under either section 3310.41 or sections 2497
3310.51 to 3310.64 of the Revised Code; 2498

(11) The average daily membership of pupils reported under 2499
division (A)(1) or (2) of this section enrolled in category one 2500
vocational education programs or classes, described in division 2501
(A) of section 3317.014 of the Revised Code, operated by the 2502
school district or by another district, other than a joint 2503

vocational school district, or by an educational service center, 2504
excluding any student reported under division (B)(3)(e) of this 2505
section as enrolled in an internet- or computer-based community 2506
school, notwithstanding division (C) of section 3317.02 of the 2507
Revised Code and division (C)(3) of this section; 2508

(12) The average daily membership of pupils reported under 2509
division (A)(1) or (2) of this section enrolled in category two 2510
vocational education programs or services, described in division 2511
(B) of section 3317.014 of the Revised Code, operated by the 2512
school district or another school district, other than a joint 2513
vocational school district, or by an educational service center, 2514
excluding any student reported under division (B)(3)(e) of this 2515
section as enrolled in an internet- or computer-based community 2516
school, notwithstanding division (C) of section 3317.02 of the 2517
Revised Code and division (C)(3) of this section; 2518

Beginning with fiscal year 2010, vocational education ADM 2519
shall not be used to calculate a district's funding but shall be 2520
reported under divisions (B)(11) and (12) of this section for 2521
statistical purposes. 2522

(13) The average number of children transported by the school 2523
district on board-owned or contractor-owned and -operated buses, 2524
reported in accordance with rules adopted by the department of 2525
education; 2526

(14)(a) The number of children, other than preschool children 2527
with disabilities, the district placed with a county DD board in 2528
fiscal year 1998; 2529

(b) The number of children with disabilities, other than 2530
preschool children with disabilities, placed with a county DD 2531
board in the current fiscal year to receive special education 2532
services for the category one disability described in division (A) 2533
of section 3317.013 of the Revised Code; 2534

(c) The number of children with disabilities, other than 2535
preschool children with disabilities, placed with a county DD 2536
board in the current fiscal year to receive special education 2537
services for category two disabilities described in division (B) 2538
of section 3317.013 of the Revised Code; 2539

(d) The number of children with disabilities, other than 2540
preschool children with disabilities, placed with a county DD 2541
board in the current fiscal year to receive special education 2542
services for category three disabilities described in division (C) 2543
of section 3317.013 of the Revised Code; 2544

(e) The number of children with disabilities, other than 2545
preschool children with disabilities, placed with a county DD 2546
board in the current fiscal year to receive special education 2547
services for category four disabilities described in division (D) 2548
of section 3317.013 of the Revised Code; 2549

(f) The number of children with disabilities, other than 2550
preschool children with disabilities, placed with a county DD 2551
board in the current fiscal year to receive special education 2552
services for the category five disabilities described in division 2553
(E) of section 3317.013 of the Revised Code; 2554

(g) The number of children with disabilities, other than 2555
preschool children with disabilities, placed with a county DD 2556
board in the current fiscal year to receive special education 2557
services for category six disabilities described in division (F) 2558
of section 3317.013 of the Revised Code. 2559

(C)(1) The average daily membership in divisions (B)(1) to 2560
(12) of this section shall be based upon the number of full-time 2561
equivalent students. The state board of education shall adopt 2562
rules defining full-time equivalent students and for determining 2563
the average daily membership therefrom for the purposes of 2564
divisions (A), (B), and (D) of this section. Each student enrolled 2565

in kindergarten shall be counted as one full-time equivalent 2566
student regardless of whether the student is enrolled in a 2567
part-day or all-day kindergarten class. 2568

(2) A student enrolled in a community school established 2569
under Chapter 3314., a science, technology, engineering, and 2570
mathematics school established under Chapter 3326., or a 2571
college-preparatory boarding school established under Chapter 2572
3328. of the Revised Code shall be counted in the formula ADM and, 2573
if applicable, the category one, two, three, four, five, or six 2574
special education ADM of the school district in which the student 2575
is entitled to attend school under section 3313.64 or 3313.65 of 2576
the Revised Code for the same proportion of the school year that 2577
the student is counted in the enrollment of the community school, 2578
the science, technology, engineering, and mathematics school, or 2579
the college-preparatory boarding school for purposes of section 2580
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 2581
the number of students reported pursuant to division (B)(3)(d), 2582
(e), (j), or (k) of this section, the department may adjust the 2583
formula ADM of a school district to account for students entitled 2584
to attend school in the district under section 3313.64 or 3313.65 2585
of the Revised Code who are enrolled in a community school, a 2586
science, technology, engineering, and mathematics school, or a 2587
college-preparatory boarding school for only a portion of the 2588
school year. 2589

(3) No child shall be counted as more than a total of one 2590
child in the sum of the average daily memberships of a school 2591
district under division (A), divisions (B)(1) to (12), or division 2592
(D) of this section, except as follows: 2593

(a) A child with a disability described in section 3317.013 2594
of the Revised Code may be counted both in formula ADM and in 2595
category one, two, three, four, five, or six special education ADM 2596
and, if applicable, in category one or two vocational education 2597

ADM. As provided in division (C) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

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

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

(D)(1) The superintendent of each joint vocational school district shall certify to the superintendent of public instruction on or before the fifteenth day of October in each year for the first full school week in October the formula ADM, for purposes of section 3318.42 of the Revised Code and for any other purpose prescribed by law for which "formula ADM" of the joint vocational district is a factor. If a school operated by the joint vocational school district is closed for one or more days during that week due to hazardous weather conditions or other circumstances described in the first paragraph of division (B) of section 3317.01 of the Revised Code, the superintendent may apply to the superintendent of public instruction for a waiver, under which the superintendent of public instruction may exempt the district superintendent from certifying the formula ADM for that school for that week and specify an alternate week for certifying the formula ADM of that school.

The formula ADM, except as otherwise provided in this 2630
division, shall consist of the average daily membership during 2631
such week, on an FTE basis, of the number of students receiving 2632
any educational services from the district, including students 2633
enrolled in a community school established under Chapter 3314. or 2634
a science, technology, engineering, and mathematics school 2635
established under Chapter 3326. of the Revised Code who are 2636
attending the joint vocational district under an agreement between 2637
the district board of education and the governing authority of the 2638
community school or the governing body of the science, technology, 2639
engineering, and mathematics school and are entitled to attend 2640
school in a city, local, or exempted village school district whose 2641
territory is part of the territory of the joint vocational 2642
district. 2643

The following categories of students shall not be included in 2644
the determination made under division (D)(1) of this section: 2645

(a) Students enrolled in adult education classes; 2646

(b) Adjacent or other district joint vocational students 2647
enrolled in the district under an open enrollment policy pursuant 2648
to section 3313.98 of the Revised Code; 2649

(c) Students receiving services in the district pursuant to a 2650
compact, cooperative education agreement, or a contract, but who 2651
are entitled to attend school in a city, local, or exempted 2652
village school district whose territory is not part of the 2653
territory of the joint vocational district; 2654

(d) Students for whom tuition is payable pursuant to sections 2655
3317.081 and 3323.141 of the Revised Code. 2656

(2) To enable the department of education to obtain the data 2657
needed to complete the calculation of payments pursuant to this 2658
chapter, in addition to the formula ADM, each superintendent shall 2659
report separately the average daily membership included in the 2660

report under division (D)(1) of this section for each of the	2661
following categories of students for the same week for which	2662
formula ADM is certified:	2663
(a) Students enrolled in each individual grade included in	2664
the joint vocational district schools;	2665
(b) Children with disabilities receiving special education	2666
services for the category one disability described in division (A)	2667
of section 3317.013 of the Revised Code;	2668
(c) Children with disabilities receiving special education	2669
services for the category two disabilities described in division	2670
(B) of section 3317.013 of the Revised Code;	2671
(d) Children with disabilities receiving special education	2672
services for category three disabilities described in division (C)	2673
of section 3317.013 of the Revised Code;	2674
(e) Children with disabilities receiving special education	2675
services for category four disabilities described in division (D)	2676
of section 3317.013 of the Revised Code;	2677
(f) Children with disabilities receiving special education	2678
services for the category five disabilities described in division	2679
(E) of section 3317.013 of the Revised Code;	2680
(g) Children with disabilities receiving special education	2681
services for category six disabilities described in division (F)	2682
of section 3317.013 of the Revised Code;	2683
(h) Students receiving category one vocational education	2684
services, described in division (A) of section 3317.014 of the	2685
Revised Code;	2686
(i) Students receiving category two vocational education	2687
services, described in division (B) of section 3317.014 of the	2688
Revised Code.	2689
The superintendent of each joint vocational school district	2690

shall also indicate the city, local, or exempted village school 2691
district in which each joint vocational district pupil is entitled 2692
to attend school pursuant to section 3313.64 or 3313.65 of the 2693
Revised Code. 2694

(E) In each school of each city, local, exempted village, 2695
joint vocational, and cooperative education school district there 2696
shall be maintained a record of school membership, which record 2697
shall accurately show, for each day the school is in session, the 2698
actual membership enrolled in regular day classes. For the purpose 2699
of determining average daily membership, the membership figure of 2700
any school shall not include any pupils except those pupils 2701
described by division (A) of this section. The record of 2702
membership for each school shall be maintained in such manner that 2703
no pupil shall be counted as in membership prior to the actual 2704
date of entry in the school and also in such manner that where for 2705
any cause a pupil permanently withdraws from the school that pupil 2706
shall not be counted as in membership from and after the date of 2707
such withdrawal. There shall not be included in the membership of 2708
any school any of the following: 2709

(1) Any pupil who has graduated from the twelfth grade of a 2710
public or nonpublic high school; 2711

(2) Any pupil who is not a resident of the state; 2712

(3) Any pupil who was enrolled in the schools of the district 2713
during the previous school year when assessments were administered 2714
under section 3301.0711 of the Revised Code but did not take one 2715
or more of the assessments required by that section and was not 2716
excused pursuant to division (C)(1) or (3) of that section; 2717

(4) Any pupil who has attained the age of twenty-two years, 2718
except for veterans of the armed services whose attendance was 2719
interrupted before completing the recognized twelve-year course of 2720
the public schools by reason of induction or enlistment in the 2721

armed forces and who apply for reenrollment in the public school 2722
system of their residence not later than four years after 2723
termination of war or their honorable discharge. 2724

If, however, any veteran described by division (E)(4) of this 2725
section elects to enroll in special courses organized for veterans 2726
for whom tuition is paid under the provisions of federal laws, or 2727
otherwise, that veteran shall not be included in average daily 2728
membership. 2729

Notwithstanding division (E)(3) of this section, the 2730
membership of any school may include a pupil who did not take an 2731
assessment required by section 3301.0711 of the Revised Code if 2732
the superintendent of public instruction grants a waiver from the 2733
requirement to take the assessment to the specific pupil and a 2734
parent is not paying tuition for the pupil pursuant to section 2735
3313.6410 of the Revised Code. The superintendent may grant such a 2736
waiver only for good cause in accordance with rules adopted by the 2737
state board of education. 2738

Except as provided in divisions (B)(2) and (F) of this 2739
section, the average daily membership figure of any local, city, 2740
exempted village, or joint vocational school district shall be 2741
determined by dividing the figure representing the sum of the 2742
number of pupils enrolled during each day the school of attendance 2743
is actually open for instruction during the week for which the 2744
average daily membership is being certified by the total number of 2745
days the school was actually open for instruction during that 2746
week. For purposes of state funding, "enrolled" persons are only 2747
those pupils who are attending school, those who have attended 2748
school during the current school year and are absent for 2749
authorized reasons, and those children with disabilities currently 2750
receiving home instruction. 2751

The average daily membership figure of any cooperative 2752
education school district shall be determined in accordance with 2753

rules adopted by the state board of education. 2754

(F)(1) If the formula ADM for the first full school week in 2755
February is at least three per cent greater than that certified 2756
for the first full school week in the preceding October, the 2757
superintendent of schools of any city, exempted village, or joint 2758
vocational school district or educational service center shall 2759
certify such increase to the superintendent of public instruction. 2760
Such certification shall be submitted no later than the fifteenth 2761
day of February. For the balance of the fiscal year, beginning 2762
with the February payments, the superintendent of public 2763
instruction shall use the increased formula ADM in calculating or 2764
recalculating the amounts to be allocated in accordance with 2765
section 3317.022 or 3317.16 of the Revised Code. In no event shall 2766
the superintendent use an increased membership certified to the 2767
superintendent after the fifteenth day of February. Division 2768
(F)(1) of this section does not apply after fiscal year 2006. 2769

(2) If on the first school day of April the total number of 2770
classes or units for preschool children with disabilities that are 2771
eligible for approval under division (B) of section 3317.05 of the 2772
Revised Code exceeds the number of units that have been approved 2773
for the year under that division, the superintendent of schools of 2774
any city, exempted village, or cooperative education school 2775
district or educational service center shall make the 2776
certifications required by this section for that day. If the 2777
department determines additional units can be approved for the 2778
fiscal year within any limitations set forth in the acts 2779
appropriating moneys for the funding of such units, the department 2780
shall approve additional units for the fiscal year on the basis of 2781
such average daily membership. For each unit so approved, the 2782
department shall pay an amount computed in the manner prescribed 2783
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 2784
Code. 2785

(3) If a student attending a community school under Chapter 2786
3314., a science, technology, engineering, and mathematics school 2787
established under Chapter 3326., or a college-preparatory boarding 2788
school established under Chapter 3328. of the Revised Code is not 2789
included in the formula ADM certified for the school district in 2790
which the student is entitled to attend school under section 2791
3313.64 or 3313.65 of the Revised Code, the department of 2792
education shall adjust the formula ADM of that school district to 2793
include the student in accordance with division (C)(2) of this 2794
section, and shall recalculate the school district's payments 2795
under this chapter for the entire fiscal year on the basis of that 2796
adjusted formula ADM. This requirement applies regardless of 2797
whether the student was enrolled, as defined in division (E) of 2798
this section, in the community school, the science, technology, 2799
engineering, and mathematics school, or the college-preparatory 2800
boarding school during the week for which the formula ADM is being 2801
certified. 2802

(4) If a student awarded an educational choice scholarship is 2803
not included in the formula ADM of the school district from which 2804
the department deducts funds for the scholarship under section 2805
3310.08 of the Revised Code, the department shall adjust the 2806
formula ADM of that school district to include the student to the 2807
extent necessary to account for the deduction, and shall 2808
recalculate the school district's payments under this chapter for 2809
the entire fiscal year on the basis of that adjusted formula ADM. 2810
This requirement applies regardless of whether the student was 2811
enrolled, as defined in division (E) of this section, in the 2812
chartered nonpublic school, the school district, or a community 2813
school during the week for which the formula ADM is being 2814
certified. 2815

(5) If a student awarded a scholarship under the parental 2816
choice and taxpayer savings scholarship program is not included in 2817

the formula ADM of the school district from which the department 2818
deducts funds for the scholarship under section 3310.28 of the 2819
Revised Code, the department shall adjust the formula ADM of that 2820
school district to include the student to the extent necessary to 2821
account for the deduction, and shall recalculate the school 2822
district's payments under this chapter for the entire fiscal year 2823
on the basis of that adjusted formula ADM. This requirement 2824
applies regardless of whether the student was enrolled, as defined 2825
in division (E) of this section, in an eligible nonpublic school, 2826
the school district, or a community school during the week for 2827
which the formula ADM is being certified. 2828

(6) If a student awarded a scholarship under the Jon Peterson 2829
special needs scholarship program is not included in the formula 2830
ADM of the school district from which the department deducts funds 2831
for the scholarship under section 3310.55 of the Revised Code, the 2832
department shall adjust the formula ADM of that school district to 2833
include the student to the extent necessary to account for the 2834
deduction, and shall recalculate the school district's payments 2835
under this chapter for the entire fiscal year on the basis of that 2836
adjusted formula ADM. This requirement applies regardless of 2837
whether the student was enrolled, as defined in division (E) of 2838
this section, in an alternative public provider, a registered 2839
private provider, or the school district during the week for which 2840
the formula ADM is being certified. 2841

(G)(1)(a) The superintendent of an institution operating a 2842
special education program pursuant to section 3323.091 of the 2843
Revised Code shall, for the programs under such superintendent's 2844
supervision, certify to the state board of education, in the 2845
manner prescribed by the superintendent of public instruction, 2846
both of the following: 2847

(i) The average daily membership of all children with 2848
disabilities other than preschool children with disabilities 2849

receiving services at the institution for each category of 2850
disability described in divisions (A) to (F) of section 3317.013 2851
of the Revised Code; 2852

(ii) The average daily membership of all preschool children 2853
with disabilities in classes or programs approved annually by the 2854
department of education for unit funding under section 3317.05 of 2855
the Revised Code. 2856

(b) The superintendent of an institution with vocational 2857
education units approved under division (A) of section 3317.05 of 2858
the Revised Code shall, for the units under the superintendent's 2859
supervision, certify to the state board of education the average 2860
daily membership in those units, in the manner prescribed by the 2861
superintendent of public instruction. 2862

(2) The superintendent of each county DD board that maintains 2863
special education classes under section 3317.20 of the Revised 2864
Code or units approved pursuant to section 3317.05 of the Revised 2865
Code shall do both of the following: 2866

(a) Certify to the state board, in the manner prescribed by 2867
the board, the average daily membership in classes under section 2868
3317.20 of the Revised Code for each school district that has 2869
placed children in the classes; 2870

(b) Certify to the state board, in the manner prescribed by 2871
the board, the number of all preschool children with disabilities 2872
enrolled as of the first day of December in classes eligible for 2873
approval under division (B) of section 3317.05 of the Revised 2874
Code, and the number of those classes. 2875

(3)(a) If on the first school day of April the number of 2876
classes or units maintained for preschool children with 2877
disabilities by the county DD board that are eligible for approval 2878
under division (B) of section 3317.05 of the Revised Code is 2879
greater than the number of units approved for the year under that 2880

division, the superintendent shall make the certification required 2881
by this section for that day. 2882

(b) If the department determines that additional classes or 2883
units can be approved for the fiscal year within any limitations 2884
set forth in the acts appropriating moneys for the funding of the 2885
classes and units described in division (G)(3)(a) of this section, 2886
the department shall approve and fund additional units for the 2887
fiscal year on the basis of such average daily membership. For 2888
each unit so approved, the department shall pay an amount computed 2889
in the manner prescribed in sections 3317.052 and 3317.053 of the 2890
Revised Code. 2891

(H) Except as provided in division (I) of this section, when 2892
any city, local, or exempted village school district provides 2893
instruction for a nonresident pupil whose attendance is 2894
unauthorized attendance as defined in section 3327.06 of the 2895
Revised Code, that pupil's membership shall not be included in 2896
that district's membership figure used in the calculation of that 2897
district's formula ADM or included in the determination of any 2898
unit approved for the district under section 3317.05 of the 2899
Revised Code. The reporting official shall report separately the 2900
average daily membership of all pupils whose attendance in the 2901
district is unauthorized attendance, and the membership of each 2902
such pupil shall be credited to the school district in which the 2903
pupil is entitled to attend school under division (B) of section 2904
3313.64 or section 3313.65 of the Revised Code as determined by 2905
the department of education. 2906

(I)(1) A city, local, exempted village, or joint vocational 2907
school district admitting a scholarship student of a pilot project 2908
district pursuant to division (C) of section 3313.976 of the 2909
Revised Code may count such student in its average daily 2910
membership. 2911

(2) In any year for which funds are appropriated for pilot 2912

project scholarship programs, a school district implementing a 2913
state-sponsored pilot project scholarship program that year 2914
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 2915
count in average daily membership: 2916

(a) All children residing in the district and utilizing a 2917
scholarship to attend kindergarten in any alternative school, as 2918
defined in section 3313.974 of the Revised Code; 2919

(b) All children who were enrolled in the district in the 2920
preceding year who are utilizing a scholarship to attend an 2921
alternative school. 2922

(J) The superintendent of each cooperative education school 2923
district shall certify to the superintendent of public 2924
instruction, in a manner prescribed by the state board of 2925
education, the applicable average daily memberships for all 2926
students in the cooperative education district, also indicating 2927
the city, local, or exempted village district where each pupil is 2928
entitled to attend school under section 3313.64 or 3313.65 of the 2929
Revised Code. 2930

(K) If the superintendent of public instruction determines 2931
that a component of the average daily membership certified or 2932
reported by a district superintendent, or other reporting entity, 2933
is not correct, the superintendent of public instruction may order 2934
that the formula ADM used for the purposes of payments under any 2935
section of Title XXXIII of the Revised Code be adjusted in the 2936
amount of the error. 2937

Sec. 5727.84. (A) As used in this section and sections 2938
5727.85, 5727.86, and 5727.87 of the Revised Code: 2939

(1) "School district" means a city, local, or exempted 2940
village school district. 2941

(2) "Joint vocational school district" means a joint 2942

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 the following provisions, as they existed for the applicable fiscal year: 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 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 H.B. 119 of the

127th general assembly, as subsequently amended. 2975

(b) For fiscal years 2010 and 2011, the sum of the amounts 2976
computed for the district under former sections 3306.052, 3306.12, 2977
3306.13, 3306.19, 3306.191, and 3306.192 of the Revised Code and 2978
the following provisions, as they existed for the applicable 2979
fiscal year: division (G) of section 3317.024; sections 3317.05, 2980
3317.052, and 3317.053 of the Revised Code; and the adjustments 2981
required by division (C) of section 3310.08; division (C)(2) of 2982
section 3310.41; division (C) of section 3314.08; division (D)(2) 2983
of section 3314.091; division (D) of section 3314.13; divisions 2984
(E), (K), (L), (M), and (N) of section 3317.023; division (C) of 2985
section 3317.20; and sections 3313.979, 3313.981, and 3326.33 of 2986
the Revised Code. 2987

(c) For fiscal years 2012 and 2013, the amount paid in 2988
accordance with the section of H.B. 153 of the 129th general 2989
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 2990
SCHOOL DISTRICTS" and the adjustments required by division (C) of 2991
section 3310.08; division (C) of section 3310.28; division (C)(2) 2992
of section 3310.41; section 3310.55; division (C) of section 2993
3314.08; division (D)(2) of section 3314.091; division (D) of 2994
section 3314.13; divisions (B), (H), (I), (J), and (K) of section 2995
3317.023; division (C) of section 3317.20; and sections 3313.979 2996
and 3313.981 of the Revised Code. 2997

(5) "State education aid," for a joint vocational school 2998
district, means the following: 2999

(a) For fiscal years prior to fiscal year 2010, the sum of 3000
the state aid amounts computed for the district under division (N) 3001
of section 3317.024 and section 3317.16 of the Revised Code. 3002
However, when calculating state education aid for a joint 3003
vocational school district for fiscal years 2008 and 2009, include 3004
the amount computed for the district under Section 269.30.90 of 3005
H.B. 119 of the 127th general assembly, as subsequently amended. 3006

(b) For fiscal years 2010 and 2011, the amount computed for 3007
the district in accordance with the section of H.B. 1 of the 128th 3008
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 3009
DISTRICTS". 3010

(c) For fiscal years 2012 and 2013, the amount paid in 3011
accordance with the section of H.B. 153 of the 129th general 3012
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 3013

(6) "State education aid offset" means the amount determined 3014
for each school district or joint vocational school district under 3015
division (A)(1) of section 5727.85 of the Revised Code. 3016

(7) "Recognized valuation" has the same meaning as in section 3017
3317.02 of the Revised Code. 3018

(8) "Electric company tax value loss" means the amount 3019
determined under division (D) of this section. 3020

(9) "Natural gas company tax value loss" means the amount 3021
determined under division (E) of this section. 3022

(10) "Tax value loss" means the sum of the electric company 3023
tax value loss and the natural gas company tax value loss. 3024

(11) "Fixed-rate levy" means any tax levied on property other 3025
than a fixed-sum levy. 3026

(12) "Fixed-rate levy loss" means the amount determined under 3027
division (G) of this section. 3028

(13) "Fixed-sum levy" means a tax levied on property at 3029
whatever rate is required to produce a specified amount of tax 3030
money or levied in excess of the ten-mill limitation to pay debt 3031
charges, and includes school district emergency levies imposed 3032
pursuant to section 5705.194 of the Revised Code. 3033

(14) "Fixed-sum levy loss" means the amount determined under 3034
division (H) of this section. 3035

(15) "Consumer price index" means the consumer price index 3036

(all items, all urban consumers) prepared by the bureau of labor 3037
statistics of the United States department of labor. 3038

(16) "Total resources" has the same meaning as in section 3039
5751.20 of the Revised Code. 3040

(17) "2011 current expense S.B. 3 allocation" means the sum 3041
of payments received by a school district or joint vocational 3042
school district in fiscal year 2011 for current expense levy 3043
losses pursuant to division (C)(2) of section 5727.85 of the 3044
Revised Code. If a fixed-rate levy eligible for reimbursement is 3045
not imposed in any year after tax year 2010, "2011 current expense 3046
S.B. 3 allocation" used to compute payments to be made under 3047
division (C)(3) of section 5727.85 of the Revised Code in the tax 3048
years following the last year the levy is imposed shall be reduced 3049
by the amount of those payments attributable to the fixed-rate 3050
levy loss of that levy. 3051

(18) "2010 current expense S.B. 3 allocation" means the sum 3052
of payments received by a municipal corporation in calendar year 3053
2010 for current expense levy losses pursuant to division (A)(1) 3054
of section 5727.86 of the Revised Code. If a fixed-rate levy 3055
eligible for reimbursement is not imposed in any year after tax 3056
year 2010, "2010 current expense S.B. 3 allocation" used to 3057
compute payments to be made under division (A)(1)(d) of section 3058
5727.86 of the Revised Code in the tax years following the last 3059
year the levy is imposed shall be reduced by the amount of those 3060
payments attributable to the fixed-rate levy loss of that levy. 3061

(19) "2010 S.B. 3 allocation" means the sum of payments 3062
received by a local taxing unit during calendar year 2010 pursuant 3063
to division (A)(1) of section 5727.86 of the Revised Code. If a 3064
fixed-rate levy eligible for reimbursement is not imposed in any 3065
year after tax year 2010, "2010 S.B. 3 allocation" used to compute 3066
payments to be made under division (A)(1)(d) of section 5727.86 of 3067
the Revised Code in the tax years following the last year the levy 3068

is imposed shall be reduced by the amount of those payments 3069
attributable to the fixed-rate levy loss of that levy. 3070

(20) "Total S.B. 3 allocation" means, in the case of a school 3071
district or joint vocational school district, the sum of the 3072
amounts received in fiscal year 2011 pursuant to divisions (C)(2) 3073
and (D) of section 5727.85 of the Revised Code. In the case of a 3074
local taxing unit, "total S.B. 3 allocation" means the sum of 3075
payments received by the unit in calendar year 2010 pursuant to 3076
divisions (A)(1) and (4) of section 5727.86 of the Revised Code. 3077
If a fixed-rate levy eligible for reimbursement is not imposed in 3078
any year after tax year 2010, "total S.B. 3 allocation" used to 3079
compute payments to be made under division (C)(3) of section 3080
5727.85 or division (A)(1)(d) of section 5727.86 of the Revised 3081
Code in the tax years following the last year the levy is imposed 3082
shall be reduced by the amount of those payments attributable to 3083
the fixed-rate levy loss of that levy as would be computed under 3084
division (C)(2) of section 5727.85 or division (A)(1)(b) of 3085
section 5727.86 of the Revised Code. 3086

(21) "2011 non-current expense S.B. 3 allocation" means the 3087
difference of a school district's or joint vocational school 3088
district's total S.B. 3 allocation minus the sum of the school 3089
district's 2011 current expense S.B. 3 allocation and the portion 3090
of the school district's total S.B. 3 allocation constituting 3091
reimbursement for debt levies pursuant to division (D) of section 3092
5727.85 of the Revised Code. 3093

(22) "2010 non-current expense S.B. 3 allocation" means the 3094
difference of a municipal corporation's total S.B. 3 allocation 3095
minus the sum of its 2010 current expense S.B. 3 allocation and 3096
the portion of its total S.B. 3 allocation constituting 3097
reimbursement for debt levies pursuant to division (A)(4) of 3098
section 5727.86 of the Revised Code. 3099

(23) "Threshold per cent" means, in the case of a school 3100

district or joint vocational school district, two per cent for 3101
 fiscal year 2012 and four per cent for fiscal years 2013 and 3102
 thereafter. In the case of a local taxing unit, "threshold per 3103
 cent" means two per cent for calendar year 2011, four per cent for 3104
 calendar year 2012, and six per cent for calendar years 2013 and 3105
 thereafter. 3106

(B) The kilowatt-hour tax receipts fund is hereby created in 3107
 the state treasury and shall consist of money arising from the tax 3108
 imposed by section 5727.81 of the Revised Code. All money in the 3109
 kilowatt-hour tax receipts fund shall be credited as follows: 3110

Fiscal Year	General Revenue Fund	School District Property Tax Replacement Fund	Local Government Property Tax Replacement Fund	
2001-2011	63.0%	25.4%	11.6%	3111
2012 and thereafter	88.0%	9.0%	3.0%	3112 3113

(C) The natural gas tax receipts fund is hereby created in 3114
 the state treasury and shall consist of money arising from the tax 3115
 imposed by section 5727.811 of the Revised Code. All money in the 3116
 fund shall be credited as follows: 3117

(1) For fiscal years before fiscal year 2012: 3118

(a) Sixty-eight and seven-tenths per cent shall be credited 3119
 to the school district property tax replacement fund for the 3120
 purpose of making the payments described in section 5727.85 of the 3121
 Revised Code. 3122

(b) Thirty-one and three-tenths per cent shall be credited to 3123
 the local government property tax replacement fund for the purpose 3124
 of making the payments described in section 5727.86 of the Revised 3125
 Code. 3126

(2) For fiscal years 2012 and thereafter, one hundred per 3127
 cent to the general revenue fund. 3128

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

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

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

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

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

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

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

(3) In the case of a taxing district having a nuclear power

plant within its territory, any amount, resulting in an electric 3160
company tax value loss, obtained by subtracting the amount 3161
described in division (D)(1) of this section from the difference 3162
obtained by subtracting the amount described in division (D)(3)(b) 3163
of this section from the amount described in division (D)(3)(a) of 3164
this section. 3165

(a) The value of electric company tangible personal property 3166
as assessed by the tax commissioner for tax year 2000 on a 3167
preliminary assessment, or an amended preliminary assessment if 3168
issued prior to March 1, 2001, and as apportioned to the taxing 3169
district for tax year 2000; 3170

(b) The value of electric company tangible personal property 3171
as assessed by the tax commissioner for tax year 2001 on a 3172
preliminary assessment, or an amended preliminary assessment if 3173
issued prior to March 1, 2002, and as apportioned to the taxing 3174
district for tax year 2001. 3175

(4) In the case of a taxing district having a nuclear power 3176
plant within its territory, the difference obtained by subtracting 3177
the amount described in division (D)(4)(b) of this section from 3178
the amount described in division (D)(4)(a) of this section, 3179
provided that such difference is greater than ten per cent of the 3180
amount described in division (D)(4)(a) of this section. 3181

(a) The value of electric company tangible personal property 3182
as assessed by the tax commissioner for tax year 2005 on a 3183
preliminary assessment, or an amended preliminary assessment if 3184
issued prior to March 1, 2006, and as apportioned to the taxing 3185
district for tax year 2005; 3186

(b) The value of electric company tangible personal property 3187
as assessed by the tax commissioner for tax year 2006 on a 3188
preliminary assessment, or an amended preliminary assessment if 3189
issued prior to March 1, 2007, and as apportioned to the taxing 3190

district for tax year 2006.	3191
(E) Not later than January 1, 2002, the tax commissioner	3192
shall determine for each taxing district its natural gas company	3193
tax value loss, which is the sum of the amounts described in	3194
divisions (E)(1) and (2) of this section:	3195
(1) The difference obtained by subtracting the amount	3196
described in division (E)(1)(b) from the amount described in	3197
division (E)(1)(a) of this section.	3198
(a) The value of all natural gas company tangible personal	3199
property, other than property described in division (E)(2) of this	3200
section, as assessed by the tax commissioner for tax year 1999 on	3201
a preliminary assessment, or an amended preliminary assessment if	3202
issued prior to March 1, 2000, and apportioned to the taxing	3203
district for tax year 1999;	3204
(b) The value of all natural gas company tangible personal	3205
property, other than property described in division (E)(2) of this	3206
section, as assessed by the tax commissioner for tax year 1999 had	3207
the property been apportioned to the taxing district for tax year	3208
2001, and assessed at the rates in effect for tax year 2001.	3209
(2) The difference in the value of current gas obtained by	3210
subtracting the amount described in division (E)(2)(b) from the	3211
amount described in division (E)(2)(a) of this section.	3212
(a) The three-year average assessed value of current gas as	3213
assessed by the tax commissioner for tax years 1997, 1998, and	3214
1999 on a preliminary assessment, or an amended preliminary	3215
assessment if issued prior to March 1, 2001, and as apportioned in	3216
the taxing district for those respective years;	3217
(b) The three-year average assessed value from current gas	3218
under division (E)(2)(a) of this section for tax years 1997, 1998,	3219
and 1999, as reflected in the preliminary assessment, using an	3220
assessment rate of twenty-five per cent.	3221

(F) The tax commissioner may request that natural gas 3222
companies, electric companies, and rural electric companies file a 3223
report to help determine the tax value loss under divisions (D) 3224
and (E) of this section. The report shall be filed within thirty 3225
days of the commissioner's request. A company that fails to file 3226
the report or does not timely file the report is subject to the 3227
penalty in section 5727.60 of the Revised Code. 3228

(G) Not later than January 1, 2002, the tax commissioner 3229
shall determine for each school district, joint vocational school 3230
district, and local taxing unit its fixed-rate levy loss, which is 3231
the sum of its electric company tax value loss multiplied by the 3232
tax rate in effect in tax year 1998 for fixed-rate levies and its 3233
natural gas company tax value loss multiplied by the tax rate in 3234
effect in tax year 1999 for fixed-rate levies. 3235

(H) Not later than January 1, 2002, the tax commissioner 3236
shall determine for each school district, joint vocational school 3237
district, and local taxing unit its fixed-sum levy loss, which is 3238
the amount obtained by subtracting the amount described in 3239
division (H)(2) of this section from the amount described in 3240
division (H)(1) of this section: 3241

(1) The sum of the electric company tax value loss multiplied 3242
by the tax rate in effect in tax year 1998, and the natural gas 3243
company tax value loss multiplied by the tax rate in effect in tax 3244
year 1999, for fixed-sum levies for all taxing districts within 3245
each school district, joint vocational school district, and local 3246
taxing unit. For the years 2002 through 2006, this computation 3247
shall include school district emergency levies that existed in 3248
1998 in the case of the electric company tax value loss, and 1999 3249
in the case of the natural gas company tax value loss, and all 3250
other fixed-sum levies that existed in 1998 in the case of the 3251
electric company tax value loss and 1999 in the case of the 3252
natural gas company tax value loss and continue to be charged in 3253

the tax year preceding the distribution year. For the years 2007 3254
through 2016 in the case of school district emergency levies, and 3255
for all years after 2006 in the case of all other fixed-sum 3256
levies, this computation shall exclude all fixed-sum levies that 3257
existed in 1998 in the case of the electric company tax value loss 3258
and 1999 in the case of the natural gas company tax value loss, 3259
but are no longer in effect in the tax year preceding the 3260
distribution year. For the purposes of this section, an emergency 3261
levy that existed in 1998 in the case of the electric company tax 3262
value loss, and 1999 in the case of the natural gas company tax 3263
value loss, continues to exist in a year beginning on or after 3264
January 1, 2007, but before January 1, 2017, if, in that year, the 3265
board of education levies a school district emergency levy for an 3266
annual sum at least equal to the annual sum levied by the board in 3267
tax year 1998 or 1999, respectively, less the amount of the 3268
payment certified under this division for 2002. 3269

(2) The total taxable value in tax year 1999 less the tax 3270
value loss in each school district, joint vocational school 3271
district, and local taxing unit multiplied by one-fourth of one 3272
mill. 3273

If the amount computed under division (H) of this section for 3274
any school district, joint vocational school district, or local 3275
taxing unit is greater than zero, that amount shall equal the 3276
fixed-sum levy loss reimbursed pursuant to division (F) of section 3277
5727.85 of the Revised Code or division (A)(2) of section 5727.86 3278
of the Revised Code, and the one-fourth of one mill that is 3279
subtracted under division (H)(2) of this section shall be 3280
apportioned among all contributing fixed-sum levies in the 3281
proportion of each levy to the sum of all fixed-sum levies within 3282
each school district, joint vocational school district, or local 3283
taxing unit. 3284

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 3285

section, in computing the tax value loss, fixed-rate levy loss, 3286
and fixed-sum levy loss, the tax commissioner shall use the 3287
greater of the 1998 tax rate or the 1999 tax rate in the case of 3288
levy losses associated with the electric company tax value loss, 3289
but the 1999 tax rate shall not include for this purpose any tax 3290
levy approved by the voters after June 30, 1999, and the tax 3291
commissioner shall use the greater of the 1999 or the 2000 tax 3292
rate in the case of levy losses associated with the natural gas 3293
company tax value loss. 3294

(J) Not later than January 1, 2002, the tax commissioner 3295
shall certify to the department of education the tax value loss 3296
determined under divisions (D) and (E) of this section for each 3297
taxing district, the fixed-rate levy loss calculated under 3298
division (G) of this section, and the fixed-sum levy loss 3299
calculated under division (H) of this section. The calculations 3300
under divisions (G) and (H) of this section shall separately 3301
display the levy loss for each levy eligible for reimbursement. 3302

(K) Not later than September 1, 2001, the tax commissioner 3303
shall certify the amount of the fixed-sum levy loss to the county 3304
auditor of each county in which a school district with a fixed-sum 3305
levy loss has territory. 3306

Section 2. That existing sections 109.57, 109.572, 3301.0714, 3307
3310.02, 3310.03, 3310.06, 3310.51, 3317.03, and 5727.84 and 3308
section 3310.05 of the Revised Code are hereby repealed. 3309

Section 3. This act shall be known as the "Parental Choice 3311
and Taxpayer Savings Scholarship Act." 3312