

# As Introduced

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

**S. B. No. 128**

**Senator Faber**

**Cosponsors: Senators Seitz, Schaffer, Beagle, Bacon, Jordan**

—

## A B I L L

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

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

<b>Section 1.</b> That sections 109.57, 109.572, 3301.0714, 3310.01,	19
3310.04, 3310.06, 3310.07, 3310.11, 3310.12, 3310.14, 3310.15,	20

3310.17, 3317.03, 4776.01, and 5727.84 be amended and sections 21  
3310.16, 3310.18, 3310.51, 3310.52, 3310.521, 3310.53, 3310.54, 22  
3310.55, 3310.56, 3310.57, 3310.58, 3310.59, 3310.60, 3310.61, 23  
3310.62, 3310.63, 3310.64, and 3323.052 and new sections 3310.02, 24  
3310.03, 3310.05, 3310.08, 3310.09, 3310.10, and 3310.13 be 25  
enacted to read as follows: 26

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 27  
criminal identification and investigation shall procure from 28  
wherever procurable and file for record photographs, pictures, 29  
descriptions, fingerprints, measurements, and other information 30  
that may be pertinent of all persons who have been convicted of 31  
committing within this state a felony, any crime constituting a 32  
misdemeanor on the first offense and a felony on subsequent 33  
offenses, or any misdemeanor described in division (A)(1)(a), 34  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 35  
of all children under eighteen years of age who have been 36  
adjudicated delinquent children for committing within this state 37  
an act that would be a felony or an offense of violence if 38  
committed by an adult or who have been convicted of or pleaded 39  
guilty to committing within this state a felony or an offense of 40  
violence, and of all well-known and habitual criminals. The person 41  
in charge of any county, multicounty, municipal, municipal-county, 42  
or multicounty-municipal jail or workhouse, community-based 43  
correctional facility, halfway house, alternative residential 44  
facility, or state correctional institution and the person in 45  
charge of any state institution having custody of a person 46  
suspected of having committed a felony, any crime constituting a 47  
misdemeanor on the first offense and a felony on subsequent 48  
offenses, or any misdemeanor described in division (A)(1)(a), 49  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code or 50  
having custody of a child under eighteen years of age with respect 51

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

(2) Every clerk of a court of record in this state, other 74  
than the supreme court or a court of appeals, shall send to the 75  
superintendent of the bureau a weekly report containing a summary 76  
of each case involving a felony, involving any crime constituting 77  
a misdemeanor on the first offense and a felony on subsequent 78  
offenses, involving a misdemeanor described in division (A)(1)(a), 79  
(A)(8)(a), or (A)(10)(a) of section 109.572 of the Revised Code, 80  
or involving an adjudication in a case in which a child under 81  
eighteen years of age was alleged to be a delinquent child for 82  
committing an act that would be a felony or an offense of violence 83  
if committed by an adult. The clerk of the court of common pleas 84

shall include in the report and summary the clerk sends under this 85  
division all information described in divisions (A)(2)(a) to (f) 86  
of this section regarding a case before the court of appeals that 87  
is served by that clerk. The summary shall be written on the 88  
standard forms furnished by the superintendent pursuant to 89  
division (B) of this section and shall include the following 90  
information: 91

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

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

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

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

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

(f) If the person or child was convicted, pleaded guilty, or 111  
was adjudicated a delinquent child, the sentence or terms of 112  
probation imposed or any other disposition of the offender or the 113  
delinquent child. 114

If the offense involved the disarming of a law enforcement 115

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

(3) The superintendent shall cooperate with and assist 120  
sheriffs, chiefs of police, and other law enforcement officers in 121  
the establishment of a complete system of criminal identification 122  
and in obtaining fingerprints and other means of identification of 123  
all persons arrested on a charge of a felony, any crime 124  
constituting a misdemeanor on the first offense and a felony on 125  
subsequent offenses, or a misdemeanor described in division 126  
(A)(1)(a), (A)(8)(a), or (A)(10)(a) of section 109.572 of the 127  
Revised Code and of all children under eighteen years of age 128  
arrested or otherwise taken into custody for committing an act 129  
that would be a felony or an offense of violence if committed by 130  
an adult. The superintendent also shall file for record the 131  
fingerprint impressions of all persons confined in a county, 132  
multicounty, municipal, municipal-county, or multicounty-municipal 133  
jail or workhouse, community-based correctional facility, halfway 134  
house, alternative residential facility, or state correctional 135  
institution for the violation of state laws and of all children 136  
under eighteen years of age who are confined in a county, 137  
multicounty, municipal, municipal-county, or multicounty-municipal 138  
jail or workhouse, community-based correctional facility, halfway 139  
house, alternative residential facility, or state correctional 140  
institution or in any facility for delinquent children for 141  
committing an act that would be a felony or an offense of violence 142  
if committed by an adult, and any other information that the 143  
superintendent may receive from law enforcement officials of the 144  
state and its political subdivisions. 145

(4) The superintendent shall carry out Chapter 2950. of the 146  
Revised Code with respect to the registration of persons who are 147

convicted of or plead guilty to a sexually oriented offense or a 148  
child-victim oriented offense and with respect to all other duties 149  
imposed on the bureau under that chapter. 150

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

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

(C)(1) The superintendent may operate a center for 171  
electronic, automated, or other data processing for the storage 172  
and retrieval of information, data, and statistics pertaining to 173  
criminals and to children under eighteen years of age who are 174  
adjudicated delinquent children for committing an act that would 175  
be a felony or an offense of violence if committed by an adult, 176  
criminal activity, crime prevention, law enforcement, and criminal 177  
justice, and may establish and operate a statewide communications 178  
network to be known as the Ohio law enforcement gateway to gather 179

and disseminate information, data, and statistics for the use of 180  
law enforcement agencies and for other uses specified in this 181  
division. The superintendent may gather, store, retrieve, and 182  
disseminate information, data, and statistics that pertain to 183  
children who are under eighteen years of age and that are gathered 184  
pursuant to sections 109.57 to 109.61 of the Revised Code together 185  
with information, data, and statistics that pertain to adults and 186  
that are gathered pursuant to those sections. 187

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

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

(4) The attorney general may adopt rules under Chapter 119. 206  
of the Revised Code establishing guidelines for the operation of 207  
and participation in the Ohio law enforcement gateway. The rules 208  
may include criteria for granting and restricting access to 209  
information gathered and disseminated through the Ohio law 210  
enforcement gateway. The attorney general may appoint a steering 211

committee to advise the attorney general in the operation of the 212  
Ohio law enforcement gateway that is comprised of persons who are 213  
representatives of the criminal justice agencies in this state 214  
that use the Ohio law enforcement gateway and is chaired by the 215  
superintendent or the superintendent's designee. 216

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

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

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

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

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

(E) The attorney general shall adopt rules, in accordance 233  
with Chapter 119. of the Revised Code, setting forth the procedure 234  
by which a person may receive or release information gathered by 235  
the superintendent pursuant to division (A) of this section. A 236  
reasonable fee may be charged for this service. If a temporary 237  
employment service submits a request for a determination of 238  
whether a person the service plans to refer to an employment 239  
position has been convicted of or pleaded guilty to an offense 240  
listed in division (A)(1), (3), (4), (5), or (6) of section 241  
109.572 of the Revised Code, the request shall be treated as a 242



single request and only one fee shall be charged. 243

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

(2)(a) In addition to or in conjunction with any request that 249  
is required to be made under section 109.572, 2151.86, 3301.32, or 250  
3301.541, division (C) of section 3310.58, or section 3319.39, 251  
3319.391, 3327.10, 3701.881, 5104.012, 5104.013, 5123.081, 252  
5126.28, 5126.281, or 5153.111 of the Revised Code or that is made 253  
under section 3314.41, 3319.392, or 3326.25 of the Revised Code, 254  
the board of education of any school district; the director of 255  
developmental disabilities; any county board of developmental 256  
disabilities; any entity under contract with a county board of 257  
developmental disabilities; the chief administrator of any 258  
chartered or approved nonpublic school; the chief administrator of 259  
a registered private provider that is not also a chartered 260  
nonpublic school; the chief administrator of any home health 261  
agency; the chief administrator of or person operating any child 262  
day-care center, type A family day-care home, or type B family 263  
day-care home licensed or certified under Chapter 5104. of the 264  
Revised Code; the administrator of any type C family day-care home 265  
certified pursuant to Section 1 of Sub. H.B. 62 of the 121st 266  
general assembly or Section 5 of Am. Sub. S.B. 160 of the 121st 267  
general assembly; the chief administrator of any head start 268  
agency; the executive director of a public children services 269  
agency; a private company described in section 3314.41, 3319.392, 270  
or 3326.25 of the Revised Code; or an employer described in 271  
division (J)(2) of section 3327.10 of the Revised Code may request 272  
that the superintendent of the bureau investigate and determine, 273  
with respect to any individual who has applied for employment in 274

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

(b) When a board of education or a registered private 297  
provider is required to receive information under this section as 298  
a prerequisite to employment of an individual pursuant to division 299  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 300  
may accept a certified copy of records that were issued by the 301  
bureau of criminal identification and investigation and that are 302  
presented by an individual applying for employment with the 303  
district in lieu of requesting that information itself. In such a 304  
case, the board or provider shall accept the certified copy issued 305  
by the bureau in order to make a photocopy of it for that 306  
individual's employment application documents and shall return the 307

certified copy to the individual. In a case of that nature, a 308  
district or provider only shall accept a certified copy of records 309  
of that nature within one year after the date of their issuance by 310  
the bureau. 311

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

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

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

(5) When a recipient of a classroom reading improvement grant 331  
paid under section 3301.86 of the Revised Code requests, with 332  
respect to any individual who applies to participate in providing 333  
any program or service funded in whole or in part by the grant, 334  
the information that a school district board of education is 335  
authorized to request under division (F)(2)(a) of this section, 336  
the superintendent of the bureau shall proceed as if the request 337  
has been received from a school district board of education under 338  
division (F)(2)(a) of this section. 339

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

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

In addition to or in conjunction with any request that is 366  
required to be made under section 173.394 of the Revised Code with 367  
respect to an individual who has applied for employment in a 368  
position that involves providing direct care to an individual, the 369  
chief administrator of a community-based long-term care agency may 370  
request that the superintendent investigate and determine, with 371

respect to any individual who has applied for employment in a 372  
position that does not involve providing direct care, whether the 373  
bureau has any information gathered under division (A) of this 374  
section that pertains to that applicant. 375

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

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

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

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

(1) "Sexually oriented offense" and "child-victim oriented 400  
offense" have the same meanings as in section 2950.01 of the 401  
Revised Code. 402

(2) "Registered private provider" means a nonpublic school or 403  
entity registered with the superintendent of public instruction 404  
under section 3310.41 of the Revised Code to participate in the 405  
autism scholarship program or section 3310.58 of the Revised Code 406  
to participate in the special education scholarship program. 407

(3) "Approved nonpublic school" has the same meaning as in 408  
section 3310.09 of the Revised Code. 409

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 410  
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 411  
a completed form prescribed pursuant to division (C)(1) of this 412  
section, and a set of fingerprint impressions obtained in the 413  
manner described in division (C)(2) of this section, the 414  
superintendent of the bureau of criminal identification and 415  
investigation shall conduct a criminal records check in the manner 416  
described in division (B) of this section to determine whether any 417  
information exists that indicates that the person who is the 418  
subject of the request previously has been convicted of or pleaded 419  
guilty to any of the following: 420

(a) A violation of section 2903.01, 2903.02, 2903.03, 421  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 422  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 423  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 424  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 425  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 426  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 427  
2925.06, or 3716.11 of the Revised Code, felonious sexual 428  
penetration in violation of former section 2907.12 of the Revised 429  
Code, a violation of section 2905.04 of the Revised Code as it 430  
existed prior to July 1, 1996, a violation of section 2919.23 of 431  
the Revised Code that would have been a violation of section 432  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 433

had the violation been committed prior to that date, or a 434  
violation of section 2925.11 of the Revised Code that is not a 435  
minor drug possession offense; 436

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 459  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 460  
2903.341, 2905.01, 2905.02, 2905.04, 2905.05, 2907.02, 2907.03, 461  
2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 462  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 463  
2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 464  
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 465

2925.03, or 3716.11 of the Revised Code; 466

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

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

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

(b) An existing or former law of this state, any other state, 494  
or the United States that is substantially equivalent to any of 495  
the offenses listed in division (A)(3)(a) of this section. 496



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

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

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

(5) On receipt of a request pursuant to section 5111.032, 524  
5111.033, or 5111.034 of the Revised Code, a completed form 525  
prescribed pursuant to division (C)(1) of this section, and a set 526  
of fingerprint impressions obtained in the manner described in 527  
division (C)(2) of this section, the superintendent of the bureau 528

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

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 539  
2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 540  
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 541  
2905.11, 2905.12, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 542  
2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 543  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 544  
2909.03, 2909.04, 2909.05, 2909.22, 2909.23, 2909.24, 2911.01, 545  
2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 546  
2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 547  
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 548  
2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.11, 549  
2917.31, 2919.12, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 550  
2921.11, 2921.13, 2921.34, 2921.35, 2921.36, 2923.01, 2923.02, 551  
2923.03, 2923.12, 2923.13, 2923.161, 2923.32, 2925.02, 2925.03, 552  
2925.04, 2925.05, 2925.06, 2925.11, 2925.13, 2925.14, 2925.22, 553  
2925.23, 2927.12, or 3716.11 of the Revised Code, felonious sexual 554  
penetration in violation of former section 2907.12 of the Revised 555  
Code, a violation of section 2905.04 of the Revised Code as it 556  
existed prior to July 1, 1996, a violation of section 2919.23 of 557  
the Revised Code that would have been a violation of section 558  
2905.04 of the Revised Code as it existed prior to July 1, 1996, 559  
had the violation been committed prior to that date; 560

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

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

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

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

(7) When conducting a criminal records check upon a request 590  
pursuant to section 3319.39 of the Revised Code for an applicant 591  
who is a teacher, in addition to the determination made under 592

division (A)(1) of this section, the superintendent shall 593  
determine whether any information exists that indicates that the 594  
person who is the subject of the request previously has been 595  
convicted of or pleaded guilty to any offense specified in section 596  
3319.31 of the Revised Code. 597

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

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 608  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 609  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 610  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 611  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 612  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 613  
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 614  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 615  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 616  
of the Revised Code, a violation of section 2905.04 of the Revised 617  
Code as it existed prior to July 1, 1996, a violation of section 618  
2919.23 of the Revised Code that would have been a violation of 619  
section 2905.04 of the Revised Code as it existed prior to July 1, 620  
1996, had the violation been committed prior to that date, a 621  
violation of section 2925.11 of the Revised Code that is not a 622  
minor drug possession offense, two or more OVI or OVUAC violations 623  
committed within the three years immediately preceding the 624

submission of the application or petition that is the basis of the 625  
request, or felonious sexual penetration in violation of former 626  
section 2907.12 of the Revised Code; 627

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 642  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.22, 643  
2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 644  
2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 645  
2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 646  
2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2913.03, 2913.04, 647  
2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2913.31, 2913.32, 648  
2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 649  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2919.12, 650  
2919.22, 2919.24, 2919.25, 2921.11, 2921.13, 2923.01, 2923.12, 651  
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 652  
3716.11 of the Revised Code, felonious sexual penetration in 653  
violation of former section 2907.12 of the Revised Code, a 654  
violation of section 2905.04 of the Revised Code as it existed 655  
prior to July 1, 1996, a violation of section 2919.23 of the 656

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

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

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

(a) A violation of section 2903.01, 2903.02, 2903.03, 680  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 681  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 682  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 683  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 684  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 685  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 686  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 687  
felonious sexual penetration in violation of former section 688

2907.12 of the Revised Code, a violation of section 2905.04 of the 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 721  
manner described in division (C)(2) of this section, the 722  
superintendent of the bureau of criminal identification and 723  
investigation shall conduct a criminal records check with respect 724  
to any person who has applied for a license, permit, or 725  
certification from the department of commerce or a division in the 726  
department. The superintendent shall conduct the criminal records 727  
check in the manner described in division (B) of this section to 728  
determine whether any information exists that indicates that the 729  
person who is the subject of the request previously has been 730  
convicted of or pleaded guilty to any of the following: a 731  
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 732  
2925.03 of the Revised Code; any other criminal offense involving 733  
theft, receiving stolen property, embezzlement, forgery, fraud, 734  
passing bad checks, money laundering, or drug trafficking, or any 735  
criminal offense involving money or securities, as set forth in 736  
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 737  
the Revised Code; or any existing or former law of this state, any 738  
other state, or the United States that is substantially equivalent 739  
to those offenses. 740

(13) On receipt of a request for a criminal records check 741  
from the treasurer of state under section 113.041 of the Revised 742  
Code or from an individual under section 4701.08, 4715.101, 743  
4717.061, 4725.121, 4725.501, 4729.071, 4730.101, 4730.14, 744  
4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 745  
4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 746  
4755.70, 4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 747  
4762.031, 4762.06, or 4779.091 of the Revised Code, accompanied by 748  
a completed form prescribed under division (C)(1) of this section 749  
and a set of fingerprint impressions obtained in the manner 750  
described in division (C)(2) of this section, the superintendent 751  
of the bureau of criminal identification and investigation shall 752  
conduct a criminal records check in the manner described in 753



division (B) of this section to determine whether any information 754  
exists that indicates that the person who is the subject of the 755  
request has been convicted of or pleaded guilty to any criminal 756  
offense in this state or any other state. The superintendent shall 757  
send the results of a check requested under section 113.041 of the 758  
Revised Code to the treasurer of state and shall send the results 759  
of a check requested under any of the other listed sections to the 760  
licensing board specified by the individual in the request. 761

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

(15) On receipt of a request for a criminal records check 774  
from an appointing or licensing authority under section 3772.07 of 775  
the Revised Code, a completed form prescribed under division 776  
(C)(1) of this section, and a set of fingerprint impressions 777  
obtained in the manner prescribed in division (C)(2) of this 778  
section, the superintendent of the bureau of criminal 779  
identification and investigation shall conduct a criminal records 780  
check in the manner described in division (B) of this section to 781  
determine whether any information exists that indicates that the 782  
person who is the subject of the request previously has been 783  
convicted of or pleaded guilty or no contest to any offense under 784  
any existing or former law of this state, any other state, or the 785

United States that is a disqualifying offense as defined in 786  
section 3772.07 of the Revised Code or substantially equivalent to 787  
such an offense. 788

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

Not later than thirty days after the superintendent receives 811  
a request for a criminal records check pursuant to section 113.041 812  
of the Revised Code, the completed form, and the fingerprint 813  
impressions, the superintendent shall send the treasurer of state 814  
any information, other than information the dissemination of which 815  
is prohibited by federal law, the superintendent determines exist 816  
with respect to the person who is the subject of the request that 817

indicates that the person previously has been convicted of or 818  
pleaded guilty to any criminal offense in this state or any other 819  
state. 820

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

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

(2) If the request received by the superintendent asks for 846  
information from the federal bureau of investigation, the 847  
superintendent shall request from the federal bureau of 848  
investigation any information it has with respect to the person 849

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

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

(C)(1) The superintendent shall prescribe a form to obtain 864  
the information necessary to conduct a criminal records check from 865  
any person for whom a criminal records check is requested under 866  
section 113.041 of the Revised Code or required by section 121.08, 867  
173.27, 173.394, 1121.23, 1155.03, 1163.05, 1315.141, 1321.53, 868  
1321.531, 1322.03, 1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 869  
3301.541, 3319.39, 3701.881, 3712.09, 3721.121, 3722.151, 3772.07, 870  
4701.08, 4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 871  
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 872  
4731.281, 4731.296, 4731.531, 4732.091, 4734.202, 4740.061, 873  
4741.10, 4749.03, 4749.06, 4755.70, 4757.101, 4759.061, 4760.032, 874  
4760.06, 4761.051, 4762.031, 4762.06, 4763.05, 4779.091, 5104.012, 875  
5104.013, 5111.032, 5111.033, 5111.034, 5123.081, 5126.28, 876  
5126.281, or 5153.111 of the Revised Code. The form that the 877  
superintendent prescribes pursuant to this division may be in a 878  
tangible format, in an electronic format, or in both tangible and 879  
electronic formats. 880

(2) The superintendent shall prescribe standard impression 881

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

905 (3) Subject to division (D) of this section, the  
906 superintendent shall prescribe and charge a reasonable fee for  
907 providing a criminal records check requested under section  
908 113.041, 121.08, 173.27, 173.394, 1121.23, 1155.03, 1163.05,  
909 1315.141, 1321.53, 1321.531, 1322.03, 1322.031, 1733.47, 1761.26,  
910 2151.86, 3301.32, 3301.541, 3319.39, 3701.881, 3712.09, 3721.121,  
911 3722.151, 3772.07, 4701.08, 4715.101, 4717.061, 4725.121,  
912 4725.501, 4729.071, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15,  
913 4731.171, 4731.222, 4731.281, 4731.296, 4731.531, 4732.091,  
914 4734.202, 4740.061, 4741.10, 4749.03, 4749.06, 4755.70, 4757.101,

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

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

(D) A determination whether any information exists that 933  
indicates that a person previously has been convicted of or 934  
pleaded guilty to any offense listed or described in division 935  
(A)(1)(a) or (b), (A)(2)(a) or (b), (A)(3)(a) or (b), (A)(4)(a) or 936  
(b), (A)(5)(a) or (b), (A)(6)(a) or (b), (A)(7), (A)(8)(a) or (b), 937  
(A)(9)(a) or (b), (A)(10)(a) or (b), (A)(12), (A)(14), or (A)(15) 938  
of this section, or that indicates that a person previously has 939  
been convicted of or pleaded guilty to any criminal offense in 940  
this state or any other state regarding a criminal records check 941  
of a type described in division (A)(13) of this section, and that 942  
is made by the superintendent with respect to information 943  
considered in a criminal records check in accordance with this 944  
section is valid for the person who is the subject of the criminal 945  
records check for a period of one year from the date upon which 946

the superintendent makes the determination. During the period in 947  
which the determination in regard to a person is valid, if another 948  
request under this section is made for a criminal records check 949  
for that person, the superintendent shall provide the information 950  
that is the basis for the superintendent's initial determination 951  
at a lower fee than the fee prescribed for the initial criminal 952  
records check. 953

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

(F) As used in this section: 961

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

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

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

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

(5) "Registered private provider" means a nonpublic school or 974  
entity registered with the superintendent of public instruction 975  
under section 3310.41 of the Revised Code to participate in the 976  
autism scholarship program or section 3310.58 of the Revised Code 977

to participate in the special education scholarship program. 978

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

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

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

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

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

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

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

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

(a) The numbers of students receiving each category of 1003  
instructional service offered by the school district, such as 1004  
regular education instruction, vocational education instruction, 1005  
specialized instruction programs or enrichment instruction that is 1006  
part of the educational curriculum, instruction for gifted 1007



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

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

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

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

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

(f) The numbers of students reported to the state board 1036  
pursuant to division (C)(2) of section 3301.0711 of the Revised 1037  
Code; 1038

(g) Attendance rates and the average daily attendance for the 1039  
year. For purposes of this division, a student shall be counted as 1040  
present for any field trip that is approved by the school 1041  
administration. 1042

(h) Expulsion rates; 1043

(i) Suspension rates; 1044

(j) Dropout rates; 1045

(k) Rates of retention in grade; 1046

(l) For pupils in grades nine through twelve, the average 1047  
number of carnegie units, as calculated in accordance with state 1048  
board of education rules; 1049

(m) Graduation rates, to be calculated in a manner specified 1050  
by the department of education that reflects the rate at which 1051  
students who were in the ninth grade three years prior to the 1052  
current year complete school and that is consistent with 1053  
nationally accepted reporting requirements; 1054

(n) Results of diagnostic assessments administered to 1055  
kindergarten students as required under section 3301.0715 of the 1056  
Revised Code to permit a comparison of the academic readiness of 1057  
kindergarten students. However, no district shall be required to 1058  
report to the department the results of any diagnostic assessment 1059  
administered to a kindergarten student if the parent of that 1060  
student requests the district not to report those results. 1061

(2) Personnel and classroom enrollment data for each school 1062  
district, including: 1063

(a) The total numbers of licensed employees and nonlicensed 1064  
employees and the numbers of full-time equivalent licensed 1065  
employees and nonlicensed employees providing each category of 1066  
instructional service, instructional support service, and 1067  
administrative support service used pursuant to division (C)(3) of 1068

this section. The guidelines adopted under this section shall 1069  
require these categories of data to be maintained for the school 1070  
district as a whole and, wherever applicable, for each grade in 1071  
the school district as a whole, for each school building as a 1072  
whole, and for each grade in each school building. 1073

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

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

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

(3)(a) Student demographic data for each school district, 1093  
including information regarding the gender ratio of the school 1094  
district's pupils, the racial make-up of the school district's 1095  
pupils, the number of limited English proficient students in the 1096  
district, and an appropriate measure of the number of the school 1097  
district's pupils who reside in economically disadvantaged 1098  
households. The demographic data shall be collected in a manner to 1099  
allow correlation with data collected under division (B)(1) of 1100

this section. Categories for data collected pursuant to division 1101  
(B)(3) of this section shall conform, where appropriate, to 1102  
standard practices of agencies of the federal government. 1103

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

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

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

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

(2) Administrative costs for each school building in the 1126  
school district. The guidelines shall require the cost units under 1127  
this division (C)(2) to be designed so that each of them may be 1128  
compiled and reported in terms of average expenditure per 1129  
full-time equivalent pupil receiving instructional or support 1130  
services in each building. 1131

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

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

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

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

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

each category of service and, as a breakdown of the total cost, a 1164  
cost for each of the following components: 1165

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

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

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

(D)(1) The guidelines adopted under this section shall 1180  
require school districts to collect information about individual 1181  
students, staff members, or both in connection with any data 1182  
required by division (B) or (C) of this section or other reporting 1183  
requirements established in the Revised Code. The guidelines may 1184  
also require school districts to report information about 1185  
individual staff members in connection with any data required by 1186  
division (B) or (C) of this section or other reporting 1187  
requirements established in the Revised Code. The guidelines shall 1188  
not authorize school districts to request social security numbers 1189  
of individual students. The guidelines shall prohibit the 1190  
reporting under this section of a student's name, address, and 1191  
social security number to the state board of education or the 1192  
department of education. The guidelines shall also prohibit the 1193  
reporting under this section of any personally identifiable 1194  
information about any student, except for the purpose of assigning 1195

the data verification code required by division (D)(2) of this 1196  
section, to any other person unless such person is employed by the 1197  
school district or the information technology center operated 1198  
under section 3301.075 of the Revised Code and is authorized by 1199  
the district or technology center to have access to such 1200  
information or is employed by an entity with which the department 1201  
contracts for the scoring of assessments administered under 1202  
section 3301.0711 of the Revised Code. The guidelines may require 1203  
school districts to provide the social security numbers of 1204  
individual staff members. 1205

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

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

Each school district shall ensure that the data verification 1222  
code is included in the student's records reported to any 1223  
subsequent school district, community school, or state institution 1224  
of higher education, as defined in section 3345.011 of the Revised 1225  
Code, in which the student enrolls. Any such subsequent district 1226  
or school shall utilize the same identifier in its reporting of 1227

data under this section. 1228

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

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

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

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

(1) Include all of the data gathered under this section in a 1256  
manner that facilitates comparison among school districts and 1257  
among school buildings within each school district; 1258



(2) Present the data on academic achievement levels as 1259  
assessed by the testing of student achievement maintained pursuant 1260  
to division (B)(1)(d) of this section. 1261

(H)(1) The state board shall, in accordance with the 1262  
procedures it adopts, annually prepare a statewide report for all 1263  
school districts and the general public that includes the profile 1264  
of each of the school districts developed pursuant to division (G) 1265  
of this section. Copies of the report shall be sent to each school 1266  
district. 1267

(2) The state board shall, in accordance with the procedures 1268  
it adopts, annually prepare an individual report for each school 1269  
district and the general public that includes the profiles of each 1270  
of the school buildings in that school district developed pursuant 1271  
to division (G) of this section. Copies of the report shall be 1272  
sent to the superintendent of the district and to each member of 1273  
the district board of education. 1274

(3) Copies of the reports received from the state board under 1275  
divisions (H)(1) and (2) of this section shall be made available 1276  
to the general public at each school district's offices. Each 1277  
district board of education shall make copies of each report 1278  
available to any person upon request and payment of a reasonable 1279  
fee for the cost of reproducing the report. The board shall 1280  
annually publish in a newspaper of general circulation in the 1281  
school district, at least twice during the two weeks prior to the 1282  
week in which the reports will first be available, a notice 1283  
containing the address where the reports are available and the 1284  
date on which the reports will be available. 1285

(I) Any data that is collected or maintained pursuant to this 1286  
section and that identifies an individual pupil is not a public 1287  
record for the purposes of section 149.43 of the Revised Code. 1288

(J) As used in this section: 1289

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

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

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

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

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

(a) Notify the district in writing that the department has 1318  
determined that data has not been reported as required under this 1319  
section and require the district to review its data submission and 1320

submit corrected data by a deadline established by the department. 1321  
The department also may require the district to develop a 1322  
corrective action plan, which shall include provisions for the 1323  
district to provide mandatory staff training on data reporting 1324  
procedures. 1325

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

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

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

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

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

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

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

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

(vi) Conduct an investigation to determine whether to suspend 1347  
or revoke the license of any district employee in accordance with 1348  
division (N) of this section; 1349

(vii) If the district is issued a report card under section 1350

3302.03 of the Revised Code, indicate on the report card that the district has been sanctioned for failing to report data as required by this section;

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

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

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

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

(5) Notwithstanding anything in this section to the contrary, the department may use its own staff or an outside entity to conduct an audit of a school district's data reporting practices

any time the department has reason to believe the district has not 1382  
made a good faith effort to report data as required by this 1383  
section. If any audit conducted by an outside entity under 1384  
division (L)(2)(d)(i) or (5) of this section confirms that a 1385  
district has not made a good faith effort to report data as 1386  
required by this section, the district shall reimburse the 1387  
department for the full cost of the audit. The department may 1388  
withhold state funds due to the district for this purpose. 1389

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

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

(8) Any school district that has funds withheld under 1409  
division (L)(2) of this section may appeal the withholding in 1410  
accordance with Chapter 119. of the Revised Code. 1411

(9) In all cases of a disagreement between the department and 1412  
a school district regarding the appropriateness of an action taken 1413

under division (L)(2) of this section, the burden of proof shall 1414  
be on the district to demonstrate that it made a good faith effort 1415  
to report data as required by this section. 1416

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

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

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

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

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

(Q) If the department cannot compile any of the information 1439  
required by division (C)(5) of section 3302.03 of the Revised Code 1440  
based upon the data collected under this section, the department 1441  
shall develop a plan and a reasonable timeline for the collection 1442  
of any data necessary to comply with that division. 1443

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

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

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

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

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

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

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

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

(H) "PACT" is an acronym for "parental choice and taxpayer 1467  
savings." "PACT scholarship" means a scholarship under the 1468  
parental choice and taxpayer savings scholarship program 1469  
established under sections 3310.01 to 3310.18 of the Revised Code, 1470  
which program may be referred to as the "PACT scholarship 1471  
program." 1472

(I) "Parent" has the same meaning as in section 3313.98 of 1473

the Revised Code. 1474

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

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

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

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

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

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

(1) The student's family annual income for the preceding tax 1501  
year as measured by the family's federal adjusted gross income, as 1502  
defined by the Internal Revenue Code, does not exceed an amount 1503



equal to 2.5 times the income standard for a reduced-price lunch. 1504

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

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

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

(B) Unless the student qualifies for a PACT scholarship under 1514  
division (A)(2) of this section, a student who attended a 1515  
nonpublic school in Ohio during the school year immediately prior 1516  
to the first school year for which the PACT scholarship is sought 1517  
for the student shall be eligible for the scholarship only as 1518  
follows: 1519

(1) For a scholarship for the 2011-2012 school year, the 1520  
student is applying for a scholarship to enter kindergarten. 1521

(2) For a scholarship for the 2012-2013 school year, the 1522  
student is applying for a scholarship to enroll in any grade 1523  
kindergarten to four. 1524

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

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

A student who did not attend a nonpublic school in Ohio 1531  
during the school year immediately prior to the first school year 1532  
for which the scholarship is sought for the student shall be 1533

eligible for a scholarship for any school year to enroll in any 1534  
grade kindergarten to twelve. 1535

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

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

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

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

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

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

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

**Sec. 3310.04.** Any eligible student who is enrolled in a 1561  
~~chartered~~ an eligible nonpublic school and for whom a PACT 1562  
~~scholarship under the educational choice scholarship pilot program~~ 1563

has been awarded shall be entitled to transportation to and from 1564  
the ~~chartered~~ nonpublic school by the student's resident district 1565  
in the manner prescribed in section 3327.01 of the Revised Code. 1566

1567

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

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

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

(3) For a student whose family annual income is greater than 1586  
1.75 times but less than or equal to 2 times the income standard 1587  
for a reduced-price lunch, an amount equal to sixty per cent of 1588  
the sum of the formula amount plus the per pupil amount of the 1589  
base funding supplements specified in divisions (C)(1) to (4) of 1590  
section 3317.012 of the Revised Code for fiscal year 2009; 1591

(4) For a student whose family annual income is greater than 1592  
2 times but less than or equal to 2.25 times the income standard 1593

for a reduced-price lunch, an amount equal to fifty per cent of 1594  
the sum of the formula amount plus the per pupil amount of the 1595  
base funding supplements specified in divisions (C)(1) to (4) of 1596  
section 3317.012 of the Revised Code for fiscal year 2009; 1597

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

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

**Sec. 3310.06.** It is the policy adopted by the general 1611  
assembly that the ~~educational-choice~~ PACT scholarship ~~pilot~~ 1612  
program shall be construed as one of several educational options 1613  
available for eligible Ohio students ~~enrolled in academic~~ 1614  
~~emergency or academic watch school buildings~~. Students may be 1615  
enrolled in the schools of the student's resident district, in a 1616  
community school established under Chapter 3314. of the Revised 1617  
Code, in the schools of another school district pursuant to an 1618  
open enrollment policy adopted under section 3313.98 of the 1619  
Revised Code, in a ~~chartered~~ nonpublic school with or without a 1620  
scholarship under the ~~educational-choice scholarship pilot~~ 1621  
program, or in other schools as the law may provide. 1622

**Sec. 3310.07.** Any parent, or any student who is at least 1623

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

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

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

(C)(1) The department shall deduct the scholarship amount 1651  
from the state education aid payments and, if necessary, from the 1652  
payments under sections 321.24 and 323.156 of the Revised Code, 1653  
made to each school district for each eligible student awarded a 1654

PACT scholarship who is entitled to attend school in the district. 1655

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

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

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

Where: 1674

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

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

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

The amount shown on the form as prescribed by this division 1682  
is the total amount of state and district funds generated by the 1683  
district's PACT scholarship students less the total amount of 1684  
scholarships deducted for those students. 1685

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

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

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

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

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

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

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

(ii) A guarantee in the amount of one million dollars from a 1713  
person or organization with a net worth of at least five million 1714  
dollars which shall be demonstrated to the satisfaction of the 1715

auditor of state. 1716

(B) To maintain its eligibility to participate in the 1717  
program, an eligible nonpublic school annually shall do all of the 1718  
following: 1719

(1) Communicate to the department of education the tuition 1720  
structure for the school, including all discounts and other 1721  
tuition adjustments to which a student may be entitled; 1722

(2) Present to the parent of each student awarded a 1723  
scholarship under the program, or the student if at least eighteen 1724  
years of age, a statement detailing the tuition and required 1725  
student fees that will be subject to payment from the student's 1726  
scholarship amount; 1727

(3) Administer the state achievement assessments as 1728  
prescribed by section 3310.14 of the Revised Code. 1729

(4) Withdraw from the school any scholarship student as soon 1730  
as a determination is made that the student will no longer attend 1731  
the school. Withdrawal shall be recorded as the last date that the 1732  
student attended classes. 1733

(C) An approved nonpublic school shall be subject to sections 1734  
3319.39, 3319.391, and 3319.392 of the Revised Code in the same 1735  
manner as a chartered nonpublic school. 1736

**Sec. 3310.10.** (A) The treasurer of state shall adopt rules, 1737  
in accordance with Chapter 119. of the Revised Code, prescribing 1738  
procedures for the establishment of an education savings account 1739  
for each student attending an eligible nonpublic school with a 1740  
scholarship under the PACT scholarship program and for whom an 1741  
excess amount has been determined under section 3310.08 of the 1742  
Revised Code. Once the account is established, the department of 1743  
education shall pay the excess amount, determined under section 1744  
3310.08 of the Revised Code, into the account. Each account shall 1745



be in the custody of the treasurer of state, but shall not be in 1746  
the state treasury. The moneys in each account shall be held in 1747  
trust for the benefit of the student. 1748

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

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

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

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

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

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

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

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

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

(2) The student dies before reaching twenty-five years of 1771  
age. 1772

Moneys in a student's account upon the occurrence of either 1773  
of the conditions described in divisions (C)(1) and (2) of this 1774

section shall be transferred to the parental choice and taxpayer 1775  
savings scholarship program support fund. 1776

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

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

(1) The student's resident district; 1790

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

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

(B) Upon a request by the department under division (A) of 1795  
this section for the data verification code of a student seeking a 1796  
scholarship or a request by the student's parent for that code, 1797  
the school district or community school shall submit that code to 1798  
the department or parent in the manner specified by the 1799  
department. If the student has not been assigned a code, because 1800  
the student will be entering kindergarten during the school year 1801  
for which the scholarship is sought, the district shall assign a 1802  
code to that student and submit the code to the department or 1803  
parent by a date specified by the department. If the district does 1804

not assign a code to the student by the specified date, the 1805  
department shall assign a code to that student. 1806

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

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

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

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

**Sec. 3310.12.** Except as provided in division (D) of section 1826  
3310.11 of the Revised Code, documents relative to the ~~educational~~ 1827  
~~choice~~ PACT scholarship ~~pilot~~ program that the department of 1828  
education holds in its files are public records under section 1829  
149.43 of the Revised Code and may be released pursuant to that 1830  
section subject to the provisions of section 3319.321 of the 1831  
Revised Code and the "Family Educational Rights and Privacy Act of 1832  
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended. 1833

**Sec. 3310.13.** (A) Eligible nonpublic schools under the PACT 1834

scholarship program are authorized to file scholarship 1835  
applications on behalf of eligible students and their parents, if 1836  
so designated in writing by the student's parent, or the student 1837  
if at least eighteen years of age. In no case shall any financial 1838  
charge be made to the applicant for application assistance. 1839

(B) No eligible nonpublic school shall charge an eligible 1840  
student tuition and fees that exceed the cost of providing the 1841  
education to the student. When determining the appropriate tuition 1842  
to charge an eligible student under the program, an eligible 1843  
nonpublic school shall apply any tuition discounts or rates to 1844  
which the student is entitled including, but not limited to, 1845  
discounts for siblings in the same school or discounts for the 1846  
child of a school employee. 1847

(C) An eligible nonpublic school, pursuant to its own policy, 1848  
may treat the amount of a PACT scholarship as a parental resource 1849  
and consider its value before awarding any institutional financial 1850  
aid. 1851

**Sec. 3310.14.** Notwithstanding division (K) of section 1852  
3301.0711 of the Revised Code, each ~~chartered~~ eligible nonpublic 1853  
school that enrolls students awarded scholarships under sections 1854  
3310.01 to ~~3310.17~~ 3310.18 of the Revised Code annually shall 1855  
administer the assessments prescribed by section 3301.0710 or 1856  
3301.0712 of the Revised Code to each scholarship student enrolled 1857  
in the school in accordance with section 3301.0711 of the Revised 1858  
Code. Each ~~chartered~~ nonpublic school shall report to the 1859  
department of education the results of each assessment 1860  
administered to each scholarship student under this section. 1861

Nothing in this section requires a ~~chartered~~ nonpublic school 1862  
to administer any achievement assessment, except for an Ohio 1863  
graduation test prescribed by division (B)(1) of section 3301.0710 1864

of the Revised Code, as required by section 3313.612 of the 1865  
Revised Code, to any student enrolled in the school who is not a 1866  
scholarship student. 1867

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

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

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

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

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

(1) Age; 1887

(2) Race and ethnicity; 1888

(3) Gender; 1889

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

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

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

(7) Economically disadvantaged students. 1896

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

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

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

(F) Only to the extent and in the manner authorized by the 1921  
"Family Educational Rights and Privacy Act of 1974," as amended, 1922  
20 U.S.C. 1232g, the department shall afford independent research 1923  
organizations that are part of or formally affiliated with public 1924

or private universities accredited by a regional accreditation 1925  
agency approved by the United States department of education 1926  
access to student assessment scores and performance data for the 1927  
purpose of conducting longitudinal analysis of PACT scholarship 1928  
student performance. Any data released to a research organization 1929  
under this division shall not be used to disclose the academic 1930  
level of individual students. 1931

**Sec. 3310.16.** Any document relative to the former educational 1932  
choice scholarship pilot program, operated under sections 3310.01 1933  
to 3310.17 of the Revised Code as those sections existed prior to 1934  
the effective date of this section, or the former pilot project 1935  
scholarship program, operated under former sections 3313.974 to 1936  
3313.979 of the Revised Code, that the department of education 1937  
holds in its files that contains both a student's name or other 1938  
personally identifiable information and the student's data 1939  
verification code shall not be a public record under section 1940  
149.43 of the Revised Code. 1941

**Sec. 3310.17.** (A) The state board of education shall adopt 1942  
rules in accordance with Chapter 119. of the Revised Code 1943  
prescribing procedures for the administration of the ~~educational~~ 1944  
~~choice~~ parental choice and taxpayer savings scholarship ~~pilot~~ 1945  
program. 1946

(B) The state board and the department of education shall not 1947  
require ~~chartered~~ eligible nonpublic schools to comply with any 1948  
education laws or rules or other requirements that are not 1949  
specified in sections 3310.01 to 3310.17 of the Revised Code or in 1950  
rules necessary for the administration of the program, adopted 1951  
under division (A) of this section, and that otherwise would not 1952  
apply to a ~~chartered~~ an eligible nonpublic school. 1953

**Sec. 3310.18.** The parental choice and taxpayer savings 1954

scholarship program support fund is hereby established in the 1955  
state treasury. The fund shall consist of moneys credited or 1956  
transferred from student education savings accounts in the manner 1957  
prescribed by section 3310.10 of the Revised Code. Moneys in the 1958  
fund shall be used by the department of education to support 1959  
administration of the parental choice and taxpayer savings 1960  
scholarship program. 1961

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the 1962  
Revised Code: 1963

(A) "Alternative public provider" means either of the 1964  
following providers that agrees to enroll a child in the 1965  
provider's special education program to implement the child's 1966  
individualized education program and to which the eligible 1967  
applicant owes fees for the services provided to the child: 1968

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

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

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

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

(1) Either of the natural or adoptive parents of a qualified 1977  
special education child, except as otherwise specified in this 1978  
division. When the marriage of the natural or adoptive parents of 1979  
the student has been terminated by a divorce, dissolution of 1980  
marriage, or annulment, or when the natural or adoptive parents of 1981  
the student are living separate and apart under a legal separation 1982  
decree, and a court has issued an order allocating the parental 1983  
rights and responsibilities with respect to the child, "eligible 1984



applicant" means the residential parent as designated by the 1985  
court. If the court issues a shared parenting decree, "eligible 1986  
applicant" means either parent. "Eligible applicant" does not mean 1987  
a parent whose custodial rights have been terminated. 1988

(2) The custodian of a qualified special education child, 1989  
when a court has granted temporary, legal, or permanent custody of 1990  
the child to an individual other than either of the natural or 1991  
adoptive parents of the child or to a government agency; 1992

(3) The guardian of a qualified special education child, when 1993  
a court has appointed a guardian for the child; 1994

(4) The grandparent of a qualified special education child, 1995  
when the grandparent is the child's attorney in fact under a power 1996  
of attorney executed under sections 3109.51 to 3109.62 of the 1997  
Revised Code or when the grandparent has executed a caregiver 1998  
authorization affidavit under sections 3109.65 to 3109.73 of the 1999  
Revised Code; 2000

(5) The surrogate parent appointed for a qualified special 2001  
education child pursuant to division (B) of section 3323.05 and 2002  
section 3323.051 of the Revised Code; 2003

(6) A qualified special education child, if the child does 2004  
not have a custodian or guardian and the child is at least 2005  
eighteen years of age. 2006

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

(E) "Formula ADM" and "formula amount" have the same meanings 2010  
as in section 3317.02 of the Revised Code. 2011

(F) "Qualified special education child" is a child for whom 2012  
all of the following conditions apply: 2013

(1) The child is at least five years of age and less than 2014

<u>twenty-two years of age.</u>	2015
<u>(2) The school district in which the child is entitled to</u>	2016
<u>attend school, or the child's school district of residence if</u>	2017
<u>different, has identified the child as a child with a disability.</u>	2018
<u>(3) The school district in which the child is entitled to</u>	2019
<u>attend school, or the child's school district of residence if</u>	2020
<u>different, has developed an individualized education program under</u>	2021
<u>Chapter 3323. of the Revised Code for the child.</u>	2022
<u>(4) The child either:</u>	2023
<u>(a) Was enrolled in the schools of the school district in</u>	2024
<u>which the child is entitled to attend school in any grade from</u>	2025
<u>kindergarten through twelve in the school year prior to the school</u>	2026
<u>year in which a scholarship is first sought for the child;</u>	2027
<u>(b) Is eligible to enter school in any grade kindergarten</u>	2028
<u>through twelve in the school district in which the child is</u>	2029
<u>entitled to attend school in the school year in which a</u>	2030
<u>scholarship is first sought for the child.</u>	2031
<u>(5) The department of education has not approved a</u>	2032
<u>scholarship for the child under the parental choice and taxpayer</u>	2033
<u>savings scholarship program, under sections 3310.01 to 3310.18 of</u>	2034
<u>the Revised Code, or the autism scholarship program, under section</u>	2035
<u>3310.41 of the Revised Code, for the same school year in which a</u>	2036
<u>scholarship under the special education scholarship program is</u>	2037
<u>sought.</u>	2038
<u>(6) The child and the child's parents are in compliance with</u>	2039
<u>the state compulsory attendance law under Chapter 3321. of the</u>	2040
<u>Revised Code.</u>	2041
<u>(G) "Registered private provider" means a nonpublic school or</u>	2042
<u>other nonpublic entity that has been registered by the</u>	2043
<u>superintendent of public instruction under section 3310.58 of the</u>	2044

Revised Code. 2045

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

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

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

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

**Sec. 3310.52.** (A) The special education scholarship program 2059  
is hereby established. Under the program, subject to division (B) 2060  
of this section, the department of education annually shall pay a 2061  
scholarship to an eligible applicant for services provided by an 2062  
alternative public provider or a registered private provider for a 2063  
qualified special education child. The scholarship shall be used 2064  
only to pay all or part of the fees for the child to attend the 2065  
special education program operated by the alternative public 2066  
provider or registered private provider to implement the child's 2067  
individualized education program, in lieu of the child's attending 2068  
the special education program operated by the school district in 2069  
which the child is entitled to attend school, and other services 2070  
agreed to by the provider and eligible applicant that are not 2071  
included in the individualized education program but are 2072  
associated with educating the child. Upon agreement with the 2073  
eligible applicant, the alternative public provider or registered 2074  
private provider may modify the services provided to the child. 2075

(B) The number of scholarships awarded under the program in 2076  
any fiscal year shall not exceed five per cent of the total number 2077  
of students residing in the state identified as children with 2078  
disabilities during the previous fiscal year. 2079

(C) No scholarship or renewal of a scholarship shall be 2080  
awarded to an eligible applicant on behalf of a qualified special 2081  
education child for the next school year, unless on or before the 2082  
application deadline the eligible applicant completes the 2083  
application for the scholarship or renewal, in the manner 2084  
prescribed by the department, and notifies the school district in 2085  
which the child is entitled to attend school that the eligible 2086  
applicant has applied for the scholarship or renewal. 2087

The application deadline for academic terms that begin 2088  
between the first day of July and the thirty-first day of December 2089  
shall be the fifteenth day of April that precedes the first day of 2090  
instruction. The application deadline for academic terms that 2091  
begin between the first day of January and the thirtieth day of 2092  
June shall be the fifteenth day of November that precedes the 2093  
first day of instruction. 2094

**Sec. 3310.521.** (A) As a condition of receiving payments for a 2095  
scholarship, each eligible applicant shall attest to receipt of 2096  
the profile prescribed by division (B) of this section. Such 2097  
attestation shall be made and submitted to the department of 2098  
education in the form and manner as required by the department. 2099

(B) The alternative public provider or registered private 2100  
provider that enrolls a qualified special education child shall 2101  
submit in writing to the eligible applicant to whom a scholarship 2102  
is awarded on behalf of that child a profile of the provider's 2103  
special education program, in a form as prescribed by the 2104  
department, that shall contain the following: 2105

(1) Methods of instruction that will be utilized by the 2106

provider to provide services to the qualified special education 2107  
child; 2108

(2) Qualifications of teachers, instructors, and other 2109  
persons who will be engaged by the provider to provide services to 2110  
the qualified special education child. 2111

**Sec. 3310.53.** (A) Except for development of the child's 2112  
individualized education program, as specified in division (B) of 2113  
this section, the school district in which a qualified special 2114  
education child is entitled to attend school and the child's 2115  
school district of residence, if different, are not obligated to 2116  
provide the child with a free appropriate public education under 2117  
Chapter 3323. of the Revised Code for as long as the child 2118  
continues to attend the special education program operated by 2119  
either an alternative public provider or a registered private 2120  
provider for which a scholarship is awarded under the special 2121  
education scholarship program. If at any time, the eligible 2122  
applicant for the child decides no longer to accept scholarship 2123  
payments and enrolls the child in the special education program of 2124  
the school district in which the child is entitled to attend 2125  
school, that district shall provide the child with a free 2126  
appropriate public education under Chapter 3323. of the Revised 2127  
Code. 2128

(B) Each eligible applicant and each qualified special 2129  
education child have a continuing right to the development of an 2130  
individualized education program for the child that complies with 2131  
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 2132  
administrative rules or guidelines adopted by the Ohio department 2133  
of education or the United States department of education. The 2134  
school district in which a qualified special education child is 2135  
entitled to attend school, or the child's school district of 2136  
residence if different, shall develop each individualized 2137

education program for the child in accordance with those 2138  
provisions. 2139

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

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

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

**Sec. 3310.56.** (A) The amount of the scholarship awarded and 2167

paid to an eligible applicant for services for a qualified special 2168  
education child under the special education scholarship program in 2169  
each school year shall be the lesser of the following: 2170

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) "Category two" if the child is identified as specific 2194  
learning disabled or developmentally disabled, as these terms are 2195  
defined pursuant to Chapter 3323. of the Revised Code, or as 2196

having an other health impairment-minor, as defined in section 2197  
3306.02 of the Revised Code; 2198

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

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

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

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

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

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

In accordance with division (A) of section 3310.62 of the 2224  
Revised Code, the department shall make no payments to an 2225  
applicant for a first-time scholarship for a qualified special 2226



education child while any administrative or judicial mediation or 2227  
proceedings with respect to the content of the child's 2228  
individualized education program are pending. 2229

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

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

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

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

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

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

(F) The school or entity agrees that, if it declines to 2255  
enroll a particular qualified special education child, it will 2256

notify in writing the eligible applicant of its reasons for 2257  
declining to enroll the child. 2258

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

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

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

Sec. 3310.62. (A) A scholarship under the special education 2279  
scholarship program shall not be awarded for the first time to an 2280  
eligible applicant on behalf of a qualified special education 2281  
child while the child's individualized education program is being 2282  
developed by the school district in which the child is entitled to 2283  
attend school, or by the child's school district of residence if 2284  
different, or while any administrative or judicial mediation or 2285

proceedings with respect to the content of that individualized 2286  
education program are pending. 2287

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

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

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

(1) Administrative or judicial mediation or proceedings with 2314  
respect to a subsequent individualized education program for the 2315  
child referred to in division (B) of this section; 2316

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

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

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

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

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

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

The department annually shall submit to each school district 2343  
the name and data verification code of each child residing in the 2344  
district who is entering kindergarten, who has been awarded a 2345  
scholarship under the program, and for whom the department has 2346

assigned a code under this division. 2347

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

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

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

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

(A) The superintendent of each city, local, and exempted 2367  
village school district and of each educational service center 2368  
shall, for the schools under the superintendent's supervision, 2369  
certify to the state board of education on or before the fifteenth 2370  
day of October in each year for the first full school week in 2371  
October the average daily membership of students receiving 2372  
services from schools under the superintendent's supervision, and 2373  
the numbers of other students entitled to attend school in the 2374  
district under section 3313.64 or 3313.65 of the Revised Code the 2375  
superintendent is required to report under this section, so that 2376

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

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

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

(a) Students enrolled in adult education classes; 2394

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

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

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

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

(2) On an FTE basis, the number of students entitled to 2407  
attend school in the district pursuant to section 3313.64 or 2408  
3313.65 of the Revised Code, but receiving educational services in 2409  
grades kindergarten through twelve from one or more of the 2410  
following entities: 2411

(a) A community school pursuant to Chapter 3314. of the 2412  
Revised Code, including any participation in a college pursuant to 2413  
Chapter 3365. of the Revised Code while enrolled in such community 2414  
school; 2415

(b) An alternative school pursuant to sections 3313.974 to 2416  
3313.979 of the Revised Code as described in division (I)(2)(a) or 2417  
(b) of this section~~+~~. Division (A)(2)(b) of this section does not 2418  
apply after the repeal of sections 3313.974 to 3313.979 of the 2419  
Revised Code by ...B... of the 129th general assembly. 2420

(c) A college pursuant to Chapter 3365. of the Revised Code, 2421  
except when the student is enrolled in the college while also 2422  
enrolled in a community school pursuant to Chapter 3314. or a 2423  
science, technology, engineering, and mathematics school 2424  
established under Chapter 3326. of the Revised Code; 2425

(d) An adjacent or other school district under an open 2426  
enrollment policy adopted pursuant to section 3313.98 of the 2427  
Revised Code; 2428

(e) An educational service center or cooperative education 2429  
district; 2430

(f) Another school district under a cooperative education 2431  
agreement, compact, or contract; 2432

(g) ~~A chartered~~ An eligible nonpublic school with a 2433  
scholarship paid under section 3310.08 of the Revised Code; 2434

(h) An alternative public provider or a registered private 2435  
provider with a scholarship awarded under either section 3310.41 2436

or sections 3310.51 to 3310.64 of the Revised Code. 2437

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

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

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

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

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

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



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

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

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

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

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

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

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

(e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	2499 2500 2501 2502
(f) Enrolled in <del>a chartered</del> <u>an eligible</u> nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	2503 2504
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under <u>either</u> section 3310.41 <u>or sections 3310.51 to 3310.64</u> of the Revised Code;	2505 2506 2507 2508
(h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	2509 2510 2511
(i) Participating in a program operated by a county DD board or a state institution;	2512 2513
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school.	2514 2515 2516 2517
(4) The number of pupils enrolled in joint vocational schools;	2518 2519
(5) The <u>combined</u> average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (D)(1) of section 3306.02 of the Revised Code, <u>including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;</u>	2520 2521 2522 2523 2524 2525 2526 2527
(6) The <u>combined</u> average daily membership of children with	2528

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

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

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

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

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

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

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

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

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

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

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

(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for the category one disability described in division (D)(1) of section 3306.02 of the Revised Code;

(c) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category two disabilities described in division (D)(2) of section 3306.02 of the Revised Code;

(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category three disabilities described in division (D)(3) of section 3306.02 of the Revised Code;

(e) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category four disabilities described in division (D)(4) of section 3306.02 of the Revised Code;

(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for the category five disabilities described in division

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

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

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

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

a portion of the school year. 2656

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

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

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

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

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

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

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

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

(a) Students enrolled in adult education classes; 2713

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

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



compact, cooperative education agreement, or a contract, but who 2718  
are entitled to attend school in a city, local, or exempted 2719  
village school district whose territory is not part of the 2720  
territory of the joint vocational district; 2721

(d) Students for whom tuition is payable pursuant to sections 2722  
3317.081 and 3323.141 of the Revised Code. 2723

(2) In addition to the formula ADM, each superintendent shall 2724  
report separately the average daily membership included in the 2725  
report under division (D)(1) of this section for each of the 2726  
following categories of students for the same week for which 2727  
formula ADM is certified: 2728

(a) Students enrolled in each individual grade included in 2729  
the joint vocational district schools; 2730

(b) Children with disabilities receiving special education 2731  
services for the category one disability described in division 2732  
(D)(1) of section 3306.02 of the Revised Code; 2733

(c) Children with disabilities receiving special education 2734  
services for the category two disabilities described in division 2735  
(D)(2) of section 3306.02 of the Revised Code; 2736

(d) Children with disabilities receiving special education 2737  
services for category three disabilities described in division 2738  
(D)(3) of section 3306.02 of the Revised Code; 2739

(e) Children with disabilities receiving special education 2740  
services for category four disabilities described in division 2741  
(D)(4) of section 3306.02 of the Revised Code; 2742

(f) Children with disabilities receiving special education 2743  
services for the category five disabilities described in division 2744  
(D)(5) of section 3306.02 of the Revised Code; 2745

(g) Children with disabilities receiving special education 2746  
services for category six disabilities described in division 2747

(D)(6) of section 3306.02 of the Revised Code; 2748

(h) Students receiving category one vocational education 2749  
services, described in division (A) of section 3317.014 of the 2750  
Revised Code; 2751

(i) Students receiving category two vocational education 2752  
services, described in division (B) of section 3317.014 of the 2753  
Revised Code. 2754

The superintendent of each joint vocational school district 2755  
shall also indicate the city, local, or exempted village school 2756  
district in which each joint vocational district pupil is entitled 2757  
to attend school pursuant to section 3313.64 or 3313.65 of the 2758  
Revised Code. 2759

(E) In each school of each city, local, exempted village, 2760  
joint vocational, and cooperative education school district there 2761  
shall be maintained a record of school membership, which record 2762  
shall accurately show, for each day the school is in session, the 2763  
actual membership enrolled in regular day classes. For the purpose 2764  
of determining average daily membership, the membership figure of 2765  
any school shall not include any pupils except those pupils 2766  
described by division (A) of this section. The record of 2767  
membership for each school shall be maintained in such manner that 2768  
no pupil shall be counted as in membership prior to the actual 2769  
date of entry in the school and also in such manner that where for 2770  
any cause a pupil permanently withdraws from the school that pupil 2771  
shall not be counted as in membership from and after the date of 2772  
such withdrawal. There shall not be included in the membership of 2773  
any school any of the following: 2774

(1) Any pupil who has graduated from the twelfth grade of a 2775  
public or nonpublic high school; 2776

(2) Any pupil who is not a resident of the state; 2777

(3) Any pupil who was enrolled in the schools of the district 2778

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

vocational school district created under section 3311.16 of the 3061  
Revised Code, and includes a cooperative education school district 3062  
created under section 3311.52 or 3311.521 of the Revised Code and 3063  
a county school financing district created under section 3311.50 3064  
of the Revised Code. 3065

(3) "Local taxing unit" means a subdivision or taxing unit, 3066  
as defined in section 5705.01 of the Revised Code, a park district 3067  
created under Chapter 1545. of the Revised Code, or a township 3068  
park district established under section 511.23 of the Revised 3069  
Code, but excludes school districts and joint vocational school 3070  
districts. 3071

(4) "State education aid," for a school district, means the 3072  
following: 3073

(a) For fiscal years prior to fiscal year 2010, the sum of 3074  
state aid amounts computed for the district under divisions (A), 3075  
(C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions 3076  
(B), (C), and (D) of section 3317.023; divisions (G), (L), and (N) 3077  
of section 3317.024; and sections 3317.029, 3317.0216, 3317.0217, 3078  
3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code; and 3079  
the adjustments required by: division (C) of section 3310.08; 3080  
division (C)(2) of section 3310.41; division (C) of section 3081  
3314.08; division (D)(2) of section 3314.091; division (D) of 3082  
section 3314.13; divisions (E), (K), (L), (M), and (N) of section 3083  
3317.023; division (C) of section 3317.20; and former sections 3084  
3313.979 and 3313.981 of the Revised Code. However, when 3085  
calculating state education aid for a school district for fiscal 3086  
years 2008 and 2009, include the amount computed for the district 3087  
under Section 269.20.80 of H.B. 119 of the 127th general assembly, 3088  
as subsequently amended, instead of division (D) of section 3089  
3317.022 of the Revised Code; and include amounts calculated under 3090  
Section 269.30.80 of this act, as subsequently amended. 3091

(b) For fiscal year 2010 and for each fiscal year thereafter, 3092

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

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

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

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

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

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

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

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

(10) "Tax value loss" means the sum of the electric company 3124  
tax value loss and the natural gas company tax value loss. 3125

(11) "Fixed-rate levy" means any tax levied on property other 3126  
than a fixed-sum levy. 3127

(12) "Fixed-rate levy loss" means the amount determined under 3128  
division (G) of this section. 3129

(13) "Fixed-sum levy" means a tax levied on property at 3130  
whatever rate is required to produce a specified amount of tax 3131  
money or levied in excess of the ten-mill limitation to pay debt 3132  
charges, and includes school district emergency levies imposed 3133  
pursuant to section 5705.194 of the Revised Code. 3134

(14) "Fixed-sum levy loss" means the amount determined under 3135  
division (H) of this section. 3136

(15) "Consumer price index" means the consumer price index 3137  
(all items, all urban consumers) prepared by the bureau of labor 3138  
statistics of the United States department of labor. 3139

(B) The kilowatt-hour tax receipts fund is hereby created in 3140  
the state treasury and shall consist of money arising from the tax 3141  
imposed by section 5727.81 of the Revised Code. All money in the 3142  
kilowatt-hour tax receipts fund shall be credited as follows: 3143

(1) Sixty-three per cent shall be credited to the general 3144  
revenue fund. 3145

(2) Twenty-five and four-tenths per cent shall be credited to 3146  
the school district property tax replacement fund, which is hereby 3147  
created in the state treasury for the purpose of making the 3148  
payments described in section 5727.85 of the Revised Code. 3149

(3) Eleven and six-tenths per cent shall be credited to the 3150  
local government property tax replacement fund, which is hereby 3151  
created in the state treasury for the purpose of making the 3152  
payments described in section 5727.86 of the Revised Code. 3153

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

mill. 3310

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

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

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

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

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

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

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

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

The study shall include an assessment of: 3362

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

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

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

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

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

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

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

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