

**As Introduced**

**132nd General Assembly**

**Regular Session**

**2017-2018**

**H. B. No. 200**

**Representative Koehler**

**Cosponsors: Representatives Rezabek, Brenner, Dean, Conditt, Goodman,  
Merrin, Huffman**

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**A BILL**

To amend sections 3301.0711, 3301.0714, 3301.163, 1  
3302.036, 3302.10, 3310.51, 3317.03, 3365.07, 2  
and 5727.84; to enact new sections 3310.01, 3  
3310.02, 3310.03, 3310.04, 3310.06, 3310.07, 4  
3310.08, 3310.09, 3310.10, 3310.11, 3310.12, 5  
3310.13, 3310.14, 3310.15, 3310.16, and 3310.17; 6  
and to repeal sections 3310.01, 3310.02, 7  
3310.03, 3310.031, 3310.032, 3310.035, 3310.04, 8  
3310.05, 3310.06, 3310.07, 3310.08, 3310.09, 9  
3310.10, 3310.11, 3310.12, 3310.13, 3310.14, 10  
3310.15, 3310.16, 3310.17, 3313.974, 3313.975, 11  
3313.976, 3313.977, 3313.978, and 3313.979 of 12  
the Revised Code to eliminate the Educational 13  
Choice Scholarship Pilot Program and Pilot 14  
Project Scholarship Program and to create the 15  
Opportunity Scholarship Program. 16

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

**Section 1.** That sections 3301.0711, 3301.0714, 3301.163, 17  
3302.036, 3302.10, 3310.51, 3317.03, 3365.07, and 5727.84 be 18

amended and new sections 3310.01, 3310.02, 3310.03, 3310.04, 19  
3310.06, 3310.07, 3310.08, 3310.09, 3310.10, 3310.11, 3310.12, 20  
3310.13, 3310.14, 3310.15, 3310.16, and 3310.17 of the Revised 21  
Code be enacted to read as follows: 22

**Sec. 3301.0711.** (A) The department of education shall: 23

(1) Annually furnish to, grade, and score all assessments 24  
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 25  
the Revised Code to be administered by city, local, exempted 26  
village, and joint vocational school districts, except that each 27  
district shall score any assessment administered pursuant to 28  
division (B) (10) of this section. Each assessment so furnished 29  
shall include the data verification code of the student to whom 30  
the assessment will be administered, as assigned pursuant to 31  
division (D) (2) of section 3301.0714 of the Revised Code. In 32  
furnishing the practice versions of Ohio graduation tests 33  
prescribed by division (D) of section 3301.0710 of the Revised 34  
Code, the department shall make the tests available on its web 35  
site for reproduction by districts. In awarding contracts for 36  
grading assessments, the department shall give preference to 37  
Ohio-based entities employing Ohio residents. 38

(2) Adopt rules for the ethical use of assessments and 39  
prescribing the manner in which the assessments prescribed by 40  
section 3301.0710 of the Revised Code shall be administered to 41  
students. 42

(B) Except as provided in divisions (C) and (J) of this 43  
section, the board of education of each city, local, and 44  
exempted village school district shall, in accordance with rules 45  
adopted under division (A) of this section: 46

(1) Administer the English language arts assessments 47

prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code twice annually to all students in the third grade who have not attained the score designated for that assessment under division (A) (2) (c) of section 3301.0710 of the Revised Code.

(2) Administer the mathematics assessment prescribed under division (A) (1) (a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.

(3) Administer the assessments prescribed under division (A) (1) (b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.

(4) Administer the assessments prescribed under division (A) (1) (c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.

(5) Administer the assessments prescribed under division (A) (1) (d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.

(6) Administer the assessments prescribed under division (A) (1) (e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.

(7) Administer the assessments prescribed under division (A) (1) (f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.

(8) Except as provided in division (B) (9) of this section, administer any assessment prescribed under division (B) (1) of section 3301.0710 of the Revised Code as follows:

(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth

grade who have not yet attained the score on that assessment 76  
designated under that division; 77

(b) To any person who has successfully completed the 78  
curriculum in any high school or the individualized education 79  
program developed for the person by any high school pursuant to 80  
section 3323.08 of the Revised Code but has not received a high 81  
school diploma and who requests to take such assessment, at any 82  
time such assessment is administered in the district. 83

(9) In lieu of the board of education of any city, local, 84  
or exempted village school district in which the student is also 85  
enrolled, the board of a joint vocational school district shall 86  
administer any assessment prescribed under division (B)(1) of 87  
section 3301.0710 of the Revised Code at least twice annually to 88  
any student enrolled in the joint vocational school district who 89  
has not yet attained the score on that assessment designated 90  
under that division. A board of a joint vocational school 91  
district may also administer such an assessment to any student 92  
described in division (B)(8)(b) of this section. 93

(10) If the district has a three-year average graduation 94  
rate of not more than seventy-five per cent, administer each 95  
assessment prescribed by division (D) of section 3301.0710 of 96  
the Revised Code in September to all ninth grade students who 97  
entered ninth grade prior to July 1, 2014. 98

Except as provided in section 3313.614 of the Revised Code 99  
for administration of an assessment to a person who has 100  
fulfilled the curriculum requirement for a high school diploma 101  
but has not passed one or more of the required assessments, the 102  
assessments prescribed under division (B)(1) of section 103  
3301.0710 of the Revised Code shall not be administered after 104  
the date specified in the rules adopted by the state board of 105

education under division (D) (1) of section 3301.0712 of the Revised Code.

(11) (a) Except as provided in division (B) (11) (b) of this section, administer the assessments prescribed by division (B) (2) of section 3301.0710 and section 3301.0712 of the Revised Code in accordance with the timeline and plan for implementation of those assessments prescribed by rule of the state board adopted under division (D) (1) of section 3301.0712 of the Revised Code;

(b) A student who has presented evidence to the district or school of having satisfied the condition prescribed by division (A) (1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. However, no board shall prohibit a student who is not required to take such assessment from taking the assessment.

(C) (1) (a) In the case of a student receiving special education services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this section, except that a student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C) (1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code. The individualized

education program may excuse the student from taking any 136  
particular assessment required to be administered under this 137  
section if it instead specifies an alternate assessment method 138  
approved by the department of education as conforming to 139  
requirements of federal law for receipt of federal funds for 140  
disadvantaged pupils. To the extent possible, the individualized 141  
education program shall not excuse the student from taking an 142  
assessment unless no reasonable accommodation can be made to 143  
enable the student to take the assessment. No board shall 144  
prohibit a student who is not required to take an assessment 145  
under division (C) (1) of this section from taking the 146  
assessment. 147

(b) Any alternate assessment approved by the department 148  
for a student under this division shall produce measurable 149  
results comparable to those produced by the assessment it 150  
replaces in order to allow for the student's results to be 151  
included in the data compiled for a school district or building 152  
under section 3302.03 of the Revised Code. 153

(c) (i) Any student enrolled in a chartered nonpublic 154  
school who has been identified, based on an evaluation conducted 155  
in accordance with section 3323.03 of the Revised Code or 156  
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 157  
29 U.S.C.A. 794, as amended, as a child with a disability shall 158  
be excused from taking any particular assessment required to be 159  
administered under this section if a plan developed for the 160  
student pursuant to rules adopted by the state board excuses the 161  
student from taking that assessment. 162

(ii) A student with significant cognitive disabilities to 163  
whom an alternate assessment is administered in accordance with 164  
division (C) (1) of this section and a student determined to have 165

a disability that includes an intellectual disability as 166  
outlined in guidance issued by the department shall not be 167  
required to take the assessment prescribed under division (B) (1) 168  
of section 3301.0712 of the Revised Code. 169

(iii) In the case of any student so excused from taking an 170  
assessment under division (C) (1) (c) of this section, the 171  
chartered nonpublic school shall not prohibit the student from 172  
taking the assessment. 173

(2) A district board may, for medical reasons or other 174  
good cause, excuse a student from taking an assessment 175  
administered under this section on the date scheduled, but that 176  
assessment shall be administered to the excused student not 177  
later than nine days following the scheduled date. The district 178  
board shall annually report the number of students who have not 179  
taken one or more of the assessments required by this section to 180  
the state board not later than the thirtieth day of June. 181

(3) As used in this division, "limited English proficient 182  
student" has the same meaning as in 20 U.S.C. 7801. 183

No school district board shall excuse any limited English 184  
proficient student from taking any particular assessment 185  
required to be administered under this section, except as 186  
follows: 187

(a) Any limited English proficient student who has been 188  
enrolled in United States schools for less than two years and 189  
for whom no appropriate accommodations are available based on 190  
guidance issued by the department shall not be required to take 191  
the assessment prescribed under division (B) (1) of section 192  
3301.0712 of the Revised Code. 193

(b) Any limited English proficient student who has been 194

enrolled in United States schools for less than one full school 195  
year shall not be required to take any reading, writing, or 196  
English language arts assessment. 197

However, no board shall prohibit a limited English 198  
proficient student who is not required to take an assessment 199  
under division (C) (3) of this section from taking the 200  
assessment. A board may permit any limited English proficient 201  
student to take an assessment required to be administered under 202  
this section with appropriate accommodations, as determined by 203  
the department. For each limited English proficient student, 204  
each school district shall annually assess that student's 205  
progress in learning English, in accordance with procedures 206  
approved by the department. 207

(4) (a) The governing authority of a chartered nonpublic 208  
school may excuse a limited English proficient student from 209  
taking any assessment administered under this section. 210

(b) No governing authority shall require a limited English 211  
proficient student who has been enrolled in United States 212  
schools for less than two years and for whom no appropriate 213  
accommodations are available based on guidance issued by the 214  
department to take the assessment prescribed under division (B) 215  
(1) of section 3301.0712 of the Revised Code. 216

(c) No governing authority shall prohibit a limited 217  
English proficient student from taking an assessment from which 218  
the student was excused under division (C) (4) of this section. 219

(D) (1) In the school year next succeeding the school year 220  
in which the assessments prescribed by division (A) (1) or (B) (1) 221  
of section 3301.0710 of the Revised Code or former division (A) 222  
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 223



it existed prior to September 11, 2001, are administered to any 224  
student, the board of education of any school district in which 225  
the student is enrolled in that year shall provide to the 226  
student intervention services commensurate with the student's 227  
performance, including any intensive intervention required under 228  
section 3313.608 of the Revised Code, in any skill in which the 229  
student failed to demonstrate at least a score at the proficient 230  
level on the assessment. 231

(2) Following any administration of the assessments 232  
prescribed by division (D) of section 3301.0710 of the Revised 233  
Code to ninth grade students, each school district that has a 234  
three-year average graduation rate of not more than seventy-five 235  
per cent shall determine for each high school in the district 236  
whether the school shall be required to provide intervention 237  
services to any students who took the assessments. In 238  
determining which high schools shall provide intervention 239  
services based on the resources available, the district shall 240  
consider each school's graduation rate and scores on the 241  
practice assessments. The district also shall consider the 242  
scores received by ninth grade students on the English language 243  
arts and mathematics assessments prescribed under division (A) 244  
(1) (f) of section 3301.0710 of the Revised Code in the eighth 245  
grade in determining which high schools shall provide 246  
intervention services. 247

Each high school selected to provide intervention services 248  
under this division shall provide intervention services to any 249  
student whose results indicate that the student is failing to 250  
make satisfactory progress toward being able to attain scores at 251  
the proficient level on the Ohio graduation tests. Intervention 252  
services shall be provided in any skill in which a student 253  
demonstrates unsatisfactory progress and shall be commensurate 254

with the student's performance. Schools shall provide the 255  
intervention services prior to the end of the school year, 256  
during the summer following the ninth grade, in the next 257  
succeeding school year, or at any combination of those times. 258

(E) Except as provided in section 3313.608 of the Revised 259  
Code and division (N) of this section, no school district board 260  
of education shall utilize any student's failure to attain a 261  
specified score on an assessment administered under this section 262  
as a factor in any decision to deny the student promotion to a 263  
higher grade level. However, a district board may choose not to 264  
promote to the next grade level any student who does not take an 265  
assessment administered under this section or make up an 266  
assessment as provided by division (C) (2) of this section and 267  
who is not exempt from the requirement to take the assessment 268  
under division (C) (3) of this section. 269

(F) No person shall be charged a fee for taking any 270  
assessment administered under this section. 271

(G) (1) Each school district board shall designate one 272  
location for the collection of assessments administered in the 273  
spring under division (B) (1) of this section and those 274  
administered under divisions (B) (2) to (7) of this section. Each 275  
district board shall submit the assessments to the entity with 276  
which the department contracts for the scoring of the 277  
assessments as follows: 278

(a) If the district's total enrollment in grades 279  
kindergarten through twelve during the first full school week of 280  
October was less than two thousand five hundred, not later than 281  
the Friday after all of the assessments have been administered; 282

(b) If the district's total enrollment in grades 283

kindergarten through twelve during the first full school week of 284  
October was two thousand five hundred or more, but less than 285  
seven thousand, not later than the Monday after all of the 286  
assessments have been administered; 287

(c) If the district's total enrollment in grades 288  
kindergarten through twelve during the first full school week of 289  
October was seven thousand or more, not later than the Tuesday 290  
after all of the assessments have been administered. 291

However, any assessment that a student takes during the 292  
make-up period described in division (C) (2) of this section 293  
shall be submitted not later than the Friday following the day 294  
the student takes the assessment. 295

(2) The department or an entity with which the department 296  
contracts for the scoring of the assessment shall send to each 297  
school district board a list of the individual scores of all 298  
persons taking a state achievement assessment as follows: 299

(a) Except as provided in division (G) (2) (b) or (c) of 300  
this section, within forty-five days after the administration of 301  
the assessments prescribed by sections 3301.0710 and 3301.0712 302  
of the Revised Code, but in no case shall the scores be returned 303  
later than the thirtieth day of June following the 304  
administration; 305

(b) In the case of the third-grade English language arts 306  
assessment, within forty-five days after the administration of 307  
that assessment, but in no case shall the scores be returned 308  
later than the fifteenth day of June following the 309  
administration; 310

(c) In the case of the writing component of an assessment 311  
or end-of-course examination in the area of English language 312

arts, except for the third-grade English language arts 313  
assessment, the results may be sent after forty-five days of the 314  
administration of the writing component, but in no case shall 315  
the scores be returned later than the thirtieth day of June 316  
following the administration. 317

(3) For assessments administered under this section by a 318  
joint vocational school district, the department or entity shall 319  
also send to each city, local, or exempted village school 320  
district a list of the individual scores of any students of such 321  
city, local, or exempted village school district who are 322  
attending school in the joint vocational school district. 323

(H) Individual scores on any assessments administered 324  
under this section shall be released by a district board only in 325  
accordance with section 3319.321 of the Revised Code and the 326  
rules adopted under division (A) of this section. No district 327  
board or its employees shall utilize individual or aggregate 328  
results in any manner that conflicts with rules for the ethical 329  
use of assessments adopted pursuant to division (A) of this 330  
section. 331

(I) Except as provided in division (G) of this section, 332  
the department or an entity with which the department contracts 333  
for the scoring of the assessment shall not release any 334  
individual scores on any assessment administered under this 335  
section. The state board shall adopt rules to ensure the 336  
protection of student confidentiality at all times. The rules 337  
may require the use of the data verification codes assigned to 338  
students pursuant to division (D)(2) of section 3301.0714 of the 339  
Revised Code to protect the confidentiality of student scores. 340

(J) Notwithstanding division (D) of section 3311.52 of the 341  
Revised Code, this section does not apply to the board of 342

education of any cooperative education school district except as 343  
provided under rules adopted pursuant to this division. 344

(1) In accordance with rules that the state board shall 345  
adopt, the board of education of any city, exempted village, or 346  
local school district with territory in a cooperative education 347  
school district established pursuant to divisions (A) to (C) of 348  
section 3311.52 of the Revised Code may enter into an agreement 349  
with the board of education of the cooperative education school 350  
district for administering any assessment prescribed under this 351  
section to students of the city, exempted village, or local 352  
school district who are attending school in the cooperative 353  
education school district. 354

(2) In accordance with rules that the state board shall 355  
adopt, the board of education of any city, exempted village, or 356  
local school district with territory in a cooperative education 357  
school district established pursuant to section 3311.521 of the 358  
Revised Code shall enter into an agreement with the cooperative 359  
district that provides for the administration of any assessment 360  
prescribed under this section to both of the following: 361

(a) Students who are attending school in the cooperative 362  
district and who, if the cooperative district were not 363  
established, would be entitled to attend school in the city, 364  
local, or exempted village school district pursuant to section 365  
3313.64 or 3313.65 of the Revised Code; 366

(b) Persons described in division (B) (8) (b) of this 367  
section. 368

Any assessment of students pursuant to such an agreement 369  
shall be in lieu of any assessment of such students or persons 370  
pursuant to this section. 371

(K) (1) Except as otherwise provided in division (K) (1) or 372  
(2) of this section, each chartered nonpublic school for which 373  
at least sixty-five per cent of its total enrollment is made up 374  
of students who are participating in state scholarship programs 375  
shall administer the elementary assessments prescribed by 376  
section 3301.0710 of the Revised Code. In accordance with 377  
procedures and deadlines prescribed by the department, the 378  
parent or guardian of a student enrolled in the school who is 379  
not participating in a state scholarship program may submit 380  
notice to the chief administrative officer of the school that 381  
the parent or guardian does not wish to have the student take 382  
the elementary assessments prescribed for the student's grade 383  
level under division (A) of section 3301.0710 of the Revised 384  
Code. If a parent or guardian submits an opt-out notice, the 385  
school shall not administer the assessments to that student. 386  
This option does not apply to any assessment required for a high 387  
school diploma under section 3313.612 of the Revised Code. 388

(2) A chartered nonpublic school may submit to the 389  
superintendent of public instruction a request for a waiver from 390  
administering the elementary assessments prescribed by division 391  
(A) of section 3301.0710 of the Revised Code. The state 392  
superintendent shall approve or disapprove a request for a 393  
waiver submitted under division (K) (2) of this section. No 394  
waiver shall be approved for any school year prior to the 2015- 395  
2016 school year. 396

To be eligible to submit a request for a waiver, a 397  
chartered nonpublic school shall meet the following conditions: 398

(a) At least ninety-five per cent of the students enrolled 399  
in the school are children with disabilities, as defined under 400  
section 3323.01 of the Revised Code, or have received a 401

diagnosis by a school district or from a physician, including a 402  
neuropsychiatrist or psychiatrist, or a psychologist who is 403  
authorized to practice in this or another state as having a 404  
condition that impairs academic performance, such as dyslexia, 405  
dyscalculia, attention deficit hyperactivity disorder, or 406  
Asperger's syndrome. 407

(b) The school has solely served a student population 408  
described in division (K) (1) (a) of this section for at least ten 409  
years. 410

(c) The school provides to the department at least five 411  
years of records of internal testing conducted by the school 412  
that affords the department data required for accountability 413  
purposes, including diagnostic assessments and nationally 414  
standardized norm-referenced achievement assessments that 415  
measure reading and math skills. 416

(3) Any chartered nonpublic school that is not subject to 417  
division (K) (1) of this section may participate in the 418  
assessment program by administering any of the assessments 419  
prescribed by division (A) of section 3301.0710 of the Revised 420  
Code. The chief administrator of the school shall specify which 421  
assessments the school will administer. Such specification shall 422  
be made in writing to the superintendent of public instruction 423  
prior to the first day of August of any school year in which 424  
assessments are administered and shall include a pledge that the 425  
nonpublic school will administer the specified assessments in 426  
the same manner as public schools are required to do under this 427  
section and rules adopted by the department. 428

(4) The department of education shall furnish the 429  
assessments prescribed by section 3301.0710 of the Revised Code 430  
to each chartered nonpublic school that is subject to division 431

(K) (1) of this section or participates under division (K) (3) of 432  
this section. 433

(L) If a chartered nonpublic school is educating students 434  
in grades nine through twelve, the following shall apply: 435

(1) For a student who is enrolled in a chartered nonpublic 436  
school that is accredited through the independent schools 437  
association of the central states and who is attending the 438  
school under a state scholarship program, the student shall 439  
either take all of the assessments prescribed by division (B) of 440  
section 3301.0712 of the Revised Code or take an alternative 441  
assessment approved by the department under section 3313.619 of 442  
the Revised Code. However, a student who is excused from taking 443  
an assessment under division (C) of this section or has 444  
presented evidence to the chartered nonpublic school of having 445  
satisfied the condition prescribed by division (A) (1) of section 446  
3313.618 of the Revised Code to qualify for a high school 447  
diploma prior to the date of the administration of the 448  
assessment prescribed under division (B) (1) of section 3301.0712 449  
of the Revised Code shall not be required to take that 450  
assessment. No governing authority of a chartered nonpublic 451  
school shall prohibit a student who is not required to take such 452  
assessment from taking the assessment. 453

(2) For a student who is enrolled in a chartered nonpublic 454  
school that is accredited through the independent schools 455  
association of the central states, and who is not attending the 456  
school under a state scholarship program, the student shall not 457  
be required to take any assessment prescribed under section 458  
3301.0712 or 3313.619 of the Revised Code. 459

(3) (a) Except as provided in division (L) (3) (b) of this 460  
section, for a student who is enrolled in a chartered nonpublic 461



school that is not accredited through the independent schools 462  
association of the central states, regardless of whether the 463  
student is attending or is not attending the school under a 464  
state scholarship program, the student shall do one of the 465  
following: 466

(i) Take all of the assessments prescribed by division (B) 467  
of section 3301.0712 of the Revised Code; 468

(ii) Take only the assessment prescribed by division (B) 469  
(1) of section 3301.0712 of the Revised Code, provided that the 470  
student's school publishes the results of that assessment for 471  
each graduating class. The published results of that assessment 472  
shall include the overall composite scores, mean scores, twenty- 473  
fifth percentile scores, and seventy-fifth percentile scores for 474  
each subject area of the assessment. 475

(iii) Take an alternative assessment approved by the 476  
department under section 3313.619 of the Revised Code. 477

(b) A student who is excused from taking an assessment 478  
under division (C) of this section or has presented evidence to 479  
the chartered nonpublic school of having satisfied the condition 480  
prescribed by division (A) (1) of section 3313.618 of the Revised 481  
Code to qualify for a high school diploma prior to the date of 482  
the administration of the assessment prescribed under division 483  
(B) (1) of section 3301.0712 of the Revised Code shall not be 484  
required to take that assessment. No governing authority of a 485  
chartered nonpublic school shall prohibit a student who is not 486  
required to take such assessment from taking the assessment. 487

(M) (1) The superintendent of the state school for the 488  
blind and the superintendent of the state school for the deaf 489  
shall administer the assessments described by sections 3301.0710 490

and 3301.0712 of the Revised Code. Each superintendent shall 491  
administer the assessments in the same manner as district boards 492  
are required to do under this section and rules adopted by the 493  
department of education and in conformity with division (C) (1) 494  
(a) of this section. 495

(2) The department of education shall furnish the 496  
assessments described by sections 3301.0710 and 3301.0712 of the 497  
Revised Code to each superintendent. 498

(N) Notwithstanding division (E) of this section, a school 499  
district may use a student's failure to attain a score in at 500  
least the proficient range on the mathematics assessment 501  
described by division (A) (1) (a) of section 3301.0710 of the 502  
Revised Code or on an assessment described by division (A) (1) 503  
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 504  
Code as a factor in retaining that student in the current grade 505  
level. 506

(O) (1) In the manner specified in divisions (O) (3), (4), 507  
and (6) of this section, the assessments required by division 508  
(A) (1) of section 3301.0710 of the Revised Code shall become 509  
public records pursuant to section 149.43 of the Revised Code on 510  
the thirty-first day of July following the school year that the 511  
assessments were administered. 512

(2) The department may field test proposed questions with 513  
samples of students to determine the validity, reliability, or 514  
appropriateness of questions for possible inclusion in a future 515  
year's assessment. The department also may use anchor questions 516  
on assessments to ensure that different versions of the same 517  
assessment are of comparable difficulty. 518

Field test questions and anchor questions shall not be 519

considered in computing scores for individual students. Field 520  
test questions and anchor questions may be included as part of 521  
the administration of any assessment required by division (A) (1) 522  
or (B) of section 3301.0710 and division (B) of section 523  
3301.0712 of the Revised Code. 524

(3) Any field test question or anchor question 525  
administered under division (O) (2) of this section shall not be 526  
a public record. Such field test questions and anchor questions 527  
shall be redacted from any assessments which are released as a 528  
public record pursuant to division (O) (1) of this section. 529

(4) This division applies to the assessments prescribed by 530  
division (A) of section 3301.0710 of the Revised Code. 531

(a) The first administration of each assessment, as 532  
specified in former section 3301.0712 of the Revised Code, shall 533  
be a public record. 534

(b) For subsequent administrations of each assessment 535  
prior to the 2011-2012 school year, not less than forty per cent 536  
of the questions on the assessment that are used to compute a 537  
student's score shall be a public record. The department shall 538  
determine which questions will be needed for reuse on a future 539  
assessment and those questions shall not be public records and 540  
shall be redacted from the assessment prior to its release as a 541  
public record. However, for each redacted question, the 542  
department shall inform each city, local, and exempted village 543  
school district of the statewide academic standard adopted by 544  
the state board under section 3301.079 of the Revised Code and 545  
the corresponding benchmark to which the question relates. The 546  
preceding sentence does not apply to field test questions that 547  
are redacted under division (O) (3) of this section. 548

(c) The administrations of each assessment in the 2011- 549  
2012, 2012-2013, and 2013-2014 school years shall not be a 550  
public record. 551

(5) Each assessment prescribed by division (B) (1) of 552  
section 3301.0710 of the Revised Code shall not be a public 553  
record. 554

(6) Beginning with the spring administration for the 2014- 555  
2015 school year, questions on the assessments prescribed under 556  
division (A) of section 3301.0710 and division (B) (2) of section 557  
3301.0712 of the Revised Code and the corresponding preferred 558  
answers that are used to compute a student's score shall become 559  
a public record as follows: 560

(a) Forty per cent of the questions and preferred answers 561  
on the assessments on the thirty-first day of July following the 562  
administration of the assessment; 563

(b) Twenty per cent of the questions and preferred answers 564  
on the assessment on the thirty-first day of July one year after 565  
the administration of the assessment; 566

(c) The remaining forty per cent of the questions and 567  
preferred answers on the assessment on the thirty-first day of 568  
July two years after the administration of the assessment. 569

The entire content of an assessment shall become a public 570  
record within three years of its administration. 571

The department shall make the questions that become a 572  
public record under this division readily accessible to the 573  
public on the department's web site. Questions on the spring 574  
administration of each assessment shall be released on an annual 575  
basis, in accordance with this division. 576

(P) As used in this section:	577
(1) "Three-year average" means the average of the most recent consecutive three school years of data.	578 579
(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country.	580 581 582 583 584 585
(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.	586 587 588 589 590 591 592 593 594 595
(4) "State scholarship programs" means the <del>educational-choice opportunity scholarship pilot program</del> established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, <u>and</u> the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, <del>and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.</del>	596 597 598 599 600 601 602 603 604
<b>Sec. 3301.0714.</b> (A) The state board of education shall	605

adopt rules for a statewide education management information 606  
system. The rules shall require the state board to establish 607  
guidelines for the establishment and maintenance of the system 608  
in accordance with this section and the rules adopted under this 609  
section. The guidelines shall include: 610

(1) Standards identifying and defining the types of data 611  
in the system in accordance with divisions (B) and (C) of this 612  
section; 613

(2) Procedures for annually collecting and reporting the 614  
data to the state board in accordance with division (D) of this 615  
section; 616

(3) Procedures for annually compiling the data in 617  
accordance with division (G) of this section; 618

(4) Procedures for annually reporting the data to the 619  
public in accordance with division (H) of this section; 620

(5) Standards to provide strict safeguards to protect the 621  
confidentiality of personally identifiable student data. 622

(B) The guidelines adopted under this section shall 623  
require the data maintained in the education management 624  
information system to include at least the following: 625

(1) Student participation and performance data, for each 626  
grade in each school district as a whole and for each grade in 627  
each school building in each school district, that includes: 628

(a) The numbers of students receiving each category of 629  
instructional service offered by the school district, such as 630  
regular education instruction, vocational education instruction, 631  
specialized instruction programs or enrichment instruction that 632  
is part of the educational curriculum, instruction for gifted 633

students, instruction for students with disabilities, and 634  
remedial instruction. The guidelines shall require instructional 635  
services under this division to be divided into discrete 636  
categories if an instructional service is limited to a specific 637  
subject, a specific type of student, or both, such as regular 638  
instructional services in mathematics, remedial reading 639  
instructional services, instructional services specifically for 640  
students gifted in mathematics or some other subject area, or 641  
instructional services for students with a specific type of 642  
disability. The categories of instructional services required by 643  
the guidelines under this division shall be the same as the 644  
categories of instructional services used in determining cost 645  
units pursuant to division (C) (3) of this section. 646

(b) The numbers of students receiving support or 647  
extracurricular services for each of the support services or 648  
extracurricular programs offered by the school district, such as 649  
counseling services, health services, and extracurricular sports 650  
and fine arts programs. The categories of services required by 651  
the guidelines under this division shall be the same as the 652  
categories of services used in determining cost units pursuant 653  
to division (C) (4) (a) of this section. 654

(c) Average student grades in each subject in grades nine 655  
through twelve; 656

(d) Academic achievement levels as assessed under sections 657  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 658

(e) The number of students designated as having a 659  
disabling condition pursuant to division (C) (1) of section 660  
3301.0711 of the Revised Code; 661

(f) The numbers of students reported to the state board 662

pursuant to division (C) (2) of section 3301.0711 of the Revised Code; 663  
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(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration. 665  
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(h) Expulsion rates; 669

(i) Suspension rates; 670

(j) Dropout rates; 671

(k) Rates of retention in grade; 672

(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules; 673  
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(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements; 676  
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(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results. 681  
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(2) Personnel and classroom enrollment data for each 690



school district, including: 691

(a) The total numbers of licensed employees and 692  
nonlicensed employees and the numbers of full-time equivalent 693  
licensed employees and nonlicensed employees providing each 694  
category of instructional service, instructional support 695  
service, and administrative support service used pursuant to 696  
division (C) (3) of this section. The guidelines adopted under 697  
this section shall require these categories of data to be 698  
maintained for the school district as a whole and, wherever 699  
applicable, for each grade in the school district as a whole, 700  
for each school building as a whole, and for each grade in each 701  
school building. 702

(b) The total number of employees and the number of full- 703  
time equivalent employees providing each category of service 704  
used pursuant to divisions (C) (4) (a) and (b) of this section, 705  
and the total numbers of licensed employees and nonlicensed 706  
employees and the numbers of full-time equivalent licensed 707  
employees and nonlicensed employees providing each category used 708  
pursuant to division (C) (4) (c) of this section. The guidelines 709  
adopted under this section shall require these categories of 710  
data to be maintained for the school district as a whole and, 711  
wherever applicable, for each grade in the school district as a 712  
whole, for each school building as a whole, and for each grade 713  
in each school building. 714

(c) The total number of regular classroom teachers 715  
teaching classes of regular education and the average number of 716  
pupils enrolled in each such class, in each of grades 717  
kindergarten through five in the district as a whole and in each 718  
school building in the school district. 719

(d) The number of lead teachers employed by each school 720

district and each school building. 721

(3) (a) Student demographic data for each school district, 722  
including information regarding the gender ratio of the school 723  
district's pupils, the racial make-up of the school district's 724  
pupils, the number of limited English proficient students in the 725  
district, and an appropriate measure of the number of the school 726  
district's pupils who reside in economically disadvantaged 727  
households. The demographic data shall be collected in a manner 728  
to allow correlation with data collected under division (B) (1) 729  
of this section. Categories for data collected pursuant to 730  
division (B) (3) of this section shall conform, where 731  
appropriate, to standard practices of agencies of the federal 732  
government. 733

(b) With respect to each student entering kindergarten, 734  
whether the student previously participated in a public 735  
preschool program, a private preschool program, or a head start 736  
program, and the number of years the student participated in 737  
each of these programs. 738

(4) Any data required to be collected pursuant to federal 739  
law. 740

(C) The education management information system shall 741  
include cost accounting data for each district as a whole and 742  
for each school building in each school district. The guidelines 743  
adopted under this section shall require the cost data for each 744  
school district to be maintained in a system of mutually 745  
exclusive cost units and shall require all of the costs of each 746  
school district to be divided among the cost units. The 747  
guidelines shall require the system of mutually exclusive cost 748  
units to include at least the following: 749

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

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

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

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

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to

students in conjunction with each instructional services 780  
category; 781

(c) The cost of the administrative support services 782  
related to each instructional services category, such as the 783  
cost of personnel that develop the curriculum for the 784  
instructional services category and the cost of personnel 785  
supervising or coordinating the delivery of the instructional 786  
services category. 787

(4) Support or extracurricular services costs for each 788  
category of service directly provided to students and required 789  
by guidelines adopted pursuant to division (B)(1)(b) of this 790  
section. The guidelines shall require the cost units under 791  
division (C)(4) of this section to be designed so that each of 792  
them may be compiled and reported in terms of average 793  
expenditure per pupil receiving the service in the school 794  
district as a whole and average expenditure per pupil receiving 795  
the service in each building in the school district and in terms 796  
of a total cost for each category of service and, as a breakdown 797  
of the total cost, a cost for each of the following components: 798

(a) The cost of each support or extracurricular services 799  
category required by guidelines adopted under division (B)(1)(b) 800  
of this section that is provided directly to students by a 801  
licensed employee, such as services provided by a guidance 802  
counselor or any services provided by a licensed employee under 803  
a supplemental contract; 804

(b) The cost of each such services category provided 805  
directly to students by a nonlicensed employee, such as 806  
janitorial services, cafeteria services, or services of a sports 807  
trainer; 808

(c) The cost of the administrative services related to 809  
each services category in division (C) (4) (a) or (b) of this 810  
section, such as the cost of any licensed or nonlicensed 811  
employees that develop, supervise, coordinate, or otherwise are 812  
involved in administering or aiding the delivery of each 813  
services category. 814

(D) (1) The guidelines adopted under this section shall 815  
require school districts to collect information about individual 816  
students, staff members, or both in connection with any data 817  
required by division (B) or (C) of this section or other 818  
reporting requirements established in the Revised Code. The 819  
guidelines may also require school districts to report 820  
information about individual staff members in connection with 821  
any data required by division (B) or (C) of this section or 822  
other reporting requirements established in the Revised Code. 823  
The guidelines shall not authorize school districts to request 824  
social security numbers of individual students. The guidelines 825  
shall prohibit the reporting under this section of a student's 826  
name, address, and social security number to the state board of 827  
education or the department of education. The guidelines shall 828  
also prohibit the reporting under this section of any personally 829  
identifiable information about any student, except for the 830  
purpose of assigning the data verification code required by 831  
division (D) (2) of this section, to any other person unless such 832  
person is employed by the school district or the information 833  
technology center operated under section 3301.075 of the Revised 834  
Code and is authorized by the district or technology center to 835  
have access to such information or is employed by an entity with 836  
which the department contracts for the scoring or the 837  
development of state assessments. The guidelines may require 838  
school districts to provide the social security numbers of 839

individual staff members and the county of residence for a 840  
student. Nothing in this section prohibits the state board of 841  
education or department of education from providing a student's 842  
county of residence to the department of taxation to facilitate 843  
the distribution of tax revenue. 844

(2) (a) The guidelines shall provide for each school 845  
district or community school to assign a data verification code 846  
that is unique on a statewide basis over time to each student 847  
whose initial Ohio enrollment is in that district or school and 848  
to report all required individual student data for that student 849  
utilizing such code. The guidelines shall also provide for 850  
assigning data verification codes to all students enrolled in 851  
districts or community schools on the effective date of the 852  
guidelines established under this section. The assignment of 853  
data verification codes for other entities, as described in 854  
division (D) (2) (c) of this section, the use of those codes, and 855  
the reporting and use of associated individual student data 856  
shall be coordinated by the department in accordance with state 857  
and federal law. 858

School districts shall report individual student data to 859  
the department through the information technology centers 860  
utilizing the code. The entities described in division (D) (2) (c) 861  
of this section shall report individual student data to the 862  
department in the manner prescribed by the department. 863

Except as provided in sections 3301.941, 3310.11, 3310.42, 864  
3310.63, ~~3313.978~~, and 3317.20 of the Revised Code, at no time 865  
shall the state board or the department have access to 866  
information that would enable any data verification code to be 867  
matched to personally identifiable student data. 868

(b) Each school district and community school shall ensure 869

that the data verification code is included in the student's 870  
records reported to any subsequent school district, community 871  
school, or state institution of higher education, as defined in 872  
section 3345.011 of the Revised Code, in which the student 873  
enrolls. Any such subsequent district or school shall utilize 874  
the same identifier in its reporting of data under this section. 875

(c) The director of any state agency that administers a 876  
publicly funded program providing services to children who are 877  
younger than compulsory school age, as defined in section 878  
3321.01 of the Revised Code, including the directors of health, 879  
job and family services, mental health and addiction services, 880  
and developmental disabilities, shall request and receive, 881  
pursuant to sections 3301.0723 and 5123.0423 of the Revised 882  
Code, a data verification code for a child who is receiving 883  
those services. 884

(E) The guidelines adopted under this section may require 885  
school districts to collect and report data, information, or 886  
reports other than that described in divisions (A), (B), and (C) 887  
of this section for the purpose of complying with other 888  
reporting requirements established in the Revised Code. The 889  
other data, information, or reports may be maintained in the 890  
education management information system but are not required to 891  
be compiled as part of the profile formats required under 892  
division (G) of this section or the annual statewide report 893  
required under division (H) of this section. 894

(F) Beginning with the school year that begins July 1, 895  
1991, the board of education of each school district shall 896  
annually collect and report to the state board, in accordance 897  
with the guidelines established by the board, the data required 898  
pursuant to this section. A school district may collect and 899

report these data notwithstanding section 2151.357 or 3319.321 900  
of the Revised Code. 901

(G) The state board shall, in accordance with the 902  
procedures it adopts, annually compile the data reported by each 903  
school district pursuant to division (D) of this section. The 904  
state board shall design formats for profiling each school 905  
district as a whole and each school building within each 906  
district and shall compile the data in accordance with these 907  
formats. These profile formats shall: 908

(1) Include all of the data gathered under this section in 909  
a manner that facilitates comparison among school districts and 910  
among school buildings within each school district; 911

(2) Present the data on academic achievement levels as 912  
assessed by the testing of student achievement maintained 913  
pursuant to division (B)(1)(d) of this section. 914

(H)(1) The state board shall, in accordance with the 915  
procedures it adopts, annually prepare a statewide report for 916  
all school districts and the general public that includes the 917  
profile of each of the school districts developed pursuant to 918  
division (G) of this section. Copies of the report shall be sent 919  
to each school district. 920

(2) The state board shall, in accordance with the 921  
procedures it adopts, annually prepare an individual report for 922  
each school district and the general public that includes the 923  
profiles of each of the school buildings in that school district 924  
developed pursuant to division (G) of this section. Copies of 925  
the report shall be sent to the superintendent of the district 926  
and to each member of the district board of education. 927

(3) Copies of the reports received from the state board 928



under divisions (H) (1) and (2) of this section shall be made 929  
available to the general public at each school district's 930  
offices. Each district board of education shall make copies of 931  
each report available to any person upon request and payment of 932  
a reasonable fee for the cost of reproducing the report. The 933  
board shall annually publish in a newspaper of general 934  
circulation in the school district, at least twice during the 935  
two weeks prior to the week in which the reports will first be 936  
available, a notice containing the address where the reports are 937  
available and the date on which the reports will be available. 938

(I) Any data that is collected or maintained pursuant to 939  
this section and that identifies an individual pupil is not a 940  
public record for the purposes of section 149.43 of the Revised 941  
Code. 942

(J) As used in this section: 943

(1) "School district" means any city, local, exempted 944  
village, or joint vocational school district and, in accordance 945  
with section 3314.17 of the Revised Code, any community school. 946  
As used in division (L) of this section, "school district" also 947  
includes any educational service center or other educational 948  
entity required to submit data using the system established 949  
under this section. 950

(2) "Cost" means any expenditure for operating expenses 951  
made by a school district excluding any expenditures for debt 952  
retirement except for payments made to any commercial lending 953  
institution for any loan approved pursuant to section 3313.483 954  
of the Revised Code. 955

(K) Any person who removes data from the information 956  
system established under this section for the purpose of 957

releasing it to any person not entitled under law to have access 958  
to such information is subject to section 2913.42 of the Revised 959  
Code prohibiting tampering with data. 960

(L) (1) In accordance with division (L) (2) of this section 961  
and the rules adopted under division (L) (10) of this section, 962  
the department of education may sanction any school district 963  
that reports incomplete or inaccurate data, reports data that 964  
does not conform to data requirements and descriptions published 965  
by the department, fails to report data in a timely manner, or 966  
otherwise does not make a good faith effort to report data as 967  
required by this section. 968

(2) If the department decides to sanction a school 969  
district under this division, the department shall take the 970  
following sequential actions: 971

(a) Notify the district in writing that the department has 972  
determined that data has not been reported as required under 973  
this section and require the district to review its data 974  
submission and submit corrected data by a deadline established 975  
by the department. The department also may require the district 976  
to develop a corrective action plan, which shall include 977  
provisions for the district to provide mandatory staff training 978  
on data reporting procedures. 979

(b) Withhold up to ten per cent of the total amount of 980  
state funds due to the district for the current fiscal year and, 981  
if not previously required under division (L) (2) (a) of this 982  
section, require the district to develop a corrective action 983  
plan in accordance with that division; 984

(c) Withhold an additional amount of up to twenty per cent 985  
of the total amount of state funds due to the district for the 986

current fiscal year;	987
(d) Direct department staff or an outside entity to	988
investigate the district's data reporting practices and make	989
recommendations for subsequent actions. The recommendations may	990
include one or more of the following actions:	991
(i) Arrange for an audit of the district's data reporting	992
practices by department staff or an outside entity;	993
(ii) Conduct a site visit and evaluation of the district;	994
(iii) Withhold an additional amount of up to thirty per	995
cent of the total amount of state funds due to the district for	996
the current fiscal year;	997
(iv) Continue monitoring the district's data reporting;	998
(v) Assign department staff to supervise the district's	999
data management system;	1000
(vi) Conduct an investigation to determine whether to	1001
suspend or revoke the license of any district employee in	1002
accordance with division (N) of this section;	1003
(vii) If the district is issued a report card under	1004
section 3302.03 of the Revised Code, indicate on the report card	1005
that the district has been sanctioned for failing to report data	1006
as required by this section;	1007
(viii) If the district is issued a report card under	1008
section 3302.03 of the Revised Code and incomplete or inaccurate	1009
data submitted by the district likely caused the district to	1010
receive a higher performance rating than it deserved under that	1011
section, issue a revised report card for the district;	1012
(ix) Any other action designed to correct the district's	1013

data reporting problems. 1014

(3) Any time the department takes an action against a 1015  
school district under division (L)(2) of this section, the 1016  
department shall make a report of the circumstances that 1017  
prompted the action. The department shall send a copy of the 1018  
report to the district superintendent or chief administrator and 1019  
maintain a copy of the report in its files. 1020

(4) If any action taken under division (L)(2) of this 1021  
section resolves a school district's data reporting problems to 1022  
the department's satisfaction, the department shall not take any 1023  
further actions described by that division. If the department 1024  
withheld funds from the district under that division, the 1025  
department may release those funds to the district, except that 1026  
if the department withheld funding under division (L)(2)(c) of 1027  
this section, the department shall not release the funds 1028  
withheld under division (L)(2)(b) of this section and, if the 1029  
department withheld funding under division (L)(2)(d) of this 1030  
section, the department shall not release the funds withheld 1031  
under division (L)(2)(b) or (c) of this section. 1032

(5) Notwithstanding anything in this section to the 1033  
contrary, the department may use its own staff or an outside 1034  
entity to conduct an audit of a school district's data reporting 1035  
practices any time the department has reason to believe the 1036  
district has not made a good faith effort to report data as 1037  
required by this section. If any audit conducted by an outside 1038  
entity under division (L)(2)(d)(i) or (5) of this section 1039  
confirms that a district has not made a good faith effort to 1040  
report data as required by this section, the district shall 1041  
reimburse the department for the full cost of the audit. The 1042  
department may withhold state funds due to the district for this 1043

purpose. 1044

(6) Prior to issuing a revised report card for a school 1045  
district under division (L)(2)(d)(viii) of this section, the 1046  
department may hold a hearing to provide the district with an 1047  
opportunity to demonstrate that it made a good faith effort to 1048  
report data as required by this section. The hearing shall be 1049  
conducted by a referee appointed by the department. Based on the 1050  
information provided in the hearing, the referee shall recommend 1051  
whether the department should issue a revised report card for 1052  
the district. If the referee affirms the department's contention 1053  
that the district did not make a good faith effort to report 1054  
data as required by this section, the district shall bear the 1055  
full cost of conducting the hearing and of issuing any revised 1056  
report card. 1057

(7) If the department determines that any inaccurate data 1058  
reported under this section caused a school district to receive 1059  
excess state funds in any fiscal year, the district shall 1060  
reimburse the department an amount equal to the excess funds, in 1061  
accordance with a payment schedule determined by the department. 1062  
The department may withhold state funds due to the district for 1063  
this purpose. 1064

(8) Any school district that has funds withheld under 1065  
division (L)(2) of this section may appeal the withholding in 1066  
accordance with Chapter 119. of the Revised Code. 1067

(9) In all cases of a disagreement between the department 1068  
and a school district regarding the appropriateness of an action 1069  
taken under division (L)(2) of this section, the burden of proof 1070  
shall be on the district to demonstrate that it made a good 1071  
faith effort to report data as required by this section. 1072

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

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

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

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

(P) The department shall disaggregate the data collected under division (B) (1) (n) of this section according to the race and socioeconomic status of the students assessed.

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

**Sec. 3301.163.** (A) ~~Beginning July 1, 2015, any~~ Any third-grade student who attends a chartered nonpublic school with a

scholarship awarded under ~~either the educational choice-~~ 1102  
opportunity scholarship pilot program, prescribed in sections 1103  
3310.01 to 3310.17, ~~or the pilot project scholarship program-~~ 1104  
~~prescribed in sections 3313.974 to 3313.979~~ of the Revised Code, 1105  
shall be subject to the third-grade reading guarantee retention 1106  
provisions under division (A) (2) of section 3313.608 of the 1107  
Revised Code, including the exemptions prescribed by that 1108  
division. For purposes of determining if a child with a 1109  
disability is exempt from retention under this section, an 1110  
individual services plan created for the child that has been 1111  
reviewed by either the student's school district of residence or 1112  
the school district in which the chartered nonpublic school is 1113  
located and that specifies that the student is not subject to 1114  
retention shall be considered in the same manner as an 1115  
individualized education program or plan under section 504 of 1116  
the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, 1117  
as amended, as prescribed by division (A) (2) of section 3313.608 1118  
of the Revised Code. 1119

As used in this section, "child with a disability" and 1120  
"school district of residence" have the same meanings as in 1121  
section 3323.01 of the Revised Code. 1122

(B) (1) Each chartered nonpublic school that enrolls 1123  
students in any of grades kindergarten through three and that 1124  
accepts students under the educational choice opportunity 1125  
scholarship pilot program ~~or the pilot project scholarship-~~ 1126  
~~program~~ shall adopt policies and procedures for the annual 1127  
assessment of the reading skills of those students. Each school 1128  
may use the diagnostic assessment to measure reading ability for 1129  
the appropriate grade level prescribed in division (D) of 1130  
section 3301.079 of the Revised Code. If the school uses such 1131  
assessments, the department of education shall furnish them to 1132

the chartered nonpublic school. 1133

(2) For each student identified as having reading skills 1134  
below grade level, the school shall do both of the following: 1135

(a) Provide to the student's parent or guardian, in 1136  
writing, all of the following: 1137

(i) Notification that the student has been identified as 1138  
having a substantial deficiency in reading; 1139

(ii) Notification that if the student attains a score in 1140  
the range designated under division (A) (3) of section 3301.0710 1141  
of the Revised Code on the assessment prescribed under that 1142  
section to measure skill in English language arts expected at 1143  
the end of third grade, the student shall be retained unless the 1144  
student is exempt under division (A) (1) of section 3313.608 of 1145  
the Revised Code. 1146

(b) Provide intensive reading instruction services, as 1147  
determined appropriate by the school, to each student identified 1148  
under this section. 1149

(C) Each chartered nonpublic school subject to this 1150  
section annually shall report to the department the number of 1151  
students identified as reading at grade level and the number of 1152  
students identified as reading below grade level. 1153

**Sec. 3302.036.** (A) Notwithstanding anything in the Revised 1154  
Code to the contrary, the department of education shall not 1155  
assign an overall letter grade under division (C) (3) of section 1156  
3302.03 of the Revised Code for any school district or building 1157  
for the 2014-2015, 2015-2016, or 2016-2017 school years, may, at 1158  
the discretion of the state board of education, not assign an 1159  
individual grade to any component prescribed under division (C) 1160  
(3) of section 3302.03 of the Revised Code, and shall not rank 1161



school districts, community schools established under Chapter 1162  
3314. of the Revised Code, or STEM schools established under 1163  
Chapter 3326. of the Revised Code under section 3302.21 of the 1164  
Revised Code for those school years. The report card ratings 1165  
issued for the 2014-2015, 2015-2016, or 2016-2017 school years 1166  
shall not be considered in determining whether a school district 1167  
or a school is subject to sanctions or penalties. However, the 1168  
report card ratings of any previous or subsequent years shall be 1169  
considered in determining whether a school district or building 1170  
is subject to sanctions or penalties. Accordingly, the report 1171  
card ratings for the 2014-2015, 2015-2016, or 2016-2017 school 1172  
years shall have no effect in determining sanctions or 1173  
penalties, but shall not create a new starting point for 1174  
determinations that are based on ratings over multiple years. 1175

(B) The provisions from which a district or school is 1176  
exempt under division (A) of this section shall be the 1177  
following: 1178

(1) Any restructuring provisions established under this 1179  
chapter, except as required under the "No Child Left Behind Act 1180  
of 2001"; 1181

(2) Provisions for the Columbus city school pilot project 1182  
under section 3302.042 of the Revised Code; 1183

(3) Provisions for academic distress commissions under 1184  
former section 3302.10 of the Revised Code as it existed prior 1185  
~~to the effective date of this amendment~~ October 15, 2015. The 1186  
provisions of this section do not apply to academic distress 1187  
commissions under the version of that section as it exists on or 1188  
~~after the effective date of this amendment~~ October 15, 2015. 1189

(4) Provisions prescribing new buildings where students 1190

are eligible for the educational choice scholarships under 1191  
former section 3310.03 of the Revised Code; 1192

(5) Provisions defining "challenged school districts" in 1193  
which new start-up community schools may be located, as 1194  
prescribed in section 3314.02 of the Revised Code; 1195

(6) Provisions prescribing community school closure 1196  
requirements under section 3314.35 or 3314.351 of the Revised 1197  
Code. 1198

(C) Notwithstanding anything in the Revised Code to the 1199  
contrary and except as provided in Section 3 of H.B. 7 of the 1200  
131st general assembly, no school district, community school, or 1201  
STEM school shall utilize at any time during a student's 1202  
academic career a student's score on any assessment administered 1203  
under division (A) of section 3301.0710 or division (B) (2) of 1204  
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 1205  
2016, or 2016-2017 school ~~year-years~~ as a factor in any decision 1206  
to promote or to deny the student promotion to a higher grade 1207  
level or in any decision to grant course credit. No individual 1208  
student score reports on such assessments administered in the 1209  
2014-2015, 2015-2016, or 2016-2017 school years shall be 1210  
released, except to a student's school district or school or to 1211  
the student or the student's parent or guardian. 1212

**Sec. 3302.10.** (A) The superintendent of public instruction 1213  
shall establish an academic distress commission for any school 1214  
district that meets one of the following conditions: 1215

(1) The district has received an overall grade of "F" 1216  
under division (C) (3) of section 3302.03 of the Revised Code for 1217  
three consecutive years. 1218

(2) An academic distress commission established for the 1219

district under former section 3302.10 of the Revised Code was 1220  
still in existence on ~~the effective date of this section~~ October 1221  
15, 2015, and has been in existence for at least four years. 1222

(B) (1) The academic distress commission shall consist of 1223  
five members as follows: 1224

(a) Three members appointed by the state superintendent, 1225  
one of whom is a resident in the county in which a majority of 1226  
the district's territory is located; 1227

(b) One member appointed by the president of the district 1228  
board of education, who shall be a teacher employed by the 1229  
district; 1230

(c) One member appointed by the mayor of the municipality 1231  
in which a majority of the district's territory is located or, 1232  
if no such municipality exists, by the mayor of a municipality 1233  
selected by the state superintendent in which the district has 1234  
territory. 1235

Appointments to the commission shall be made within thirty 1236  
days after the district is notified that it is subject to this 1237  
section. Members of the commission shall serve at the pleasure 1238  
of their appointing authority. The state superintendent shall 1239  
designate a chairperson for the commission from among the 1240  
members appointed by the state superintendent. The chairperson 1241  
shall call and conduct meetings, set meeting agendas, and serve 1242  
as a liaison between the commission and the chief executive 1243  
officer appointed under division (C) (1) of this section. 1244

(2) In the case of a school district that meets the 1245  
condition in division (A) (2) of this section, the academic 1246  
distress commission established for the district under former 1247  
section 3302.10 of the Revised Code shall be abolished and a new 1248

academic distress commission shall be appointed for the district 1249  
pursuant to division (B) (1) of this section. 1250

(C) (1) Within sixty days after the state superintendent 1251  
has designated a chairperson for the academic distress 1252  
commission, the commission shall appoint a chief executive 1253  
officer for the district, who shall be paid by the department of 1254  
education and shall serve at the pleasure of the commission. The 1255  
individual appointed as chief executive officer shall have high- 1256  
level management experience in the public or private sector. The 1257  
chief executive officer shall exercise complete operational, 1258  
managerial, and instructional control of the district, which 1259  
shall include, but shall not be limited to, the following powers 1260  
and duties, but the chief executive officer may delegate, in 1261  
writing, specific powers or duties to the district board or 1262  
district superintendent: 1263

(a) Replacing school administrators and central office 1264  
staff; 1265

(b) Assigning employees to schools and approving 1266  
transfers; 1267

(c) Hiring new employees; 1268

(d) Defining employee responsibilities and job 1269  
descriptions; 1270

(e) Establishing employee compensation; 1271

(f) Allocating teacher class loads; 1272

(g) Conducting employee evaluations; 1273

(h) Making reductions in staff under section 3319.17, 1274  
3319.171, or 3319.172 of the Revised Code; 1275

(i) Setting the school calendar;	1276
(j) Creating a budget for the district;	1277
(k) Contracting for services for the district;	1278
(l) Modifying policies and procedures established by the district board;	1279 1280
(m) Establishing grade configurations of schools;	1281
(n) Determining the school curriculum;	1282
(o) Selecting instructional materials and assessments;	1283
(p) Setting class sizes;	1284
(q) Providing for staff professional development.	1285
(2) If an improvement coordinator was previously appointed for the district pursuant to division (A) of section 3302.04 of the Revised Code, that position shall be terminated. However, nothing in this section shall prohibit the chief executive officer from employing the same individual or other staff to perform duties or functions previously performed by the improvement coordinator.	1286 1287 1288 1289 1290 1291 1292
(D) The academic distress commission, in consultation with the state superintendent and the chief executive officer, shall be responsible for expanding high-quality school choice options in the district. The commission, in consultation with the state superintendent, may create an entity to act as a high-quality school accelerator for schools not operated by the district. The accelerator shall promote high-quality schools in the district, lead improvement efforts for underperforming schools, recruit high-quality sponsors for community schools, attract new high-quality schools to the district, and increase the overall	1293 1294 1295 1296 1297 1298 1299 1300 1301 1302

capacity of schools to deliver a high-quality education for 1303  
students. Any accelerator shall be an independent entity and the 1304  
chief executive officer shall have no authority over the 1305  
accelerator. 1306

(E) (1) Within thirty days after the chief executive 1307  
officer is appointed, the chief executive officer shall convene 1308  
a group of community stakeholders. The purpose of the group 1309  
shall be to develop expectations for academic improvement in the 1310  
district and to assist the district in building relationships 1311  
with organizations in the community that can provide needed 1312  
services to students. Members of the group shall include, but 1313  
shall not be limited to, educators, civic and business leaders, 1314  
and representatives of institutions of higher education and 1315  
government service agencies. Within ninety days after the chief 1316  
executive officer is appointed, the chief executive officer also 1317  
shall convene a smaller group of community stakeholders for each 1318  
school operated by the district to develop expectations for 1319  
academic improvement in that school. The group convened for each 1320  
school shall have teachers employed in the school and parents of 1321  
students enrolled in the school among its members. 1322

(2) The chief executive officer shall create a plan to 1323  
improve the district's academic performance. In creating the 1324  
plan, the chief executive officer shall consult with the groups 1325  
convened under division (E) (1) of this section. The chief 1326  
executive officer also shall consider the availability of 1327  
funding to ensure sustainability of the plan. The plan shall 1328  
establish clear, measurable performance goals for the district 1329  
and for each school operated by the district. The performance 1330  
goals shall include, but not be limited to, the performance 1331  
measures prescribed for report cards issued under section 1332  
3302.03 of the Revised Code. Within ninety days after the chief 1333

executive officer is appointed, the chief executive officer 1334  
shall submit the plan to the academic distress commission for 1335  
approval. Within thirty days after the submission of the plan, 1336  
the commission shall approve the plan or suggest modifications 1337  
to the plan that will render it acceptable. If the commission 1338  
suggests modifications, the chief executive officer may revise 1339  
the plan before resubmitting it to the commission. The chief 1340  
executive officer shall resubmit the plan, whether revised or 1341  
not, within fifteen days after the commission suggests 1342  
modifications. The commission shall approve the plan within 1343  
thirty days after the plan is resubmitted. Upon approval of the 1344  
plan by the commission, the chief executive officer shall 1345  
implement the plan. 1346

(F) Notwithstanding any provision to the contrary in 1347  
Chapter 4117. of the Revised Code, if the district board has 1348  
entered into, modified, renewed, or extended a collective 1349  
bargaining agreement on or after ~~the effective date of this~~ 1350  
~~section~~ October 15, 2015, that contains provisions relinquishing 1351  
one or more of the rights or responsibilities listed in division 1352  
(C) of section 4117.08 of the Revised Code, those provisions are 1353  
not enforceable and the chief executive officer and the district 1354  
board shall resume holding those rights or responsibilities as 1355  
if the district board had not relinquished them in that 1356  
agreement until such time as both the academic distress 1357  
commission ceases to exist and the district board agrees to 1358  
relinquish those rights or responsibilities in a new collective 1359  
bargaining agreement. For purposes of this section, "collective 1360  
bargaining agreement" shall include any labor contract or 1361  
agreement in effect with any applicable bargaining 1362  
representative. The chief executive officer and the district 1363  
board are not required to bargain on subjects reserved to the 1364

management and direction of the school district, including, but 1365  
not limited to, the rights or responsibilities listed in 1366  
division (C) of section 4117.08 of the Revised Code. The way in 1367  
which these subjects and these rights or responsibilities may 1368  
affect the wages, hours, terms and conditions of employment, or 1369  
the continuation, modification, or deletion of an existing 1370  
provision of a collective bargaining agreement is not subject to 1371  
collective bargaining or effects bargaining under Chapter 4117. 1372  
of the Revised Code. The provisions of this paragraph apply to a 1373  
collective bargaining agreement entered into, modified, renewed, 1374  
or extended on or after ~~the effective date of this section~~ 1375  
October 15, 2015, and those provisions are deemed to be part of 1376  
that agreement regardless of whether the district satisfied the 1377  
conditions prescribed in division (A) of this section at the 1378  
time the district entered into that agreement. If the district 1379  
board relinquished one or more of the rights or responsibilities 1380  
listed in division (C) of section 4117.08 of the Revised Code in 1381  
a collective bargaining agreement entered into prior to ~~the~~ 1382  
~~effective date of this section~~ October 15, 2015, and had resumed 1383  
holding those rights or responsibilities pursuant to division 1384  
(K) of former section 3302.10 of the Revised Code, as it existed 1385  
prior to that date, the district board shall continue to hold 1386  
those rights or responsibilities until such time as both the new 1387  
academic distress commission appointed under this section ceases 1388  
to exist upon completion of the transition period specified in 1389  
division (N) (1) of this section and the district board agrees to 1390  
relinquish those rights or responsibilities in a new collective 1391  
bargaining agreement. 1392

(G) In each school year that the district is subject to 1393  
this section, the following shall apply: 1394

(1) The chief executive officer shall implement the 1395



improvement plan approved under division (E) (2) of this section 1396  
and shall review the plan annually to determine if changes are 1397  
needed. The chief executive officer may modify the plan upon the 1398  
approval of the modifications by the academic distress 1399  
commission. 1400

(2) The chief executive officer may implement innovative 1401  
education programs to do any of the following: 1402

(a) Address the physical and mental well-being of students 1403  
and their families; 1404

(b) Provide mentoring; 1405

(c) Provide job resources; 1406

(d) Disseminate higher education information; 1407

(e) Offer recreational or cultural activities; 1408

(f) Provide any other services that will contribute to a 1409  
successful learning environment. 1410

The chief executive officer shall establish a separate 1411  
fund to support innovative education programs and shall deposit 1412  
any moneys appropriated by the general assembly for the purposes 1413  
of division (G) (2) of this section in the fund. The chief 1414  
executive officer shall have sole authority to disburse moneys 1415  
from the fund until the district is no longer subject to this 1416  
section. All disbursements shall support the improvement plan 1417  
approved under division (E) (2) of this section. 1418

~~(3) If the district is not a school district in which the 1419  
pilot project scholarship program is operating under sections 1420  
3313.974 to 3313.979 of the Revised Code, each student who is 1421  
entitled to attend school in the district under section 3313.64- 1422  
or 3313.65 of the Revised Code and is enrolled in a school 1423~~

~~operated by the district or in a community school, or will be~~ 1424  
~~both enrolling in any of grades kindergarten through twelve in~~ 1425  
~~this state for the first time and at least five years of age by~~ 1426  
~~the first day of January of the following school year, shall be~~ 1427  
~~eligible to participate in the educational choice scholarship~~ 1428  
~~pilot program established under sections 3310.01 to 3310.17 of~~ 1429  
~~the Revised Code and an application for the student may be~~ 1430  
~~submitted during the next application period.~~ 1431

~~(4)~~ Notwithstanding anything to the contrary in the 1432  
Revised Code, the chief executive officer may limit, suspend, or 1433  
alter any contract with an administrator that is entered into, 1434  
modified, renewed, or extended by the district board on or after 1435  
~~the effective date of this section~~ October 15, 2015, provided 1436  
that the chief executive officer shall not reduce any salary or 1437  
base hourly rate of pay unless such salary or base hourly rate 1438  
reductions are part of a uniform plan affecting all district 1439  
employees and shall not reduce any insurance benefits unless 1440  
such insurance benefit reductions are also applicable generally 1441  
to other employees of the district. 1442

~~(5)~~ ~~(4)~~ The chief executive officer shall represent the 1443  
district board during any negotiations to modify, renew, or 1444  
extend a collective bargaining agreement entered into by the 1445  
board under Chapter 4117. of the Revised Code. 1446

(H) If the report card for the district has been issued 1447  
under section 3302.03 of the Revised Code for the first school 1448  
year that the district is subject to this section and the 1449  
district does not meet the qualification in division (N) (1) of 1450  
this section, the following shall apply: 1451

(1) The chief executive officer may reconstitute any 1452  
school operated by the district. The chief executive officer 1453

shall present to the academic distress commission a plan that 1454  
lists each school designated for reconstitution and explains how 1455  
the chief executive officer plans to reconstitute the school. 1456  
The chief executive officer may take any of the following 1457  
actions to reconstitute a school: 1458

(a) Change the mission of the school or the focus of its 1459  
curriculum; 1460

(b) Replace the school's principal and/or administrative 1461  
staff; 1462

(c) Replace a majority of the school's staff, including 1463  
teaching and nonteaching employees; 1464

(d) Contract with a nonprofit or for-profit entity to 1465  
manage the operations of the school. The contract may provide 1466  
for the entity to supply all or some of the staff for the 1467  
school. 1468

(e) Reopen the school as a community school under Chapter 1469  
3314. of the Revised Code or a science, technology, engineering, 1470  
and mathematics school under Chapter 3326. of the Revised Code; 1471

(f) Permanently close the school. 1472

If the chief executive officer plans to reconstitute a 1473  
school under division (H) (1) (e) or (f) of this section, the 1474  
commission shall review the plan for that school and either 1475  
approve or reject it by the thirtieth day of June of the school 1476  
year. Upon approval of the plan by the commission, the chief 1477  
executive officer shall reconstitute the school as outlined in 1478  
the plan. 1479

(2) Notwithstanding any provision to the contrary in 1480  
Chapter 4117. of the Revised Code, the chief executive officer, 1481

in consultation with the chairperson of the academic distress 1482  
commission, may reopen any collective bargaining agreement 1483  
entered into, modified, renewed, or extended on or after ~~the~~ 1484  
~~effective date of this section~~ October 15, 2015, for the purpose 1485  
of renegotiating its terms. The chief executive officer shall 1486  
have the sole discretion to designate any provisions of a 1487  
collective bargaining agreement as subject to reopening by 1488  
providing written notice to the bargaining representative. Any 1489  
provisions designated for reopening by the chief executive 1490  
officer shall be subject to collective bargaining as set forth 1491  
in Chapter 4117. of the Revised Code. Any changes to the 1492  
provisions subject to reopening shall take effect on the 1493  
following first day of July or another date agreed to by the 1494  
parties. The chief executive officer may reopen a collective 1495  
bargaining agreement under division (H)(2) of this section as 1496  
necessary to reconstitute a school under division (H)(1) of this 1497  
section. 1498

(I) If the report card for the district has been issued 1499  
under section 3302.03 of the Revised Code for the second school 1500  
year that the district is subject to this section and the 1501  
district does not meet the qualification in division (N)(1) of 1502  
this section, the following shall apply: 1503

(1) The chief executive officer may exercise any of the 1504  
powers authorized under division (H) of this section. 1505

(2) Notwithstanding any provision to the contrary in 1506  
Chapter 4117. of the Revised Code, the chief executive officer 1507  
may limit, suspend, or alter any provision of a collective 1508  
bargaining agreement entered into, modified, renewed, or 1509  
extended on or after ~~the effective date of this section~~ October 1510  
15, 2015, provided that the chief executive officer shall not 1511

reduce any base hourly rate of pay and shall not reduce any 1512  
insurance benefits. The decision to limit, suspend, or alter any 1513  
provision of a collective bargaining agreement under this 1514  
division is not subject to bargaining under Chapter 4117. of the 1515  
Revised Code; however, the chief executive officer shall have 1516  
the discretion to engage in effects bargaining on the way any 1517  
such decision may affect wages, hours, or terms and conditions 1518  
of employment. The chief executive officer may limit, suspend, 1519  
or alter a provision of a collective bargaining agreement under 1520  
division (I) (2) of this section as necessary to reconstitute a 1521  
school under division (H) (1) of this section. 1522

(J) If the report card for the district has been issued 1523  
under section 3302.03 of the Revised Code for the third school 1524  
year that the district is subject to this section and the 1525  
district does not meet the qualification in division (N) (1) of 1526  
this section, the following shall apply: 1527

(1) The chief executive officer may exercise any of the 1528  
powers authorized under division (H) or (I) of this section. 1529

(2) The chief executive officer may continue in effect a 1530  
limitation, suspension, or alteration of a provision of a 1531  
collective bargaining agreement issued under division (I) (2) of 1532  
this section. Any such continuation shall be subject to the 1533  
requirements and restrictions of that division. 1534

(K) If the report card for the district has been issued 1535  
under section 3302.03 of the Revised Code for the fourth school 1536  
year that the district is subject to this section and the 1537  
district does not meet the qualification in division (N) (1) of 1538  
this section, the following shall apply: 1539

(1) The chief executive officer may exercise any of the 1540

powers authorized under division (H), (I), or (J) of this 1541  
section. 1542

(2) A new board of education shall be appointed for the 1543  
district in accordance with section 3302.11 of the Revised Code. 1544  
However, the chief executive officer shall retain complete 1545  
operational, managerial, and instructional control of the 1546  
district until the chief executive officer relinquishes that 1547  
control to the district board under division (N)(1) of this 1548  
section. 1549

(L) If the report card for the district has been issued 1550  
under section 3302.03 of the Revised Code for the fifth school 1551  
year, or any subsequent school year, that the district is 1552  
subject to this section and the district does not meet the 1553  
qualification in division (N)(1) of this section, the chief 1554  
executive officer may exercise any of the powers authorized 1555  
under division (H), (I), (J), or (K)(1) of this section. 1556

(M) If division (I), (J), (K), or (L) of this section 1557  
applies to a district, community schools, STEM schools, 1558  
chartered nonpublic schools, and other school districts that 1559  
enroll students residing in the district and meet academic 1560  
accountability standards shall be eligible to be paid an 1561  
academic performance bonus in each fiscal year for which the 1562  
general assembly appropriates funds for that purpose. The 1563  
academic performance bonus is intended to give students residing 1564  
in the district access to a high-quality education by 1565  
encouraging high-quality schools to enroll those students. 1566

(N)(1) When a district subject to this section receives an 1567  
overall grade of "C" or higher under division (C)(3) of section 1568  
3302.03 of the Revised Code, the district shall begin its 1569  
transition out of being subject to this section. Except as 1570

provided in division (N) (2) of this section, the transition 1571  
period shall last until the district has received an overall 1572  
grade higher than "F" under division (C) (3) of section 3302.03 1573  
of the Revised Code for two consecutive school years after the 1574  
transition period begins. The overall grade of "C" or higher 1575  
that qualifies the district to begin the transition period shall 1576  
not count as one of the two consecutive school years. During the 1577  
transition period, the conditions described in divisions (F) to 1578  
(L) of this section for the school year prior to the school year 1579  
in which the transition period begins shall continue to apply 1580  
and the chief executive officer shall work closely with the 1581  
district board and district superintendent to increase their 1582  
ability to resume control of the district and sustain the 1583  
district's academic improvement over time. Upon completion of 1584  
the transition period, the chief executive officer shall 1585  
relinquish all operational, managerial, and instructional 1586  
control of the district to the district board and district 1587  
superintendent and the academic distress commission shall cease 1588  
to exist. 1589

(2) If the district receives an overall grade of "F" under 1590  
division (C) (3) of section 3302.03 of the Revised Code at any 1591  
time during the transition period, the transition period shall 1592  
end and the district shall be fully subject to this section 1593  
again. The district shall resume being fully subject to this 1594  
section at the point it began its transition out of being 1595  
subject to this section and the division in divisions (H) to (L) 1596  
of this section that would have applied to the district had the 1597  
district not qualified to begin its transition under division 1598  
(N) (1) of this section shall apply to the district. 1599

(O) If at any time there are no longer any schools 1600  
operated by the district due to reconstitution or other closure 1601

of the district's schools under this section, the academic 1602  
distress commission shall cease to exist and the chief executive 1603  
officer shall cease to exercise any powers with respect to the 1604  
district. 1605

(P) Beginning on ~~the effective date of this section~~ 1606  
October 15, 2015, each collective bargaining agreement entered 1607  
into by a school district board of education under Chapter 4117. 1608  
of the Revised Code shall incorporate the provisions of this 1609  
section. 1610

(Q) The chief executive officer, the members of the 1611  
academic distress commission, the state superintendent, and any 1612  
person authorized to act on behalf of or assist them shall not 1613  
be personally liable or subject to any suit, judgment, or claim 1614  
for damages resulting from the exercise of or failure to 1615  
exercise the powers, duties, and functions granted to them in 1616  
regard to their functioning under this section, but the chief 1617  
executive officer, commission, state superintendent, and such 1618  
other persons shall be subject to mandamus proceedings to compel 1619  
performance of their duties under this section. 1620

(R) The state superintendent shall not exempt any district 1621  
from this section by approving an application for an innovative 1622  
education pilot program submitted by the district under section 1623  
3302.07 of the Revised Code. 1624

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of 1625  
the Revised Code: 1626

(A) "Chartered nonpublic school" means a nonpublic school 1627  
that holds a valid charter issued by the state board of 1628  
education under section 3301.16 of the Revised Code and meets 1629  
the standards established for such schools in rules adopted by 1630



the state board. 1631

(B) An "eligible student" is a student who satisfies the 1632  
conditions specified in section 3310.03 of the Revised Code. 1633

(C) "Parent" has the same meaning as in section 3313.98 of 1634  
the Revised Code. 1635

(D) "Resident district" means the school district in which 1636  
a student is entitled to attend school under section 3313.64 or 1637  
3313.65 of the Revised Code. 1638

(E) "School year" has the same meaning as in section 1639  
3313.62 of the Revised Code. 1640

(F) "Formula amount" and "state education aid" have the 1641  
same meanings as in section 3317.02 of the Revised Code. 1642

(G) "Sibling" means a brother, half-brother, sister, or 1643  
half-sister, by birth, adoption, or marriage, without regard to 1644  
residence or custodial status. 1645

(H) "Eligible institution of higher education" means a 1646  
"state institution of higher education" as defined in section 1647  
3345.011 of the Revised Code and a "private college" as defined 1648  
in section 3365.01 of the Revised Code that is physically 1649  
located in this state. 1650

**Sec. 3310.02.** The opportunity scholarship program is 1651  
hereby established. Beginning with the 2018-2019 school year, 1652  
the department of education annually shall pay scholarships to 1653  
attend chartered nonpublic schools in accordance with section 1654  
3310.08 of the Revised Code. 1655

The scholarship shall be used to pay all or part of the 1656  
cost of tuition and fees for the student to attend a chartered 1657  
nonpublic school, and any remainder of the scholarship amount 1658

shall be credited to an education savings account established 1659  
for the student under section 3310.10 of the Revised Code. The 1660  
student may use the moneys credited to the education savings 1661  
account for the purposes prescribed by section 3310.17 of the 1662  
Revised Code. 1663

**Sec. 3310.03.** (A) A student is an "eligible student" for 1664  
purposes of the opportunity scholarship program if the student 1665  
will be at least five years of age by the first day of January 1666  
of the school year for which a scholarship is sought and meets 1667  
either of the following conditions: 1668

(1)(a) The student's family income is at or below four 1669  
hundred per cent of the federal poverty guidelines, as defined 1670  
in section 5101.46 of the Revised Code; and 1671

(b) On and after July 1, 2017, the student was not 1672  
enrolled in a chartered nonpublic school during any school year 1673  
prior to the first school year for which an opportunity 1674  
scholarship is sought. 1675

(2) During the 2017-2018 school year, the student or the 1676  
student's sibling received a scholarship under the educational 1677  
choice scholarship pilot program prescribed under former section 1678  
3310.03 or 3310.032 of the Revised Code or a scholarship under 1679  
the pilot project scholarship program prescribed under former 1680  
sections 3313.974 to 3313.979 of the Revised Code. 1681

(B) A student who receives a scholarship under the 1682  
opportunity scholarship program remains an eligible student and 1683  
may continue to receive scholarships in subsequent school years 1684  
until the student completes grade twelve, so long as all of the 1685  
following apply: 1686

(1) Except as provided in divisions (K)(1) and (L) of 1687

section 3301.0711 of the Revised Code, the student takes each 1688  
assessment prescribed for the student's grade level under 1689  
section 3301.0710 or 3301.0712 of the Revised Code while 1690  
enrolled in a chartered nonpublic school. 1691

(2) In each school year that the student is enrolled in a 1692  
chartered nonpublic school, the student is absent from school 1693  
for not more than twenty days that the school is open for 1694  
instruction, not including excused absences. 1695

(3) The student is not disqualified by the auditor of 1696  
state under division (G) of section 3310.17 of the Revised Code. 1697

(4) Except for a student who meets the condition 1698  
prescribed under division (A)(2) of this section, the student's 1699  
family income does not exceed four hundred per cent of the 1700  
federal poverty guidelines. 1701

**Sec. 3310.04.** Any eligible student who is enrolled in a 1702  
chartered nonpublic school and for whom a scholarship under the 1703  
opportunity scholarship program has been awarded shall be 1704  
entitled to transportation to and from the chartered nonpublic 1705  
school by the student's resident district in the manner 1706  
prescribed in section 3327.01 of the Revised Code. 1707

**Sec. 3310.06.** The state board of education shall adopt 1708  
rules in accordance with Chapter 119. of the Revised Code 1709  
prescribing procedures for the administration of the opportunity 1710  
scholarship program. 1711

The state board and the department of education shall not 1712  
require chartered nonpublic schools to comply with any education 1713  
laws or rules or other requirements that are not specified in 1714  
sections 3310.01 to 3310.17 of the Revised Code or in rules 1715  
necessary for the administration of the program, adopted under 1716

this section, that otherwise would not apply to a chartered 1717  
nonpublic school. 1718

Sec. 3310.07. Any parent, or any student who is at least 1719  
eighteen years of age, who is seeking a scholarship under the 1720  
opportunity scholarship program shall submit an application to 1721  
the department of education. A chartered nonpublic school may 1722  
submit an application to the department on behalf of and with 1723  
the permission of a parent, or a student who is at least 1724  
eighteen years of age, who is seeking a scholarship under the 1725  
opportunity scholarship program. 1726

Within thirty days of receiving an application, the 1727  
department shall determine whether the student meets the 1728  
eligibility requirements prescribed under section 3310.03 of the 1729  
Revised Code and approve or deny an application. A student 1730  
approved for a scholarship shall receive from the department a 1731  
certificate of scholarship approval that is valid for six months 1732  
and includes the scholarship amount. The department shall award 1733  
a scholarship when a student is accepted for enrollment in a 1734  
chartered nonpublic school and when the chartered nonpublic 1735  
school notifies the department of the student's enrollment. 1736

Sec. 3310.08. (A) The amount paid for an eligible student 1737  
under the opportunity scholarship program shall be the amount 1738  
prescribed in section 3310.09 of the Revised Code. 1739

(B) (1) The department of education shall pay to the 1740  
chartered nonpublic school, on behalf of the parent of each 1741  
eligible student for whom a scholarship is awarded under the 1742  
program, periodic partial payments of the scholarship. 1743

(2) The department shall proportionately reduce or 1744  
terminate the payments for any student who withdraws from a 1745

chartered nonpublic school prior to the end of the school year 1746  
or who enrolls in a chartered nonpublic school after the 1747  
beginning of the school year. 1748

(C) Scholarships paid under this section shall be financed 1749  
directly through the foundation funding appropriation item of 1750  
each biennial operating budget act. 1751

**Sec. 3310.09.** (A) Subject to division (C) of this section, 1752  
the full amount awarded to an eligible student under the 1753  
opportunity scholarship program shall be as follows: 1754

(1) For grades kindergarten through eight, five thousand 1755  
dollars; 1756

(2) For grades nine through twelve, seven thousand five 1757  
hundred dollars. 1758

(B) (1) A student who satisfies the condition prescribed by 1759  
division (A) (2) of section 3310.03 of the Revised Code shall 1760  
receive the full scholarship amount regardless of the student's 1761  
family income. 1762

(2) A student who satisfies the condition prescribed by 1763  
division (A) (1) of section 3310.03 of the Revised Code shall 1764  
receive a scholarship amount as follows: 1765

(a) If the student's family income is at or below two 1766  
hundred per cent of the federal poverty guidelines, as defined 1767  
in section 5101.46 of the Revised Code, the student shall 1768  
receive a scholarship in the full amount. 1769

(b) If the student's family income is above two hundred 1770  
per cent but below four hundred per cent of the federal poverty 1771  
guidelines, the student's scholarship shall be reduced, 1772  
beginning with the full scholarship amount, by one-half per cent 1773

for every one per cent increase in the student's family income. 1774

(c) If the student's family income is four hundred per cent of the federal poverty guidelines, the student shall receive a scholarship in the amount of fifty per cent of the full scholarship amount. 1775  
1776  
1777  
1778

(d) If the student's family income is above four hundred per cent of the federal poverty guidelines, the student is no longer eligible to receive an opportunity scholarship. 1779  
1780  
1781

(C) If the formula amount from the previous school year was increased by the general assembly in the subsequent school year, the full amount for an opportunity scholarship shall be the full amount awarded in the previous school year increased by the same percentage by which the formula amount from the previous school year was increased by the general assembly. 1782  
1783  
1784  
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**Sec. 3310.10.** (A) A scholarship awarded under section 3310.08 of the Revised Code shall be used to pay tuition and fees to any chartered nonpublic school. 1788  
1789  
1790

(B) If the scholarship amount exceeds the amount of tuition and fees charged by a chartered nonpublic school that the student attends with a scholarship, the department of education shall pay the excess amount into an education savings account established for the student. Payments credited to the student's education savings account shall be made at the end of the school year for which the scholarship is awarded, and only if the student is enrolled in a chartered nonpublic school using the scholarship at the end of the school year. 1791  
1792  
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(C) When determining the appropriate tuition to charge a student under the opportunity scholarship program, a chartered nonpublic school shall apply any tuition discounts or rates to 1800  
1801  
1802

which the student is entitled including discounts for siblings 1803  
in the same school or discounts for the child of a school 1804  
employee. The tuition and fees charged by a chartered nonpublic 1805  
school shall be uniformly imposed on similarly situated 1806  
students. 1807

Sec. 3310.11. (A) Only for the purpose of administering 1808  
the opportunity scholarship program, the department of education 1809  
may request from any of the following entities the data 1810  
verification code assigned under division (D) (2) of section 1811  
3301.0714 of the Revised Code to any student who is seeking a 1812  
scholarship under the program: 1813

(1) The student's resident district; 1814

(2) If applicable, the community school in which that 1815  
student is enrolled; 1816

(3) The independent contractor engaged to create and 1817  
maintain student data verification codes. 1818

(B) Upon a request by the department under division (A) of 1819  
this section for the data verification code of a student seeking 1820  
a scholarship or a request by the student's parent for that 1821  
code, the school district or community school shall submit that 1822  
code to the department or parent in the manner specified by the 1823  
department. If the student has not been assigned a code, because 1824  
the student will be entering kindergarten during the school year 1825  
for which the scholarship is sought, the district shall assign a 1826  
code to that student and submit the code to the department or 1827  
parent by a date specified by the department. If the district 1828  
does not assign a code to the student by the specified date, the 1829  
department shall assign a code to that student. 1830

The department annually shall submit to each school 1831

district the name and data verification code of each student 1832  
residing in the district who is entering kindergarten, who has 1833  
been awarded a scholarship under the program, and for whom the 1834  
department has assigned a code under this division. 1835

(C) For the purpose of administering the applicable 1836  
assessments prescribed under sections 3301.0710 and 3301.0712 of 1837  
the Revised Code, as required by section 3310.14 of the Revised 1838  
Code, the department shall provide to each chartered nonpublic 1839  
school that enrolls a scholarship student the data verification 1840  
code for that student. 1841

(D) The department and each chartered nonpublic school 1842  
that receives a data verification code under this section shall 1843  
not release that code to any person except as provided by law. 1844

Any document relative to this program that the department 1845  
holds in its files that contains both a student's name or other 1846  
personally identifiable information and the student's data 1847  
verification code shall not be a public record under section 1848  
149.43 of the Revised Code. 1849

**Sec. 3310.12.** Except as provided in division (D) of 1850  
section 3310.11 of the Revised Code, documents relative to the 1851  
opportunity scholarship program that the department of education 1852  
holds in its files are public records under section 149.43 of 1853  
the Revised Code and may be released pursuant to that section 1854  
subject to the provisions of section 3319.321 of the Revised 1855  
Code and the "Family Educational Rights and Privacy Act of 1856  
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended. 1857

**Sec. 3310.13.** (A) A chartered nonpublic school may charge 1858  
any student who receives an opportunity scholarship up to the 1859  
difference between the amount of the scholarship and the regular 1860



tuition charge and uniformly imposed fees of the school. Each 1861  
chartered nonpublic school may permit such an eligible student's 1862  
family to provide volunteer services in lieu of cash payment to 1863  
pay all or part of the amount of the school's tuition not 1864  
covered by the scholarship paid under section 3310.08 of the 1865  
Revised Code. 1866

(B) Each chartered nonpublic school that charges a 1867  
scholarship student an additional amount as authorized under 1868  
division (A) of this section shall annually report to the 1869  
department of education in the manner prescribed by the 1870  
department the following: 1871

(1) The number of students charged; 1872

(2) The average of the amounts charged to such students. 1873

**Sec. 3310.14.** (A) Except as provided in division (B) of 1874  
this section, each chartered nonpublic school that is not 1875  
subject to division (K) (1) of section 3301.0711 of the Revised 1876  
Code and that enrolls students awarded scholarships under the 1877  
opportunity scholarship program under sections 3310.01 to 1878  
3310.17 of the Revised Code annually shall administer the 1879  
assessments prescribed by section 3301.0710, 3301.0712, or 1880  
3313.619 of the Revised Code, as applicable, to each scholarship 1881  
student enrolled in the school in accordance with section 1882  
3301.0711 of the Revised Code. Each chartered nonpublic school 1883  
that is subject to this section shall report to the department 1884  
of education the results of each assessment administered to each 1885  
scholarship student under this section. 1886

Nothing in this section requires a chartered nonpublic 1887  
school to administer any achievement assessment, except for an 1888  
Ohio graduation test prescribed by division (B) (1) of section 1889

3301.0710 of the Revised Code or the college and work ready 1890  
assessment system prescribed by division (B) of section 1891  
3301.0712 of the Revised Code to any student enrolled in the 1892  
school who is not a scholarship student. 1893

(B) A chartered nonpublic school that meets the conditions 1894  
specified in division (K) (2) of section 3301.0711 of the Revised 1895  
Code shall not be required to administer the elementary 1896  
assessments prescribed by division (A) of section 3301.0710 of 1897  
the Revised Code. 1898

**Sec. 3310.15.** (A) The department of education annually 1899  
shall compile the scores attained by scholarship students to 1900  
whom an assessment is administered under section 3310.14 of the 1901  
Revised Code. The scores shall be aggregated as follows: 1902

(1) By state, which shall include all students awarded a 1903  
scholarship under the opportunity scholarship program and who 1904  
were required to take an assessment under section 3310.14 of the 1905  
Revised Code; 1906

(2) By school district, which shall include all 1907  
scholarship students who were required to take an assessment 1908  
under section 3310.14 of the Revised Code and for whom the 1909  
district is the student's resident district; 1910

(3) By chartered nonpublic school, which shall include all 1911  
scholarship students enrolled in that school who were required 1912  
to take an assessment under section 3310.14 of the Revised Code. 1913

(B) The department shall disaggregate the student 1914  
performance data described in division (A) of this section 1915  
according to the following categories: 1916

(1) Grade level; 1917

<u>(2) Race and ethnicity;</u>	1918
<u>(3) Gender;</u>	1919
<u>(4) Students who have participated in the scholarship program for three or more years;</u>	1920 1921
<u>(5) Students who have participated in the scholarship program for more than one year and less than three years;</u>	1922 1923
<u>(6) Students who have participated in the scholarship program for one year or less;</u>	1924 1925
<u>(7) Economically disadvantaged students.</u>	1926
<u>(C) By the first day of November of each year, the department shall post on its web site the student performance data required under divisions (A) and (B) of this section. The student performance data required under divisions (A) and (B) of this section shall include both an academic achievement component, as measured by proficiency rates, and a growth component, as measured by value-added progress dimension. In reporting student performance data under this division, the department shall not include any data that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report performance data for any group that contains less than ten students.</u>	1927 1928 1929 1930 1931 1932 1933 1934 1935 1936 1937 1938 1939
<u>(D) The growth component specified under division (C) of this section shall use up to three years of value-added data as available. The results reported for this measure shall include the calculated score and a designation determined as follows:</u>	1940 1941 1942 1943
<u>(1) A score that is at least one standard error of measure above the mean score shall be designated as "above average</u>	1944 1945

progress." 1946

(2) A score that is between one standard error of measure 1947  
above the mean score and one standard error of measure below the 1948  
mean score shall be designated as "average progress." 1949

(3) A score that is more than one standard error of 1950  
measure below the mean score shall be designated as "below 1951  
average progress." 1952

(E) The department shall provide the parent of each 1953  
scholarship student with information comparing the student's 1954  
performance on the assessments administered under section 1955  
3310.14 of the Revised Code with the average performance of 1956  
similar students enrolled in the building operated by the 1957  
student's resident district that the scholarship student would 1958  
otherwise attend. In calculating the performance of similar 1959  
students, the department shall consider age, grade, race and 1960  
ethnicity, gender, and socioeconomic status. 1961

**Sec. 3310.16.** The department of education shall conduct 1962  
application periods each year for the opportunity scholarship 1963  
program, as follows: 1964

(A) For students who apply to use a scholarship in the 1965  
following school year, the application period shall open not 1966  
sooner than the first day of November prior to the first day of 1967  
July of the school year for which a scholarship is sought and 1968  
shall close not sooner than the thirty-first day of July of the 1969  
school year for which a scholarship is sought. 1970

(B) For students who apply to use a scholarship in the 1971  
school year in which the application is submitted, the 1972  
application period shall open not sooner than the first day of 1973  
October of the school year for which the scholarship is sought 1974

and shall close not sooner than the fifteenth day of April of 1975  
the school year for which a scholarship is sought. 1976

Sec. 3310.17. (A) The state board of education and the 1977  
treasurer of state jointly shall adopt rules, in accordance with 1978  
Chapter 119. of the Revised Code, prescribing procedures for the 1979  
establishment of an education savings account for each student 1980  
attending a chartered nonpublic school with an opportunity 1981  
scholarship. The rules shall prescribe procedures for the 1982  
administration and disbursement of moneys credited to each 1983  
student's education savings account. The rules also shall 1984  
prescribe procedures for students for whom an excess amount has 1985  
been determined under section 3310.10 of the Revised Code. 1986

(B) (1) For a student attending a chartered nonpublic 1987  
school with an opportunity scholarship and for whom an excess 1988  
amount has been determined under section 3310.10 of the Revised 1989  
Code, the department of education shall transfer the excess 1990  
amount to the treasurer of state, who shall deposit the 1991  
aggregate amount transferred into a fund or account the 1992  
treasurer of state determines is suitable for the amount 1993  
transferred. The moneys transferred under this section shall be 1994  
in the custody of the treasurer of state, but shall not be in 1995  
the state treasury. The moneys transferred shall be held in 1996  
trust for the benefit of the student. The department of 1997  
education shall maintain the record of each student's account. 1998

(2) Interest accrued on moneys transferred to the 1999  
treasurer of state under this section shall first be used for 2000  
the direct costs incurred by the treasurer in administering the 2001  
scholarship funds. Any remaining funds shall be be credited to 2002  
the department of education for opportunity scholarship program 2003  
oversight and parental outreach. 2004

<u>(C) (1) Moneys credited to a student's account shall be</u>	2005
<u>disbursed to the student's parent or the student, if the student</u>	2006
<u>is at least eighteen years of age, for use for any of the</u>	2007
<u>following:</u>	2008
<u>(a) Tuition and fees at a chartered nonpublic school;</u>	2009
<u>(b) Textbooks required by a chartered nonpublic school;</u>	2010
<u>(c) Payment for a tutor or tutoring services, as approved</u>	2011
<u>by the department;</u>	2012
<u>(d) Payment for a private online learning program and any</u>	2013
<u>associated fees, as approved by the department;</u>	2014
<u>(e) Costs related to advanced standing programs prescribed</u>	2015
<u>under section 3313.6013 of the Revised Code and any examinations</u>	2016
<u>administered under such programs;</u>	2017
<u>(f) Courses offered by a school district, as approved by</u>	2018
<u>the district board, for which the district is authorized to</u>	2019
<u>charge tuition or fees;</u>	2020
<u>(g) Tuition and fees at an eligible institution of higher</u>	2021
<u>education;</u>	2022
<u>(h) Textbooks required for courses at an eligible</u>	2023
<u>institution of higher education.</u>	2024
<u>(2) A student who uses moneys from an education savings</u>	2025
<u>account for any of the purposes prescribed under division (C) (1)</u>	2026
<u>of this section shall be provided a receipt of the goods or</u>	2027
<u>services. The student's parent or the student, if at least</u>	2028
<u>eighteen years of age, shall retain copies of receipts for at</u>	2029
<u>least five years.</u>	2030
<u>(D) The department shall maintain each education savings</u>	2031

account as long as there are moneys credited to the student in 2032  
the account unless any of the following occurs: 2033

(1) The student reaches twenty-five years of age. 2034

(2) The student dies before reaching twenty-five years of 2035  
age. 2036

(3) The student is no longer a resident of this state. 2037

(4) The student enrolls in a primary or secondary school 2038  
that is not located in this state. 2039

(5) The student or the student's parent uses the funds 2040  
from the education savings account for a purpose other than the 2041  
expenses prescribed in this section. 2042

(E) Moneys still credited to a student's account upon the 2043  
occurrence of any of the conditions described in division (D) of 2044  
this section shall be transferred to the department of education 2045  
for opportunity scholarship program oversight and parental 2046  
outreach. 2047

(F) At least annually, the treasurer of state shall report 2048  
to the governor and the general assembly, in accordance with 2049  
section 101.68 of the Revised Code, the total amount of interest 2050  
credited to the department of education under division (B) (2) of 2051  
this section and the total amount of moneys from students' 2052  
education savings accounts transferred to the department under 2053  
division (E) of this section. 2054

(G) The auditor of state may conduct audits of any 2055  
student's education savings account, and annually shall conduct 2056  
random audits of students' education savings accounts. If the 2057  
auditor finds that the student or student's parent used the 2058  
funds from the education savings account for a purpose other 2059

than the expenses prescribed in this section, the auditor may do 2060  
the following: 2061

(1) Disqualify the student from participation in the 2062  
opportunity scholarship program. If a student is disqualified, 2063  
the student's education savings account shall be forfeited to 2064  
the state. 2065

(2) Refer the case to the proper law enforcement agency, 2066  
if the auditor believes there is sufficient evidence that 2067  
substantial misuse of funds occurred by either the parent or the 2068  
educational service provider. 2069

**Sec. 3310.51.** As used in sections 3310.51 to 3310.64 of 2070  
the Revised Code: 2071

(A) "Alternative public provider" means either of the 2072  
following providers that agrees to enroll a child in the 2073  
provider's special education program to implement the child's 2074  
individualized education program and to which the eligible 2075  
applicant owes fees for the services provided to the child: 2076

(1) A school district that is not the school district in 2077  
which the child is entitled to attend school or the child's 2078  
school district of residence, if different; 2079

(2) A public entity other than a school district. 2080

(B) "Child with a disability" and "individualized 2081  
education program" have the same meanings as in section 3323.01 2082  
of the Revised Code. 2083

(C) "Eligible applicant" means any of the following: 2084

(1) Either of the natural or adoptive parents of a 2085  
qualified special education child, except as otherwise specified 2086  
in this division. When the marriage of the natural or adoptive 2087



parents of the student has been terminated by a divorce, 2088  
dissolution of marriage, or annulment, or when the natural or 2089  
adoptive parents of the student are living separate and apart 2090  
under a legal separation decree, and a court has issued an order 2091  
allocating the parental rights and responsibilities with respect 2092  
to the child, "eligible applicant" means the residential parent 2093  
as designated by the court. If the court issues a shared 2094  
parenting decree, "eligible applicant" means either parent. 2095  
"Eligible applicant" does not mean a parent whose custodial 2096  
rights have been terminated. 2097

(2) The custodian of a qualified special education child, 2098  
when a court has granted temporary, legal, or permanent custody 2099  
of the child to an individual other than either of the natural 2100  
or adoptive parents of the child or to a government agency; 2101

(3) The guardian of a qualified special education child, 2102  
when a court has appointed a guardian for the child; 2103

(4) The grandparent of a qualified special education 2104  
child, when the grandparent is the child's attorney in fact 2105  
under a power of attorney executed under sections 3109.51 to 2106  
3109.62 of the Revised Code or when the grandparent has executed 2107  
a caregiver authorization affidavit under sections 3109.65 to 2108  
3109.73 of the Revised Code; 2109

(5) The surrogate parent appointed for a qualified special 2110  
education child pursuant to division (B) of section 3323.05 and 2111  
section 3323.051 of the Revised Code; 2112

(6) A qualified special education child, if the child does 2113  
not have a custodian or guardian and the child is at least 2114  
eighteen years of age. 2115

(D) "Entitled to attend school" means entitled to attend 2116

school in a school district under sections 3313.64 and 3313.65 2117  
of the Revised Code. 2118

(E) "Formula ADM" and "formula amount" have the same 2119  
meanings as in section 3317.02 of the Revised Code. 2120

(F) "Qualified special education child" is a child for 2121  
whom all of the following conditions apply: 2122

(1) The child is at least five years of age and less than 2123  
twenty-two years of age. 2124

(2) The school district in which the child is entitled to 2125  
attend school, or the child's school district of residence if 2126  
different, has identified the child as a child with a 2127  
disability. 2128

(3) The school district in which the child is entitled to 2129  
attend school, or the child's school district of residence if 2130  
different, has developed an individualized education program 2131  
under Chapter 3323. of the Revised Code for the child. 2132

(4) The child either: 2133

(a) Was enrolled in the schools of the school district in 2134  
which the child is entitled to attend school in any grade from 2135  
kindergarten through twelve in the school year prior to the 2136  
school year in which a scholarship is first sought for the 2137  
child; 2138

(b) Is eligible to enter school in any grade kindergarten 2139  
through twelve in the school district in which the child is 2140  
entitled to attend school in the school year in which a 2141  
scholarship is first sought for the child. 2142

(5) The department of education has not approved a 2143  
scholarship for the child under the ~~educational choice~~ 2144

~~opportunity scholarship pilot~~ program, under sections 3310.01 to 2145  
3310.17 of the Revised Code, or the autism scholarship program, 2146  
under section 3310.41 of the Revised Code, ~~or the pilot project~~ 2147  
~~scholarship program, under sections 3313.974 to 3313.979 of the~~ 2148  
~~Revised Code~~ for the same school year in which a scholarship 2149  
under the Jon Peterson special needs scholarship program is 2150  
sought. 2151

(6) The child and the child's parents are in compliance 2152  
with the state compulsory attendance law under Chapter 3321. of 2153  
the Revised Code. 2154

(G) "Registered private provider" means a nonpublic school 2155  
or other nonpublic entity that has been registered by the 2156  
superintendent of public instruction under section 3310.58 of 2157  
the Revised Code. 2158

(H) "Scholarship" means a scholarship awarded under the 2159  
Jon Peterson special needs scholarship program pursuant to 2160  
sections 3310.51 to 3310.64 of the Revised Code. 2161

(I) "School district of residence" has the same meaning as 2162  
in section 3323.01 of the Revised Code. A community school 2163  
established under Chapter 3314. of the Revised Code is not a 2164  
"school district of residence" for purposes of sections 3310.51 2165  
to 3310.64 of the Revised Code. 2166

(J) "School year" has the same meaning as in section 2167  
3313.62 of the Revised Code. 2168

(K) "Special education program" means a school or facility 2169  
that provides special education and related services to children 2170  
with disabilities. 2171

**Sec. 3317.03.** (A) The superintendent of each city, local, 2172  
and exempted village school district shall report to the state 2173

board of education as of the last day of October, March, and 2174  
June of each year the enrollment of students receiving services 2175  
from schools under the superintendent's supervision, and the 2176  
numbers of other students entitled to attend school in the 2177  
district under section 3313.64 or 3313.65 of the Revised Code 2178  
the superintendent is required to report under this section, so 2179  
that the department of education can calculate the district's 2180  
formula ADM, total ADM, category one through five career- 2181  
technical education ADM, category one through three limited 2182  
English proficient ADM, category one through six special 2183  
education ADM, preschool scholarship ADM, transportation ADM, 2184  
and, for purposes of provisions of law outside of Chapter 3317. 2185  
of the Revised Code, average daily membership. 2186

(1) The enrollment reported by the superintendent during 2187  
the reporting period shall consist of the number of students in 2188  
grades kindergarten through twelve receiving any educational 2189  
services from the district, except that the following categories 2190  
of students shall not be included in the determination: 2191

(a) Students enrolled in adult education classes; 2192

(b) Adjacent or other district students enrolled in the 2193  
district under an open enrollment policy pursuant to section 2194  
3313.98 of the Revised Code; 2195

(c) Students receiving services in the district pursuant 2196  
to a compact, cooperative education agreement, or a contract, 2197  
but who are entitled to attend school in another district 2198  
pursuant to section 3313.64 or 3313.65 of the Revised Code; 2199

(d) Students for whom tuition is payable pursuant to 2200  
sections 3317.081 and 3323.141 of the Revised Code; 2201

(e) Students receiving services in the district through a 2202

scholarship awarded under either section 3310.41 or sections 2203  
3310.51 to 3310.64 of the Revised Code. 2204

When reporting students under division (A) (1) of this 2205  
section, the superintendent also shall report the district where 2206  
each student is entitled to attend school pursuant to sections 2207  
3313.64 and 3313.65 of the Revised Code. 2208

(2) The department of education shall compile a list of 2209  
all students reported to be enrolled in a district under 2210  
division (A) (1) of this section and of the students entitled to 2211  
attend school in the district pursuant to section 3313.64 or 2212  
3313.65 of the Revised Code on an FTE basis but receiving 2213  
educational services in grades kindergarten through twelve from 2214  
one or more of the following entities: 2215

(a) A community school pursuant to Chapter 3314. of the 2216  
Revised Code, including any participation in a college pursuant 2217  
to Chapter 3365. of the Revised Code while enrolled in such 2218  
community school; 2219

(b) An alternative school pursuant to former sections 2220  
3313.974 to 3313.979 of the Revised Code as described in 2221  
division (I) (2) (a) or (b) of this section~~7~~. Division (A) (2) (b) 2222  
of this section does not apply after July 1, 2018. 2223

(c) A college pursuant to Chapter 3365. of the Revised 2224  
Code, except when the student is enrolled in the college while 2225  
also enrolled in a community school pursuant to Chapter 3314., a 2226  
science, technology, engineering, and mathematics school 2227  
established under Chapter 3326., or a college-preparatory 2228  
boarding school established under Chapter 3328. of the Revised 2229  
Code; 2230

(d) An adjacent or other school district under an open 2231

enrollment policy adopted pursuant to section 3313.98 of the Revised Code; 2232  
2233

(e) An educational service center or cooperative education district; 2234  
2235

(f) Another school district under a cooperative education agreement, compact, or contract; 2236  
2237

(g) A chartered nonpublic school with a scholarship paid under former section 3310.08 of the Revised Code, if the students qualified for the scholarship under former section 3310.03 of the Revised Code~~+~~. Division (A) (2) (g) of this section does not apply after July 1, 2018. 2238  
2239  
2240  
2241  
2242

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code. 2243  
2244  
2245

As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable. 2246  
2247  
2248

(i) 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; 2249  
2250  
2251  
2252

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school. 2253  
2254  
2255  
2256

(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a 2257  
2258  
2259

joint vocational school district or under a career-technical 2260  
education compact, excluding any students so entitled to attend 2261  
school in the district who are enrolled in another school 2262  
district through an open enrollment policy as reported under 2263  
division (A) (2) (d) of this section and then enroll in a joint 2264  
vocational school district or under a career-technical education 2265  
compact. 2266

The department shall provide each city, local, and 2267  
exempted village school district with an opportunity to review 2268  
the list of students compiled under divisions (A) (2) and (3) of 2269  
this section to ensure that the students reported accurately 2270  
reflect the enrollment of students in the district. 2271

(B) To enable the department of education to obtain the 2272  
data needed to complete the calculation of payments pursuant to 2273  
this chapter, each superintendent shall certify from the reports 2274  
provided by the department under division (A) of this section 2275  
all of the following: 2276

(1) The total student enrollment in regular learning day 2277  
classes included in the report under division (A) (1) or (2) of 2278  
this section for each of the individual grades kindergarten 2279  
through twelve in schools under the superintendent's 2280  
supervision; 2281

(2) The unduplicated count of the number of preschool 2282  
children with disabilities enrolled in the district for whom the 2283  
district is eligible to receive funding under section 3317.0213 2284  
of the Revised Code adjusted for the portion of the year each 2285  
child is so enrolled, in accordance with the disability 2286  
categories prescribed in section 3317.013 of the Revised Code; 2287

(3) The number of children entitled to attend school in 2288

the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:

(a) Participating in a pilot project scholarship program established under former sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section~~+~~. Division (B)(3)(a) of this section does not apply after July 1, 2018.

(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;

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

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

(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;

(f) Enrolled in a chartered nonpublic school with ~~a~~an educational choice scholarship paid under former section 3310.08 of the Revised Code and who qualified for the scholarship under



<u>former</u> section 3310.03 of the Revised Code <del>r</del> . <u>Division (B) (3) (f)</u>	2318
<u>of this section does not apply after July 1, 2018.</u>	2319
(g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;	2320 2321 2322 2323
(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;	2324 2325 2326 2327
(i) Participating in a program operated by a county board of developmental disabilities or a state institution;	2328 2329
(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;	2330 2331 2332 2333 2334
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	2335 2336 2337 2338
(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.	2339 2340 2341
(4) The total enrollment of pupils in joint vocational schools;	2342 2343
(5) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving	2344 2345

special education services for the category one disability 2346  
described in division (A) of section 3317.013 of the Revised 2347  
Code, including children attending a special education program 2348  
operated by an alternative public provider or a registered 2349  
private provider with a scholarship awarded under sections 2350  
3310.51 to 3310.64 of the Revised Code; 2351

(6) The combined enrollment of children with disabilities 2352  
reported under division (A)(1) or (2) of this section receiving 2353  
special education services for category two disabilities 2354  
described in division (B) of section 3317.013 of the Revised 2355  
Code, including children attending a special education program 2356  
operated by an alternative public provider or a registered 2357  
private provider with a scholarship awarded under sections 2358  
3310.51 to 3310.64 of the Revised Code; 2359

(7) The combined enrollment of children with disabilities 2360  
reported under division (A)(1) or (2) of this section receiving 2361  
special education services for category three disabilities 2362  
described in division (C) of section 3317.013 of the Revised 2363  
Code, including children attending a special education program 2364  
operated by an alternative public provider or a registered 2365  
private provider with a scholarship awarded under sections 2366  
3310.51 to 3310.64 of the Revised Code; 2367

(8) The combined enrollment of children with disabilities 2368  
reported under division (A)(1) or (2) of this section receiving 2369  
special education services for category four disabilities 2370  
described in division (D) of section 3317.013 of the Revised 2371  
Code, including children attending a special education program 2372  
operated by an alternative public provider or a registered 2373  
private provider with a scholarship awarded under sections 2374  
3310.51 to 3310.64 of the Revised Code; 2375

(9) The combined enrollment of children with disabilities 2376  
reported under division (A) (1) or (2) of this section receiving 2377  
special education services for the category five disabilities 2378  
described in division (E) of section 3317.013 of the Revised 2379  
Code, including children attending a special education program 2380  
operated by an alternative public provider or a registered 2381  
private provider with a scholarship awarded under sections 2382  
3310.51 to 3310.64 of the Revised Code; 2383

(10) The combined enrollment of children with disabilities 2384  
reported under division (A) (1) or (2) and under division (B) (3) 2385  
(h) of this section receiving special education services for 2386  
category six disabilities described in division (F) of section 2387  
3317.013 of the Revised Code, including children attending a 2388  
special education program operated by an alternative public 2389  
provider or a registered private provider with a scholarship 2390  
awarded under either section 3310.41 or sections 3310.51 to 2391  
3310.64 of the Revised Code; 2392

(11) The enrollment of pupils reported under division (A) 2393  
(1) or (2) of this section on a full-time equivalency basis in 2394  
category one career-technical education programs or classes, 2395  
described in division (A) of section 3317.014 of the Revised 2396  
Code, operated by the school district or by another district 2397  
that is a member of the district's career-technical planning 2398  
district, other than a joint vocational school district, or by 2399  
an educational service center, notwithstanding division (G) of 2400  
section 3317.02 of the Revised Code and division (C) (3) of this 2401  
section; 2402

(12) The enrollment of pupils reported under division (A) 2403  
(1) or (2) of this section on a full-time equivalency basis in 2404  
category two career-technical education programs or services, 2405

described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (G) of section 3317.02 of the Revised Code and division (C) (3) of this section;

(13) The enrollment of pupils reported under division (A) (1) or (2) of this section on a full-time equivalency basis in category three career-technical education programs or services, described in division (C) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (G) of section 3317.02 of the Revised Code and division (C) (3) of this section;

(14) The enrollment of pupils reported under division (A) (1) or (2) of this section on a full-time equivalency basis in category four career-technical education programs or services, described in division (D) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (G) of section 3317.02 of the Revised Code and division (C) (3) of this section;

(15) The enrollment of pupils reported under division (A) (1) or (2) of this section on a full-time equivalency basis in category five career-technical education programs or services,

described in division (E) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (G) of section 3317.02 of the Revised Code and division (C) (3) of this section;

(16) The enrollment of pupils reported under division (A) (1) or (2) of this section who are limited English proficient students described in division (A) of section 3317.016 of the Revised Code, excluding any student reported under division (B) (3) (e) of this section as enrolled in an internet- or computer-based community school;

(17) The enrollment of pupils reported under division (A) (1) or (2) of this section who are limited English proficient students described in division (B) of section 3317.016 of the Revised Code, excluding any student reported under division (B) (3) (e) of this section as enrolled in an internet- or computer-based community school;

(18) The enrollment of pupils reported under division (A) (1) or (2) of this section who are limited English proficient students described in division (C) of section 3317.016 of the Revised Code, excluding any student reported under division (B) (3) (e) of this section as enrolled in an internet- or computer-based community school;

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

(20) (a) The number of children, other than preschool 2465  
children with disabilities, the district placed with a county 2466  
board of developmental disabilities in fiscal year 1998. 2467  
Division (B) (20) (a) of this section does not apply after fiscal 2468  
year 2013. 2469

(b) The number of children with disabilities, other than 2470  
preschool children with disabilities, placed with a county board 2471  
of developmental disabilities in the current fiscal year to 2472  
receive special education services for the category one 2473  
disability described in division (A) of section 3317.013 of the 2474  
Revised Code; 2475

(c) The number of children with disabilities, other than 2476  
preschool children with disabilities, placed with a county board 2477  
of developmental disabilities in the current fiscal year to 2478  
receive special education services for category two disabilities 2479  
described in division (B) of section 3317.013 of the Revised 2480  
Code; 2481

(d) The number of children with disabilities, other than 2482  
preschool children with disabilities, placed with a county board 2483  
of developmental disabilities in the current fiscal year to 2484  
receive special education services for category three 2485  
disabilities described in division (C) of section 3317.013 of 2486  
the Revised Code; 2487

(e) The number of children with disabilities, other than 2488  
preschool children with disabilities, placed with a county board 2489  
of developmental disabilities in the current fiscal year to 2490  
receive special education services for category four 2491  
disabilities described in division (D) of section 3317.013 of 2492  
the Revised Code; 2493

(f) The number of children with disabilities, other than 2494  
preschool children with disabilities, placed with a county board 2495  
of developmental disabilities in the current fiscal year to 2496  
receive special education services for the category five 2497  
disabilities described in division (E) of section 3317.013 of 2498  
the Revised Code; 2499

(g) The number of children with disabilities, other than 2500  
preschool children with disabilities, placed with a county board 2501  
of developmental disabilities in the current fiscal year to 2502  
receive special education services for category six disabilities 2503  
described in division (F) of section 3317.013 of the Revised 2504  
Code. 2505

(21) The enrollment of students who are economically 2506  
disadvantaged, as defined by the department, excluding any 2507  
student reported under division (B) (3) (e) of this section as 2508  
enrolled in an internet- or computer-based community school. A 2509  
student shall not be categorically excluded from the number 2510  
reported under division (B) (21) of this section based on 2511  
anything other than family income. 2512

(C) (1) The state board of education shall adopt rules 2513  
necessary for implementing divisions (A), (B), and (D) of this 2514  
section. 2515

(2) A student enrolled in a community school established 2516  
under Chapter 3314., a science, technology, engineering, and 2517  
mathematics school established under Chapter 3326., or a 2518  
college-preparatory boarding school established under Chapter 2519  
3328. of the Revised Code shall be counted in the formula ADM 2520  
and, if applicable, the category one, two, three, four, five, or 2521  
six special education ADM of the school district in which the 2522  
student is entitled to attend school under section 3313.64 or 2523

3313.65 of the Revised Code for the same proportion of the 2524  
school year that the student is counted in the enrollment of the 2525  
community school, the science, technology, engineering, and 2526  
mathematics school, or the college-preparatory boarding school 2527  
for purposes of section 3314.08, 3326.33, or 3328.24 of the 2528  
Revised Code. Notwithstanding the enrollment of students 2529  
certified pursuant to division (B)(3)(d), (e), (j), or (k) of 2530  
this section, the department may adjust the formula ADM of a 2531  
school district to account for students entitled to attend 2532  
school in the district under section 3313.64 or 3313.65 of the 2533  
Revised Code who are enrolled in a community school, a science, 2534  
technology, engineering, and mathematics school, or a college- 2535  
preparatory boarding school for only a portion of the school 2536  
year. 2537

(3) No child shall be counted as more than a total of one 2538  
child in the sum of the enrollment of students of a school 2539  
district under division (A), divisions (B)(1) to (22), or 2540  
division (D) of this section, except as follows: 2541

(a) A child with a disability described in section 2542  
3317.013 of the Revised Code may be counted both in formula ADM 2543  
and in category one, two, three, four, five, or six special 2544  
education ADM and, if applicable, in category one, two, three, 2545  
four, or five career-technical education ADM. As provided in 2546  
division (G) of section 3317.02 of the Revised Code, such a 2547  
child shall be counted in category one, two, three, four, five, 2548  
or six special education ADM in the same proportion that the 2549  
child is counted in formula ADM. 2550

(b) A child enrolled in career-technical education 2551  
programs or classes described in section 3317.014 of the Revised 2552  
Code may be counted both in formula ADM and category one, two, 2553



three, four, or five career-technical education ADM and, if 2554  
applicable, in category one, two, three, four, five, or six 2555  
special education ADM. Such a child shall be counted in category 2556  
one, two, three, four, or five career-technical education ADM in 2557  
the same proportion as the percentage of time that the child 2558  
spends in the career-technical education programs or classes. 2559

(4) Based on the information reported under this section, 2560  
the department of education shall determine the total student 2561  
count, as defined in section 3301.011 of the Revised Code, for 2562  
each school district. 2563

(D) (1) The superintendent of each joint vocational school 2564  
district shall report and certify to the superintendent of 2565  
public instruction as of the last day of October, March, and 2566  
June of each year the enrollment of students receiving services 2567  
from schools under the superintendent's supervision so that the 2568  
department can calculate the district's formula ADM, total ADM, 2569  
category one through five career-technical education ADM, 2570  
category one through three limited English proficient ADM, 2571  
category one through six special education ADM, and for purposes 2572  
of provisions of law outside of Chapter 3317. of the Revised 2573  
Code, average daily membership. 2574

The enrollment reported and certified by the 2575  
superintendent, except as otherwise provided in this division, 2576  
shall consist of the the number of students in grades six 2577  
through twelve receiving any educational services from the 2578  
district, except that the following categories of students shall 2579  
not be included in the determination: 2580

(a) Students enrolled in adult education classes; 2581

(b) Adjacent or other district joint vocational students 2582

enrolled in the district under an open enrollment policy	2583
pursuant to section 3313.98 of the Revised Code;	2584
(c) Students receiving services in the district pursuant	2585
to a compact, cooperative education agreement, or a contract,	2586
but who are entitled to attend school in a city, local, or	2587
exempted village school district whose territory is not part of	2588
the territory of the joint vocational district;	2589
(d) Students for whom tuition is payable pursuant to	2590
sections 3317.081 and 3323.141 of the Revised Code.	2591
(2) To enable the department of education to obtain the	2592
data needed to complete the calculation of payments pursuant to	2593
this chapter, each superintendent shall certify from the report	2594
provided under division (D)(1) of this section the enrollment	2595
for each of the following categories of students:	2596
(a) Students enrolled in each individual grade included in	2597
the joint vocational district schools;	2598
(b) Children with disabilities receiving special education	2599
services for the category one disability described in division	2600
(A) of section 3317.013 of the Revised Code;	2601
(c) Children with disabilities receiving special education	2602
services for the category two disabilities described in division	2603
(B) of section 3317.013 of the Revised Code;	2604
(d) Children with disabilities receiving special education	2605
services for category three disabilities described in division	2606
(C) of section 3317.013 of the Revised Code;	2607
(e) Children with disabilities receiving special education	2608
services for category four disabilities described in division	2609
(D) of section 3317.013 of the Revised Code;	2610

(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	2611 2612 2613
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	2614 2615 2616
(h) Students receiving category one career-technical education services, described in division (A) of section 3317.014 of the Revised Code;	2617 2618 2619
(i) Students receiving category two career-technical education services, described in division (B) of section 3317.014 of the Revised Code;	2620 2621 2622
(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	2623 2624 2625
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	2626 2627 2628
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	2629 2630 2631
(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;	2632 2633
(n) Limited English proficient students described in division (B) of section 3317.016 of the Revised Code;	2634 2635
(o) Limited English proficient students described in division (C) of section 3317.016 of the Revised Code;	2636 2637

(p) Students who are economically disadvantaged, as 2638  
defined by the department. A student shall not be categorically 2639  
excluded from the number reported under division (D) (2) (p) of 2640  
this section based on anything other than family income. 2641

The superintendent of each joint vocational school 2642  
district shall also indicate the city, local, or exempted 2643  
village school district in which each joint vocational district 2644  
pupil is entitled to attend school pursuant to section 3313.64 2645  
or 3313.65 of the Revised Code. 2646

(E) In each school of each city, local, exempted village, 2647  
joint vocational, and cooperative education school district 2648  
there shall be maintained a record of school enrollment, which 2649  
record shall accurately show, for each day the school is in 2650  
session, the actual enrollment in regular day classes. For the 2651  
purpose of determining the enrollment of students, the 2652  
enrollment figure of any school shall not include any pupils 2653  
except those pupils described by division (A) of this section. 2654  
The record of enrollment for each school shall be maintained in 2655  
such manner that no pupil shall be counted as enrolled prior to 2656  
the actual date of entry in the school and also in such manner 2657  
that where for any cause a pupil permanently withdraws from the 2658  
school that pupil shall not be counted as enrolled from and 2659  
after the date of such withdrawal. There shall not be included 2660  
in the enrollment of any school any of the following: 2661

(1) Any pupil who has graduated from the twelfth grade of 2662  
a public or nonpublic high school; 2663

(2) Any pupil who is not a resident of the state; 2664

(3) Any pupil who was enrolled in the schools of the 2665  
district during the previous school year when assessments were 2666

administered under section 3301.0711 of the Revised Code but did 2667  
not take one or more of the assessments required by that section 2668  
and was not excused pursuant to division (C) (1) or (3) of that 2669  
section; 2670

(4) Any pupil who has attained the age of twenty-two 2671  
years, except for veterans of the armed services whose 2672  
attendance was interrupted before completing the recognized 2673  
twelve-year course of the public schools by reason of induction 2674  
or enlistment in the armed forces and who apply for reenrollment 2675  
in the public school system of their residence not later than 2676  
four years after termination of war or their honorable 2677  
discharge; 2678

(5) Any pupil who has a certificate of high school 2679  
equivalence as defined in section 5107.40 of the Revised Code. 2680

If, however, any veteran described by division (E) (4) of 2681  
this section elects to enroll in special courses organized for 2682  
veterans for whom tuition is paid under the provisions of 2683  
federal laws, or otherwise, that veteran shall not be included 2684  
in the enrollment of students determined under this section. 2685

Notwithstanding division (E) (3) of this section, the 2686  
enrollment of any school may include a pupil who did not take an 2687  
assessment required by section 3301.0711 of the Revised Code if 2688  
the superintendent of public instruction grants a waiver from 2689  
the requirement to take the assessment to the specific pupil and 2690  
a parent is not paying tuition for the pupil pursuant to section 2691  
3313.6410 of the Revised Code. The superintendent may grant such 2692  
a waiver only for good cause in accordance with rules adopted by 2693  
the state board of education. 2694

The formula ADM, total ADM, category one through five 2695

career-technical education ADM, category one through three 2696  
limited English proficient ADM, category one through six special 2697  
education ADM, preschool scholarship ADM, transportation ADM, 2698  
and, for purposes of provisions of law outside of Chapter 3317. 2699  
of the Revised Code, average daily membership of any school 2700  
district shall be determined in accordance with rules adopted by 2701  
the state board of education. 2702

(F) (1) If a student attending a community school under 2703  
Chapter 3314., a science, technology, engineering, and 2704  
mathematics school established under Chapter 3326., or a 2705  
college-preparatory boarding school established under Chapter 2706  
3328. of the Revised Code is not included in the formula ADM 2707  
calculated for the school district in which the student is 2708  
entitled to attend school under section 3313.64 or 3313.65 of 2709  
the Revised Code, the department of education shall adjust the 2710  
formula ADM of that school district to include the student in 2711  
accordance with division (C) (2) of this section, and shall 2712  
recalculate the school district's payments under this chapter 2713  
for the entire fiscal year on the basis of that adjusted formula 2714  
ADM. 2715

(2) If a student awarded an educational choice scholarship 2716  
is not included in the formula ADM of the school district from 2717  
which the department deducts funds for the scholarship under 2718  
former section 3310.08 of the Revised Code, the department shall 2719  
adjust the formula ADM of that school district to include the 2720  
student to the extent necessary to account for the deduction, 2721  
and shall recalculate the school district's payments under this 2722  
chapter for the entire fiscal year on the basis of that adjusted 2723  
formula ADM. Division (F) (2) of this section does not apply 2724  
after July 1, 2018. 2725

(3) If a student awarded a scholarship under the Jon Peterson special needs scholarship program is not included in the formula ADM of the school district from which the department deducts funds for the scholarship under section 3310.55 of the Revised Code, the department shall adjust the formula ADM of that school district to include the student to the extent necessary to account for the deduction, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM.

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

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled;

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code.

(b) The superintendent of an institution with career-technical education units approved under section 3317.05 of the Revised Code shall, for the units under the superintendent's

supervision, certify to the state board of education the 2756  
enrollment in those units, in the manner prescribed by the 2757  
superintendent of public instruction. 2758

(2) The superintendent of each county board of 2759  
developmental disabilities that maintains special education 2760  
classes under section 3317.20 of the Revised Code or provides 2761  
services to preschool children with disabilities pursuant to an 2762  
agreement between the county board and the appropriate school 2763  
district shall do both of the following: 2764

(a) Certify to the state board, in the manner prescribed 2765  
by the board, the enrollment in classes under section 3317.20 of 2766  
the Revised Code for each school district that has placed 2767  
children in the classes; 2768

(b) Certify to the state board, in the manner prescribed 2769  
by the board, the unduplicated count of the number of all 2770  
preschool children with disabilities enrolled in classes for 2771  
which the ~~DD~~board is eligible to receive funding under section 2772  
3317.0213 of the Revised Code adjusted for the portion of the 2773  
year each child is so enrolled, reported according to the 2774  
categories prescribed in section 3317.013 of the Revised Code, 2775  
and the number of those classes. 2776

(H) Except as provided in division (I) of this section, 2777  
when any city, local, or exempted village school district 2778  
provides instruction for a nonresident pupil whose attendance is 2779  
unauthorized attendance as defined in section 3327.06 of the 2780  
Revised Code, that pupil's enrollment shall not be included in 2781  
that district's enrollment figure used in calculating the 2782  
district's payments under this chapter. The reporting official 2783  
shall report separately the enrollment of all pupils whose 2784  
attendance in the district is unauthorized attendance, and the 2785



enrollment of each such pupil shall be credited to the school 2786  
district in which the pupil is entitled to attend school under 2787  
division (B) of section 3313.64 or section 3313.65 of the 2788  
Revised Code as determined by the department of education. 2789

(I) (1) Prior to July 1, 2018: 2790

(a) A city, local, exempted village, or joint vocational 2791  
school district admitting a scholarship student of a pilot 2792  
project district pursuant to division (C) of former section 2793  
3313.976 of the Revised Code may count such student in its 2794  
enrollment. 2795

~~(2)~~ (b) In any year for which funds are appropriated for 2796  
pilot project scholarship programs, a school district 2797  
implementing a state-sponsored pilot project scholarship program 2798  
that year pursuant to former sections 3313.974 to 3313.979 of 2799  
the Revised Code may count in its enrollment: 2800

~~(a)~~ (i) All children residing in the district and 2801  
utilizing a scholarship to attend kindergarten in any 2802  
alternative school, as defined in former section 3313.974 of the 2803  
Revised Code; 2804

~~(b)~~ (ii) All children who were enrolled in the district in 2805  
the preceding year who are utilizing a scholarship to attend an 2806  
alternative school. 2807

(2) Division (I) (1) of this section does not apply after 2808  
July 1, 2018. 2809

(J) The superintendent of each cooperative education 2810  
school district shall certify to the superintendent of public 2811  
instruction, in a manner prescribed by the state board of 2812  
education, the applicable enrollments for all students in the 2813  
cooperative education district, also indicating the city, local, 2814

or exempted village district where each pupil is entitled to 2815  
attend school under section 3313.64 or 3313.65 of the Revised 2816  
Code. 2817

(K) If the superintendent of public instruction determines 2818  
that a component of the enrollment certified or reported by a 2819  
district superintendent, or other reporting entity, is not 2820  
correct, the superintendent of public instruction may order that 2821  
the formula ADM used for the purposes of payments under any 2822  
section of Title XXXVIII of the Revised Code be adjusted in the 2823  
amount of the error. 2824

**Sec. 3365.07.** The department of education shall calculate 2825  
and pay state funds to colleges for participants in the college 2826  
credit plus program under division (B) of section 3365.06 of the 2827  
Revised Code pursuant to this section. For a nonpublic secondary 2828  
school participant, a nonchartered nonpublic secondary school 2829  
participant, or a home-instructed participant, the department 2830  
shall pay state funds pursuant to this section only if that 2831  
participant is awarded funding according to rules adopted by the 2832  
chancellor of higher education, in consultation with the 2833  
superintendent of public instruction, pursuant to section 2834  
3365.071 of the Revised Code. The program shall be the sole 2835  
mechanism by which state funds are paid to colleges for students 2836  
to earn transcribed credit for college courses while enrolled 2837  
in both a secondary school and a college, with the exception of 2838  
state funds paid to colleges according to an agreement described 2839  
in division (A) (1) of section 3365.02 of the Revised Code. 2840

(A) For each public or nonpublic secondary school 2841  
participant enrolled in a public college: 2842

(1) If no agreement has been entered into under division 2843  
(A) (2) of this section, both of the following shall apply: 2844

(a) The department shall pay to the college the applicable amount as follows:

(i) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the default ceiling amount;

(ii) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, fifty per cent of the default ceiling amount;

(iii) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, the default floor amount.

(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the chancellor, and not more than the default ceiling amount. The chancellor shall approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality. If no agreement is entered into under division (A) (2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable

default amounts prescribed by division (A) (1) (a) of this 2874  
section, depending upon the method of delivery and instruction. 2875

(b) In accordance with division (A) (1) (b) of this section, 2876  
the participant's secondary school shall pay for textbooks, and 2877  
the college shall waive payment of all other fees related to 2878  
participation in the program. 2879

(3) No participant that is enrolled in a public college 2880  
shall be charged for any tuition, textbooks, or other fees 2881  
related to participation in the program. 2882

(B) For each public secondary school participant enrolled 2883  
in a private college: 2884

(1) If no agreement has been entered into under division 2885  
(B) (2) of this section, the department shall pay to the college 2886  
the applicable amount calculated in the same manner as in 2887  
division (A) (1) (a) of this section. 2888

(2) The governing entity of a participant's secondary 2889  
school and the college may enter into an agreement to establish 2890  
an alternative payment structure for tuition, textbooks, and 2891  
fees. Under such an agreement, payments shall be not less than 2892  
the default floor amount, unless approved by the chancellor, and 2893  
not more than the default ceiling amount. 2894

If an agreement is entered into under division (B) (2) of 2895  
this section, both of the following shall apply: 2896

(a) The department shall make a payment to the college for 2897  
each participant that is equal to the default floor amount, 2898  
unless approved by the chancellor to pay an amount below the 2899  
default floor amount. The chancellor shall approve an agreement 2900  
that includes a payment below the default floor amount, as long 2901  
as the provisions of the agreement comply with all other 2902

requirements of this chapter to ensure program quality.	2903
(b) Payment for costs for the participant that exceed the amount paid by the department pursuant to division (B) (2) (a) of this section shall be negotiated by the school and the college. The agreement may include a stipulation permitting the charging of a participant.	2904 2905 2906 2907 2908
However, under no circumstances shall:	2909
(i) Payments for a participant made by the department under division (B) (2) of this section exceed the default ceiling amount;	2910 2911 2912
(ii) The amount charged to a participant under division (B) (2) of this section exceed the difference between the maximum per participant charge amount and the default floor amount;	2913 2914 2915
(iii) The sum of the payments made by the department for a participant and the amount charged to that participant under division (B) (2) of this section exceed the following amounts, as applicable:	2916 2917 2918 2919
(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;	2920 2921 2922 2923
(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;	2924 2925 2926
(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the	2927 2928 2929 2930

chancellor, one hundred dollars. 2931

(iv) A participant that is identified as economically 2932  
disadvantaged according to rules adopted by the department be 2933  
charged under division (B) (2) of this section for any tuition, 2934  
textbooks, or other fees related to participation in the 2935  
program. 2936

(C) For each nonpublic secondary school participant 2937  
enrolled in a private or eligible out-of-state college, the 2938  
department shall pay to the college the applicable amount 2939  
calculated in the same manner as in division (A) (1) (a) of this 2940  
section. Payment for costs for the participant that exceed the 2941  
amount paid by the department shall be negotiated by the 2942  
governing body of the nonpublic secondary school and the 2943  
college. 2944

However, under no circumstances shall: 2945

(1) The payments for a participant made by the department 2946  
under this division exceed the default ceiling amount. 2947

(2) Any nonpublic secondary school participant, who is 2948  
enrolled in that secondary school with a scholarship awarded 2949  
under ~~either the educational choice opportunity scholarship~~ 2950  
~~pilot program, as prescribed by sections 3310.01 to 3310.17, or~~ 2951  
~~the pilot project scholarship program, as prescribed by sections~~ 2952  
~~3313.974 to 3313.979 of the Revised Code, and who qualifies as a~~ 2953  
~~low income student under either of those programs whose family~~ 2954  
income is at or below two hundred per cent of the federal 2955  
poverty guidelines, as defined in section 5101.46 of the Revised 2956  
Code, be charged for any tuition, textbooks, or other fees 2957  
related to participation in the college credit plus program. 2958

(D) For each nonchartered nonpublic secondary school 2959

participant and each home-instructed participant enrolled in a 2960  
public, private, or eligible out-of-state college, the 2961  
department shall pay to the college the default ceiling amount, 2962  
if that participant is enrolled in a college course delivered on 2963  
the college campus, at another location operated by the college, 2964  
or online. 2965

(E) Not later than thirty days after the end of each term, 2966  
each college expecting to receive payment for the costs of a 2967  
participant under this section shall notify the department of 2968  
the number of enrolled credit hours for each participant. 2969

(F) Each January and July, or as soon as possible 2970  
thereafter, the department shall make the applicable payments 2971  
under this section to each college, which provided proper 2972  
notification to the department under division (E) of this 2973  
section, for the number of enrolled credit hours for 2974  
participants enrolled in the college under division (B) of 2975  
section 3365.06 of the Revised Code. The department shall not 2976  
make any payments to a college under this section if a 2977  
participant withdrew from a course prior to the date on which a 2978  
withdrawal from the course would have negatively affected the 2979  
participant's transcribed grade, as prescribed by the college's 2980  
established withdrawal policy. 2981

(1) Payments made for public secondary school participants 2982  
under this section shall be deducted from the school foundation 2983  
payments made to the participant's school district or, if the 2984  
participant is enrolled in a community school, a STEM school, or 2985  
a college-preparatory boarding school, from the payments made to 2986  
that school under section 3314.08, 3326.33, or 3328.34 of the 2987  
Revised Code. If the participant is enrolled in a joint 2988  
vocational school district, a portion of the amount shall be 2989

deducted from the payments to the joint vocational school 2990  
district and a portion shall be deducted from the payments to 2991  
the participant's city, local, or exempted village school 2992  
district in accordance with the full-time equivalency of the 2993  
student's enrollment in each district. Amounts deducted under 2994  
division (F) (1) of this section shall be calculated in 2995  
accordance with rules adopted by the chancellor, in consultation 2996  
with the state superintendent, pursuant to division (B) of 2997  
section 3365.071 of the Revised Code. 2998

(2) Payments made for nonpublic secondary school 2999  
participants, nonchartered nonpublic secondary school 3000  
participants, and home-instructed participants under this 3001  
section shall be deducted from moneys appropriated by the 3002  
general assembly for such purpose. Payments shall be allocated 3003  
and distributed in accordance with rules adopted by the 3004  
chancellor, in consultation with the state superintendent, 3005  
pursuant to division (A) of section 3365.071 of the Revised 3006  
Code. 3007

(G) Any public college that enrolls a student under 3008  
division (B) of section 3365.06 of the Revised Code may include 3009  
that student in the calculation used to determine its state 3010  
share of instruction funds appropriated to the department of 3011  
higher education by the general assembly. 3012

**Sec. 5727.84.** No determinations, computations, 3013  
certifications, or payments shall be made under this section 3014  
after June 30, 2015. 3015

(A) As used in this section and sections 5727.85, 5727.86, 3016  
and 5727.87 of the Revised Code: 3017

(1) "School district" means a city, local, or exempted 3018



village school district. 3019

(2) "Joint vocational school district" means a joint 3020  
vocational school district created under section 3311.16 of the 3021  
Revised Code, and includes a cooperative education school 3022  
district created under section 3311.52 or 3311.521 of the 3023  
Revised Code and a county school financing district created 3024  
under section 3311.50 of the Revised Code. 3025

(3) "Local taxing unit" means a subdivision or taxing 3026  
unit, as defined in section 5705.01 of the Revised Code, a park 3027  
district created under Chapter 1545. of the Revised Code, or a 3028  
township park district established under section 511.23 of the 3029  
Revised Code, but excludes school districts and joint vocational 3030  
school districts. 3031

(4) "State education aid," for a school district, means 3032  
the following: 3033

(a) For fiscal years prior to fiscal year 2010, the sum of 3034  
state aid amounts computed for the district under former 3035  
sections 3317.029, 3317.052, and 3317.053 of the Revised Code 3036  
and the following provisions, as they existed for the applicable 3037  
fiscal year: divisions (A), (C) (1), (C) (4), (D), (E), and (F) of 3038  
section 3317.022; divisions (B), (C), and (D) of section 3039  
3317.023; divisions (G), (L), and (N) of section 3317.024; and 3040  
sections 3317.0216, 3317.0217, 3317.04, and 3317.05 of the 3041  
Revised Code; and the adjustments required by: division (C) of 3042  
former section 3310.08; division (C) (2) of section 3310.41; 3043  
division (C) of section 3314.08; division (D) (2) of section 3044  
3314.091; division (D) of former section 3314.13; divisions (E), 3045  
(K), (L), (M), and (N) of section 3317.023; division (C) of 3046  
section 3317.20; and ~~sections 3313.979 and section~~ section 3313.981 and 3047  
former section 3313.979 of the Revised Code. However, when 3048

calculating state education aid for a school district for fiscal 3049  
years 2008 and 2009, include the amount computed for the 3050  
district under Section 269.20.80 of H.B. 119 of the 127th 3051  
general assembly, as subsequently amended, instead of division 3052  
(D) of section 3317.022 of the Revised Code; and include amounts 3053  
calculated under Section 269.30.80 of H.B. 119 of the 127th 3054  
general assembly, as subsequently amended. 3055

(b) For fiscal years 2010 and 2011, the sum of the amounts 3056  
computed for the district under former sections 3306.052, 3057  
3306.12, 3306.13, 3306.19, 3306.191, 3306.192, 3317.052, and 3058  
3317.053 of the Revised Code and the following provisions, as 3059  
they existed for the applicable fiscal year: division (G) of 3060  
section 3317.024; section 3317.05 of the Revised Code; and the 3061  
adjustments required by division (C) of former section 3310.08; 3062  
division (C) (2) of section 3310.41; division (C) of section 3063  
3314.08; division (D) (2) of section 3314.091; division (D) of 3064  
former section 3314.13; divisions (E), (K), (L), (M), and (N) of 3065  
section 3317.023; division (C) of section 3317.20; and sections 3066  
~~3313.979~~, ~~3313.981~~, and 3326.33 and former section 3313.979 of 3067  
the Revised Code. 3068

(c) For fiscal years 2012 and 2013, the amount paid in 3069  
accordance with the section of H.B. 153 of the 129th general 3070  
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 3071  
SCHOOL DISTRICTS" and the adjustments required by division (C) 3072  
of former section 3310.08; division (C) (2) of section 3310.41; 3073  
section 3310.55; division (C) of section 3314.08; division (D) 3074  
(2) of section 3314.091; division (D) of former section 3314.13; 3075  
divisions (B), (H), (I), (J), and (K) of section 3317.023; 3076  
division (C) of section 3317.20; and ~~sections 3313.979 and~~ 3077  
section 3313.981 and former section 3313.979 of the Revised 3078  
Code; 3079

(d) For fiscal year 2014 and each fiscal year thereafter, 3080  
the sum of amounts computed for and paid to the district under 3081  
section 3317.022 of the Revised Code; and the adjustments 3082  
required by division (C) of former section 3310.08, division (C) 3083  
(2) of section 3310.41, section 3310.55, division (C) of section 3084  
3314.08, division (D)(2) of section 3314.091, divisions (B), 3085  
(H), (J), and (K) of section 3317.023, and sections ~~3313.978,~~ 3086  
3313.981, 3317.0212, 3317.0213, 3317.0214, and 3326.33 and 3087  
former section 3313.978 of the Revised Code. However, for fiscal 3088  
years 2014 and 2015, the amount computed for the district under 3089  
the section of this act entitled "TRANSITIONAL AID FOR CITY, 3090  
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also shall be 3091  
included. 3092

(5) "State education aid," for a joint vocational school 3093  
district, means the following: 3094

(a) For fiscal years prior to fiscal year 2010, the sum of 3095  
the state aid amounts computed for the district under division 3096  
(N) of section 3317.024 and section 3317.16 of the Revised Code. 3097  
However, when calculating state education aid for a joint 3098  
vocational school district for fiscal years 2008 and 2009, 3099  
include the amount computed for the district under Section 3100  
269.30.90 of H.B. 119 of the 127th general assembly, as 3101  
subsequently amended. 3102

(b) For fiscal years 2010 and 2011, the amount computed 3103  
for the district in accordance with the section of H.B. 1 of the 3104  
128th general assembly entitled "FUNDING FOR JOINT VOCATIONAL 3105  
SCHOOL DISTRICTS." 3106

(c) For fiscal years 2012 and 2013, the amount paid in 3107  
accordance with the section of H.B. 153 of the 129th general 3108  
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 3109

DISTRICTS."	3110
(d) For fiscal year 2014 and each fiscal year thereafter,	3111
the amount computed for the district under section 3317.16 of	3112
the Revised Code; except that, for fiscal years 2014 and 2015,	3113
the amount computed for the district under the section of this	3114
act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL	3115
DISTRICTS" shall be included.	3116
(6) "State education aid offset" means the amount	3117
determined for each school district or joint vocational school	3118
district under division (A)(1) of section 5727.85 of the Revised	3119
Code.	3120
(7) "Recognized valuation" means the amount computed for a	3121
school district pursuant to section 3317.015 of the Revised	3122
Code.	3123
(8) "Electric company tax value loss" means the amount	3124
determined under division (D) of this section.	3125
(9) "Natural gas company tax value loss" means the amount	3126
determined under division (E) of this section.	3127
(10) "Tax value loss" means the sum of the electric	3128
company tax value loss and the natural gas company tax value	3129
loss.	3130
(11) "Fixed-rate levy" means any tax levied on property	3131
other than a fixed-sum levy.	3132
(12) "Fixed-rate levy loss" means the amount determined	3133
under division (G) of this section.	3134
(13) "Fixed-sum levy" means a tax levied on property at	3135
whatever rate is required to produce a specified amount of tax	3136
money or levied in excess of the ten-mill limitation to pay debt	3137

charges, and includes school district emergency levies charged 3138  
and payable pursuant to section 5705.194 of the Revised Code. 3139

(14) "Fixed-sum levy loss" means the amount determined 3140  
under division (H) of this section. 3141

(15) "Consumer price index" means the consumer price index 3142  
(all items, all urban consumers) prepared by the bureau of labor 3143  
statistics of the United States department of labor. 3144

(16) "Total resources" and "total library resources" have 3145  
the same meanings as in section 5751.20 of the Revised Code. 3146

(17) "2011 current expense S.B. 3 allocation" means the 3147  
sum of payments received by a school district or joint 3148  
vocational school district in fiscal year 2011 for current 3149  
expense levy losses pursuant to division (C)(2) of section 3150  
5727.85 of the Revised Code. If a fixed-rate levy eligible for 3151  
reimbursement is not charged and payable in any year after tax 3152  
year 2010, "2011 current expense S.B. 3 allocation" used to 3153  
compute payments to be made under division (C)(3) of section 3154  
5727.85 of the Revised Code in the tax years following the last 3155  
year the levy is charged and payable shall be reduced to the 3156  
extent that those payments are attributable to the fixed-rate 3157  
levy loss of that levy. 3158

(18) "2010 current expense S.B. 3 allocation" means the 3159  
sum of payments received by a municipal corporation in calendar 3160  
year 2010 for current expense levy losses pursuant to division 3161  
(A)(1) of section 5727.86 of the Revised Code, excluding any 3162  
such payments received for current expense levy losses 3163  
attributable to a tax levied under section 5705.23 of the 3164  
Revised Code. If a fixed-rate levy eligible for reimbursement is 3165  
not charged and payable in any year after tax year 2010, "2010 3166

current expense S.B. 3 allocation" used to compute payments to 3167  
be made under division (A) (1) (d) or (e) of section 5727.86 of 3168  
the Revised Code in the tax years following the last year the 3169  
levy is charged and payable shall be reduced to the extent that 3170  
those payments are attributable to the fixed-rate levy loss of 3171  
that levy. 3172

(19) "2010 S.B. 3 allocation" means the sum of payments 3173  
received by a local taxing unit during calendar year 2010 3174  
pursuant to division (A) (1) of section 5727.86 of the Revised 3175  
Code, excluding any such payments received for fixed-rate levy 3176  
losses attributable to a tax levied under section 5705.23 of the 3177  
Revised Code. If a fixed-rate levy eligible for reimbursement is 3178  
not charged and payable in any year after tax year 2010, "2010 3179  
S.B. 3 allocation" used to compute payments to be made under 3180  
division (A) (1) (d) or (e) of section 5727.86 of the Revised Code 3181  
in the tax years following the last year the levy is charged and 3182  
payable shall be reduced to the extent that those payments are 3183  
attributable to the fixed-rate levy loss of that levy. 3184

(20) "Total S.B. 3 allocation" means, in the case of a 3185  
school district or joint vocational school district, the sum of 3186  
the payments received in fiscal year 2011 pursuant to divisions 3187  
(C) (2) and (D) of section 5727.85 of the Revised Code. In the 3188  
case of a local taxing unit, "total S.B. 3 allocation" means the 3189  
sum of payments received by the unit in calendar year 2010 3190  
pursuant to divisions (A) (1) and (4) of section 5727.86 of the 3191  
Revised Code, excluding any such payments received for fixed- 3192  
rate levy losses attributable to a tax levied under section 3193  
5705.23 of the Revised Code. If a fixed-rate levy eligible for 3194  
reimbursement is not charged and payable in any year after tax 3195  
year 2010, "total S.B. 3 allocation" used to compute payments to 3196  
be made under division (C) (3) of section 5727.85 or division (A) 3197

(1) (d) or (e) of section 5727.86 of the Revised Code in the tax 3198  
years following the last year the levy is charged and payable 3199  
shall be reduced to the extent that those payments are 3200  
attributable to the fixed-rate levy loss of that levy as would 3201  
be computed under division (C) (2) of section 5727.85 or division 3202  
(A) (1) (b) of section 5727.86 of the Revised Code. 3203

(21) "2011 non-current expense S.B. 3 allocation" means 3204  
the difference of a school district's or joint vocational school 3205  
district's total S.B. 3 allocation minus the sum of the school 3206  
district's 2011 current expense S.B. 3 allocation and the 3207  
portion of the school district's total S.B. 3 allocation 3208  
constituting reimbursement for debt levies pursuant to division 3209  
(D) of section 5727.85 of the Revised Code. 3210

(22) "2010 non-current expense S.B. 3 allocation" means 3211  
the difference of a municipal corporation's total S.B. 3 3212  
allocation minus the sum of its 2010 current expense S.B. 3 3213  
allocation and the portion of its total S.B. 3 allocation 3214  
constituting reimbursement for debt levies pursuant to division 3215  
(A) (4) of section 5727.86 of the Revised Code. 3216

(23) "S.B. 3 allocation for library purposes" means, in 3217  
the case of a county, municipal corporation, school district, or 3218  
township public library that receives the proceeds of a tax 3219  
levied under section 5705.23 of the Revised Code, the sum of the 3220  
payments received by the public library in calendar year 2010 3221  
pursuant to section 5727.86 of the Revised Code for fixed-rate 3222  
levy losses attributable to a tax levied under section 5705.23 3223  
of the Revised Code. If a fixed-rate levy authorized under 3224  
section 5705.23 of the Revised Code that is eligible for 3225  
reimbursement is not charged and payable in any year after tax 3226  
year 2010, "S.B. 3 allocation for library purposes" used to 3227

compute payments to be made under division (A) (1) (f) of section 3228  
5727.86 of the Revised Code in the tax years following the last 3229  
year the levy is charged and payable shall be reduced to the 3230  
extent that those payments are attributable to the fixed-rate 3231  
levy loss of that levy as would be computed under division (A) 3232  
(1) (b) of section 5727.86 of the Revised Code. 3233

(24) "Threshold per cent" means, in the case of a school 3234  
district or joint vocational school district, two per cent for 3235  
fiscal year 2012 and four per cent for fiscal years 2013 and 3236  
thereafter. In the case of a local taxing unit or public library 3237  
that receives the proceeds of a tax levied under section 5705.23 3238  
of the Revised Code, "threshold per cent" means two per cent for 3239  
calendar year 2011, four per cent for calendar year 2012, and 3240  
six per cent for calendar years 2013 and thereafter. 3241

(B) The kilowatt-hour tax receipts fund is hereby created 3242  
in the state treasury and shall consist of money arising from 3243  
the tax imposed by section 5727.81 of the Revised Code. All 3244  
money in the kilowatt-hour tax receipts fund shall be credited 3245  
as follows: 3246

Fiscal Year	General Revenue Fund	School District Property Tax Replacement Fund	Local Government Property Tax Replacement Fund	
2001-2011	63.0%	25.4%	11.6%	3247
2012-2015	88.0%	9.0%	3.0%	3248 3249 3250 3251 3252 3253

(C) The natural gas tax receipts fund is hereby created in 3254  
the state treasury and shall consist of money arising from the 3255  
tax imposed by section 5727.811 of the Revised Code. All money 3256



in the fund shall be credited as follows for fiscal years before 3257  
fiscal year 2012: 3258

(1) Sixty-eight and seven-tenths per cent shall be 3259  
credited to the school district property tax replacement fund 3260  
for the purpose of making the payments described in section 3261  
5727.85 of the Revised Code. 3262

(2) Thirty-one and three-tenths per cent shall be credited 3263  
to the local government property tax replacement fund for the 3264  
purpose of making the payments described in section 5727.86 of 3265  
the Revised Code. 3266

(D) Not later than January 1, 2002, the tax commissioner 3267  
shall determine for each taxing district its electric company 3268  
tax value loss, which is the sum of the applicable amounts 3269  
described in divisions (D) (1) to (4) of this section: 3270

(1) The difference obtained by subtracting the amount 3271  
described in division (D) (1) (b) from the amount described in 3272  
division (D) (1) (a) of this section. 3273

(a) The value of electric company and rural electric 3274  
company tangible personal property as assessed by the tax 3275  
commissioner for tax year 1998 on a preliminary assessment, or 3276  
an amended preliminary assessment if issued prior to March 1, 3277  
1999, and as apportioned to the taxing district for tax year 3278  
1998; 3279

(b) The value of electric company and rural electric 3280  
company tangible personal property as assessed by the tax 3281  
commissioner for tax year 1998 had the property been apportioned 3282  
to the taxing district for tax year 2001, and assessed at the 3283  
rates in effect for tax year 2001. 3284

(2) The difference obtained by subtracting the amount 3285

described in division (D) (2) (b) from the amount described in 3286  
division (D) (2) (a) of this section. 3287

(a) The three-year average for tax years 1996, 1997, and 3288  
1998 of the assessed value from nuclear fuel materials and 3289  
assemblies assessed against a person under Chapter 5711. of the 3290  
Revised Code from the leasing of them to an electric company for 3291  
those respective tax years, as reflected in the preliminary 3292  
assessments; 3293

(b) The three-year average assessed value from nuclear 3294  
fuel materials and assemblies assessed under division (D) (2) (a) 3295  
of this section for tax years 1996, 1997, and 1998, as reflected 3296  
in the preliminary assessments, using an assessment rate of 3297  
twenty-five per cent. 3298

(3) In the case of a taxing district having a nuclear 3299  
power plant within its territory, any amount, resulting in an 3300  
electric company tax value loss, obtained by subtracting the 3301  
amount described in division (D) (1) of this section from the 3302  
difference obtained by subtracting the amount described in 3303  
division (D) (3) (b) of this section from the amount described in 3304  
division (D) (3) (a) of this section. 3305

(a) The value of electric company tangible personal 3306  
property as assessed by the tax commissioner for tax year 2000 3307  
on a preliminary assessment, or an amended preliminary 3308  
assessment if issued prior to March 1, 2001, and as apportioned 3309  
to the taxing district for tax year 2000; 3310

(b) The value of electric company tangible personal 3311  
property as assessed by the tax commissioner for tax year 2001 3312  
on a preliminary assessment, or an amended preliminary 3313  
assessment if issued prior to March 1, 2002, and as apportioned 3314

to the taxing district for tax year 2001. 3315

(4) In the case of a taxing district having a nuclear 3316  
power plant within its territory, the difference obtained by 3317  
subtracting the amount described in division (D) (4) (b) of this 3318  
section from the amount described in division (D) (4) (a) of this 3319  
section, provided that such difference is greater than ten per 3320  
cent of the amount described in division (D) (4) (a) of this 3321  
section. 3322

(a) The value of electric company tangible personal 3323  
property as assessed by the tax commissioner for tax year 2005 3324  
on a preliminary assessment, or an amended preliminary 3325  
assessment if issued prior to March 1, 2006, and as apportioned 3326  
to the taxing district for tax year 2005; 3327

(b) The value of electric company tangible personal 3328  
property as assessed by the tax commissioner for tax year 2006 3329  
on a preliminary assessment, or an amended preliminary 3330  
assessment if issued prior to March 1, 2007, and as apportioned 3331  
to the taxing district for tax year 2006. 3332

(E) Not later than January 1, 2002, the tax commissioner 3333  
shall determine for each taxing district its natural gas company 3334  
tax value loss, which is the sum of the amounts described in 3335  
divisions (E) (1) and (2) of this section: 3336

(1) The difference obtained by subtracting the amount 3337  
described in division (E) (1) (b) from the amount described in 3338  
division (E) (1) (a) of this section. 3339

(a) The value of all natural gas company tangible personal 3340  
property, other than property described in division (E) (2) of 3341  
this section, as assessed by the tax commissioner for tax year 3342  
1999 on a preliminary assessment, or an amended preliminary 3343

assessment if issued prior to March 1, 2000, and apportioned to 3344  
the taxing district for tax year 1999; 3345

(b) The value of all natural gas company tangible personal 3346  
property, other than property described in division (E) (2) of 3347  
this section, as assessed by the tax commissioner for tax year 3348  
1999 had the property been apportioned to the taxing district 3349  
for tax year 2001, and assessed at the rates in effect for tax 3350  
year 2001. 3351

(2) The difference in the value of current gas obtained by 3352  
subtracting the amount described in division (E) (2) (b) from the 3353  
amount described in division (E) (2) (a) of this section. 3354

(a) The three-year average assessed value of current gas 3355  
as assessed by the tax commissioner for tax years 1997, 1998, 3356  
and 1999 on a preliminary assessment, or an amended preliminary 3357  
assessment if issued prior to March 1, 2001, and as apportioned 3358  
in the taxing district for those respective years; 3359

(b) The three-year average assessed value from current gas 3360  
under division (E) (2) (a) of this section for tax years 1997, 3361  
1998, and 1999, as reflected in the preliminary assessment, 3362  
using an assessment rate of twenty-five per cent. 3363

(F) The tax commissioner may request that natural gas 3364  
companies, electric companies, and rural electric companies file 3365  
a report to help determine the tax value loss under divisions 3366  
(D) and (E) of this section. The report shall be filed within 3367  
thirty days of the commissioner's request. A company that fails 3368  
to file the report or does not timely file the report is subject 3369  
to the penalty in section 5727.60 of the Revised Code. 3370

(G) Not later than January 1, 2002, the tax commissioner 3371  
shall determine for each school district, joint vocational 3372

school district, and local taxing unit its fixed-rate levy loss, 3373  
which is the sum of its electric company tax value loss 3374  
multiplied by the tax rate in effect in tax year 1998 for fixed- 3375  
rate levies and its natural gas company tax value loss 3376  
multiplied by the tax rate in effect in tax year 1999 for fixed- 3377  
rate levies. 3378

(H) Not later than January 1, 2002, the tax commissioner 3379  
shall determine for each school district, joint vocational 3380  
school district, and local taxing unit its fixed-sum levy loss, 3381  
which is the amount obtained by subtracting the amount described 3382  
in division (H) (2) of this section from the amount described in 3383  
division (H) (1) of this section: 3384

(1) The sum of the electric company tax value loss 3385  
multiplied by the tax rate in effect in tax year 1998, and the 3386  
natural gas company tax value loss multiplied by the tax rate in 3387  
effect in tax year 1999, for fixed-sum levies for all taxing 3388  
districts within each school district, joint vocational school 3389  
district, and local taxing unit. For the years 2002 through 3390  
2006, this computation shall include school district emergency 3391  
levies that existed in 1998 in the case of the electric company 3392  
tax value loss, and 1999 in the case of the natural gas company 3393  
tax value loss, and all other fixed-sum levies that existed in 3394  
1998 in the case of the electric company tax value loss and 1999 3395  
in the case of the natural gas company tax value loss and 3396  
continue to be charged in the tax year preceding the 3397  
distribution year. For the years 2007 through 2016 in the case 3398  
of school district emergency levies, and for all years after 3399  
2006 in the case of all other fixed-sum levies, this computation 3400  
shall exclude all fixed-sum levies that existed in 1998 in the 3401  
case of the electric company tax value loss and 1999 in the case 3402  
of the natural gas company tax value loss, but are no longer in 3403

effect in the tax year preceding the distribution year. For the 3404  
purposes of this section, an emergency levy that existed in 1998 3405  
in the case of the electric company tax value loss, and 1999 in 3406  
the case of the natural gas company tax value loss, continues to 3407  
exist in a year beginning on or after January 1, 2007, but 3408  
before January 1, 2017, if, in that year, the board of education 3409  
levies a school district emergency levy for an annual sum at 3410  
least equal to the annual sum levied by the board in tax year 3411  
1998 or 1999, respectively, less the amount of the payment 3412  
certified under this division for 2002. 3413

(2) The total taxable value in tax year 1999 less the tax 3414  
value loss in each school district, joint vocational school 3415  
district, and local taxing unit multiplied by one-fourth of one 3416  
mill. 3417

If the amount computed under division (H) of this section 3418  
for any school district, joint vocational school district, or 3419  
local taxing unit is greater than zero, that amount shall equal 3420  
the fixed-sum levy loss reimbursed pursuant to division (F) of 3421  
section 5727.85 of the Revised Code or division (A) (2) of 3422  
section 5727.86 of the Revised Code, and the one-fourth of one 3423  
mill that is subtracted under division (H) (2) of this section 3424  
shall be apportioned among all contributing fixed-sum levies in 3425  
the proportion of each levy to the sum of all fixed-sum levies 3426  
within each school district, joint vocational school district, 3427  
or local taxing unit. 3428

(I) Notwithstanding divisions (D), (E), (G), and (H) of 3429  
this section, in computing the tax value loss, fixed-rate levy 3430  
loss, and fixed-sum levy loss, the tax commissioner shall use 3431  
the greater of the 1998 tax rate or the 1999 tax rate in the 3432  
case of levy losses associated with the electric company tax 3433

value loss, but the 1999 tax rate shall not include for this 3434  
purpose any tax levy approved by the voters after June 30, 1999, 3435  
and the tax commissioner shall use the greater of the 1999 or 3436  
the 2000 tax rate in the case of levy losses associated with the 3437  
natural gas company tax value loss. 3438

(J) Not later than January 1, 2002, the tax commissioner 3439  
shall certify to the department of education the tax value loss 3440  
determined under divisions (D) and (E) of this section for each 3441  
taxing district, the fixed-rate levy loss calculated under 3442  
division (G) of this section, and the fixed-sum levy loss 3443  
calculated under division (H) of this section. The calculations 3444  
under divisions (G) and (H) of this section shall separately 3445  
display the levy loss for each levy eligible for reimbursement. 3446

(K) Not later than September 1, 2001, the tax commissioner 3447  
shall certify the amount of the fixed-sum levy loss to the 3448  
county auditor of each county in which a school district with a 3449  
fixed-sum levy loss has territory. 3450

**Section 2.** That existing sections 3301.0711, 3301.0714, 3451  
3301.163, 3302.036, 3302.10, 3310.51, 3317.03, 3365.07, and 3452  
5727.84 and sections 3310.01, 3310.02, 3310.03, 3310.031, 3453  
3310.032, 3310.035, 3310.04, 3310.05, 3310.06, 3310.07, 3310.08, 3454  
3310.09, 3310.10, 3310.11, 3310.12, 3310.13, 3310.14, 3310.15, 3455  
3310.16, 3310.17, 3313.974, 3313.975, 3313.976, 3313.977, 3456  
3313.978, and 3313.979 of the Revised Code are hereby repealed. 3457

**Section 3.** Sections 1 and 2 of this act take effect on 3458  
July 1, 2018. 3459

**Section 4.** Notwithstanding anything to the contrary in the 3460  
Revised Code: 3461

(A) The Department of Education shall begin preparations 3462

to implement the Opportunity Scholarship Program established by 3463  
sections 3310.01 to 3310.17 of the Revised Code so that a 3464  
scholarship can be used beginning with the 2018-2019 school 3465  
year. 3466

(B) The rules required to be adopted under sections 3467  
3310.06 and 3310.17 of the Revised Code shall be adopted so that 3468  
they are implemented beginning with the 2018-2019 school year. 3469

**Section 5.** The General Assembly, applying the principle 3470  
stated in division (B) of section 1.52 of the Revised Code that 3471  
amendments are to be harmonized if reasonably capable of 3472  
simultaneous operation, finds that the following sections, 3473  
presented in this act as composites of the sections as amended 3474  
by the acts indicated, are the resulting versions of the 3475  
sections in effect prior to the effective date of the sections 3476  
as presented in this act: 3477

Section 3302.036 of the Revised Code as amended by both 3478  
Am. Sub. H.B. 64 and Am. Sub. S.B. 70 of the 131st General 3479  
Assembly. 3480

Section 3317.03 of the Revised Code as amended by both 3481  
Sub. H.B. 113 and Sub. H.B. 158 of the 131st General Assembly. 3482