

As Introduced

132nd General Assembly

Regular Session

2017-2018

S. B. No. 85

Senator Huffman

Cosponsors: Senators Terhar, Bacon, Coley, Uecker

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 48

Revised Code twice annually to all students in the third grade	49
who have not attained the score designated for that assessment	50
under division (A) (2) (c) of section 3301.0710 of the Revised	51
Code.	52
(2) Administer the mathematics assessment prescribed under	53
division (A) (1) (a) of section 3301.0710 of the Revised Code at	54
least once annually to all students in the third grade.	55
(3) Administer the assessments prescribed under division	56
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	57
annually to all students in the fourth grade.	58
(4) Administer the assessments prescribed under division	59
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	60
annually to all students in the fifth grade.	61
(5) Administer the assessments prescribed under division	62
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	63
annually to all students in the sixth grade.	64
(6) Administer the assessments prescribed under division	65
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	66
annually to all students in the seventh grade.	67
(7) Administer the assessments prescribed under division	68
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	69
annually to all students in the eighth grade.	70
(8) Except as provided in division (B) (9) of this section,	71
administer any assessment prescribed under division (B) (1) of	72
section 3301.0710 of the Revised Code as follows:	73
(a) At least once annually to all tenth grade students and	74
at least twice annually to all students in eleventh or twelfth	75
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 106

Revised Code. 107

(11) (a) Except as provided in division (B) (11) (b) of this 108
section, administer the assessments prescribed by division (B) 109
(2) of section 3301.0710 and section 3301.0712 of the Revised 110
Code in accordance with the timeline and plan for implementation 111
of those assessments prescribed by rule of the state board 112
adopted under division (D) (1) of section 3301.0712 of the 113
Revised Code; 114

(b) A student who has presented evidence to the district 115
or school of having satisfied the condition prescribed by 116
division (A) (1) of section 3313.618 of the Revised Code to 117
qualify for a high school diploma prior to the date of the 118
administration of the assessment prescribed under division (B) 119
(1) of section 3301.0712 of the Revised Code shall not be 120
required to take that assessment. However, no board shall 121
prohibit a student who is not required to take such assessment 122
from taking the assessment. 123

(C) (1) (a) In the case of a student receiving special 124
education services under Chapter 3323. of the Revised Code, the 125
individualized education program developed for the student under 126
that chapter shall specify the manner in which the student will 127
participate in the assessments administered under this section, 128
except that a student with significant cognitive disabilities to 129
whom an alternate assessment is administered in accordance with 130
division (C) (1) of this section and a student determined to have 131
a disability that includes an intellectual disability as 132
outlined in guidance issued by the department shall not be 133
required to take the assessment prescribed under division (B) (1) 134
of section 3301.0712 of the Revised Code. The individualized 135
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 English language arts assessment.

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

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

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

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

(D) (1) In the school year next succeeding the school year in which the assessments prescribed by division (A) (1) or (B) (1) of section 3301.0710 of the Revised Code or former division (A) (1), (A) (2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any

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 student is attending or is not attending the school under a state scholarship program, the student shall do one of the following:

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

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

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

(b) A student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic 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. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment.

(M) (1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall

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 public record.

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

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

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

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

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

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

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

(P) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(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.

(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.

(4) "State scholarship programs" means the ~~educational-choice opportunity scholarship pilot~~ program 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, and the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, ~~and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.~~

Sec. 3301.0714. (A) The state board of education shall adopt rules for a statewide education management information system. The rules shall require the state board to establish

guidelines for the establishment and maintenance of the system 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 663
Code; 664

(g) Attendance rates and the average daily attendance for 665
the year. For purposes of this division, a student shall be 666
counted as present for any field trip that is approved by the 667
school administration. 668

(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 673
number of carnegie units, as calculated in accordance with state 674
board of education rules; 675

(m) Graduation rates, to be calculated in a manner 676
specified by the department of education that reflects the rate 677
at which students who were in the ninth grade three years prior 678
to the current year complete school and that is consistent with 679
nationally accepted reporting requirements; 680

(n) Results of diagnostic assessments administered to 681
kindergarten students as required under section 3301.0715 of the 682
Revised Code to permit a comparison of the academic readiness of 683
kindergarten students. However, no district shall be required to 684
report to the department the results of any diagnostic 685
assessment administered to a kindergarten student, except for 686
the language and reading assessment described in division (A) (2) 687
of section 3301.0715 of the Revised Code, if the parent of that 688
student requests the district not to report those results. 689

(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 750
whole. The guidelines shall require the cost units under this 751
division (C) (1) to be designed so that each of them may be 752

compiled and reported in terms of average expenditure per pupil 753
in formula ADM in the school district, as determined pursuant to 754
section 3317.03 of the Revised Code. 755

(2) Administrative costs for each school building in the 756
school district. The guidelines shall require the cost units 757
under this division (C) (2) to be designed so that each of them 758
may be compiled and reported in terms of average expenditure per 759
full-time equivalent pupil receiving instructional or support 760
services in each building. 761

(3) Instructional services costs for each category of 762
instructional service provided directly to students and required 763
by guidelines adopted pursuant to division (B) (1) (a) of this 764
section. The guidelines shall require the cost units under 765
division (C) (3) of this section to be designed so that each of 766
them may be compiled and reported in terms of average 767
expenditure per pupil receiving the service in the school 768
district as a whole and average expenditure per pupil receiving 769
the service in each building in the school district and in terms 770
of a total cost for each category of service and, as a breakdown 771
of the total cost, a cost for each of the following components: 772

(a) The cost of each instructional services category 773
required by guidelines adopted under division (B) (1) (a) of this 774
section that is provided directly to students by a classroom 775
teacher; 776

(b) The cost of the instructional support services, such 777
as services provided by a speech-language pathologist, classroom 778
aide, multimedia aide, or librarian, provided directly to 779
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 1073
Chapter 119. of the Revised Code to implement division (L) of 1074
this section. 1075

(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~~ opportunity scholarship ~~pilot~~ program, prescribed in sections 3310.01 to 3310.17, ~~or the pilot project scholarship program~~

~~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 capacity of schools to deliver a high-quality education for students. Any accelerator shall be an independent entity and the chief executive officer shall have no authority over the	1293 1294 1295 1296 1297 1298 1299 1300 1301 1302 1303 1304 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

(0) 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 the Revised Code. 1634
1635

(D) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 1636
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(E) "School year" has the same meaning as in section 3313.62 of the Revised Code. 1639
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(F) "Formula amount" and "state education aid" have the same meanings as in section 3317.02 of the Revised Code. 1641
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(G) "Sibling" means a brother, half-brother, sister, or half-sister, by birth, adoption, or marriage, without regard to residence or custodial status. 1643
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(H) "Eligible institution of higher education" means a "state institution of higher education" as defined in section 3345.011 of the Revised Code and a "private college" as defined in section 3365.01 of the Revised Code that is physically located in this state. 1646
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Sec. 3310.02. The opportunity scholarship program is hereby established. Beginning with the 2018-2019 school year, the department of education annually shall pay scholarships to attend chartered nonpublic schools in accordance with section 3310.08 of the Revised Code. 1651
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The scholarship shall be used to pay all or part of the cost of tuition and fees for the student to attend a chartered nonpublic school, and any remainder of the scholarship amount shall be credited to an education savings account established for the student under section 3310.10 of the Revised Code. The student may use the moneys credited to the education savings account for the purposes prescribed by section 3310.17 of the 1656
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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 chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences. 1692
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(3) The student is not disqualified by the auditor of state under division (G) of section 3310.17 of the Revised Code. 1696
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(4) Except for a student who meets the condition prescribed under division (A)(2) of this section, the student's family income does not exceed four hundred per cent of the federal poverty guidelines. 1698
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Sec. 3310.04. Any eligible student who is enrolled in a chartered nonpublic school and for whom a scholarship under the opportunity scholarship program has been awarded shall be entitled to transportation to and from the chartered nonpublic school by the student's resident district in the manner prescribed in section 3327.01 of the Revised Code. 1702
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Sec. 3310.06. The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for the administration of the opportunity scholarship program. 1708
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The state board and the department of education shall not require chartered nonpublic schools to comply with any education laws or rules or other requirements that are not specified in sections 3310.01 to 3310.17 of the Revised Code or in rules necessary for the administration of the program, adopted under this section, that otherwise would not apply to a chartered nonpublic school. 1712
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Sec. 3310.07. Any parent, or any student who is at least eighteen years of age, who is seeking a scholarship under the 1719
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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 1775
cent of the federal poverty guidelines, the student shall 1776
receive a scholarship in the amount of fifty per cent of the 1777

full scholarship amount. 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
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(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
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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
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(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
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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
which the student is entitled including discounts for siblings
in the same school or discounts for the child of a school
employee. The tuition and fees charged by a chartered nonpublic
school shall be uniformly imposed on similarly situated 1800
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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 assessments prescribed under sections 3301.0710 and 3301.0712 of the Revised Code, as required by section 3310.14 of the Revised Code, the department shall provide to each chartered nonpublic school that enrolls a scholarship student the data verification code for that student. 1836
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(D) The department and each chartered nonpublic school that receives a data verification code under this section shall not release that code to any person except as provided by law. 1842
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Any document relative to this program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code. 1845
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Sec. 3310.12. Except as provided in division (D) of section 3310.11 of the Revised Code, documents relative to the opportunity scholarship program that the department of education holds in its files are public records under section 149.43 of the Revised Code and may be released pursuant to that section subject to the provisions of section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended. 1850
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Sec. 3310.13. (A) A chartered nonpublic school may charge any student who receives an opportunity scholarship up to the difference between the amount of the scholarship and the regular tuition charge and uniformly imposed fees of the school. Each chartered nonpublic school may permit such an eligible student's family to provide volunteer services in lieu of cash payment to pay all or part of the amount of the school's tuition not covered by the scholarship paid under section 3310.08 of the 1858
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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 Code shall not be required to administer the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code. 1895
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Sec. 3310.15. (A) The department of education annually shall compile the scores attained by scholarship students to whom an assessment is administered under section 3310.14 of the Revised Code. The scores shall be aggregated as follows: 1899
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(1) By state, which shall include all students awarded a scholarship under the opportunity scholarship program and who were required to take an assessment under section 3310.14 of the Revised Code; 1903
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(2) By school district, which shall include all scholarship students who were required to take an assessment under section 3310.14 of the Revised Code and for whom the district is the student's resident district; 1907
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(3) By chartered nonpublic school, which shall include all scholarship students enrolled in that school who were required to take an assessment under section 3310.14 of the Revised Code. 1911
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(B) The department shall disaggregate the student performance data described in division (A) of this section according to the following categories: 1914
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(1) Grade level; 1917

(2) Race and ethnicity; 1918

(3) Gender; 1919

(4) Students who have participated in the scholarship program for three or more years; 1920
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- (5) Students who have participated in the scholarship program for more than one year and less than three years; 1922
1923
- (6) Students who have participated in the scholarship program for one year or less; 1924
1925
- (7) Economically disadvantaged students. 1926
- (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. 1927
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- (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: 1940
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1943
- (1) A score that is at least one standard error of measure above the mean score shall be designated as "above average progress." 1944
1945
1946
- (2) A score that is between one standard error of measure above the mean score and one standard error of measure below the mean score shall be designated as "average progress." 1947
1948
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

(C) (1) Moneys credited to a student's account shall be 2005
disbursed to the student's parent or the student, if the student 2006
is at least eighteen years of age, for use for any of the 2007
following: 2008

(a) Tuition and fees at a chartered nonpublic school; 2009

<u>(b) Textbooks required by a chartered nonpublic school;</u>	2010
<u>(c) Payment for a tutor or tutoring services, as approved by the department;</u>	2011 2012
<u>(d) Payment for a private online learning program and any associated fees, as approved by the department;</u>	2013 2014
<u>(e) Costs related to advanced standing programs prescribed under section 3313.6013 of the Revised Code and any examinations administered under such programs;</u>	2015 2016 2017
<u>(f) Courses offered by a school district, as approved by the district board, for which the district is authorized to charge tuition or fees;</u>	2018 2019 2020
<u>(g) Tuition and fees at an eligible institution of higher education;</u>	2021 2022
<u>(h) Textbooks required for courses at an eligible institution of higher education.</u>	2023 2024
<u>(2) A student who uses moneys from an education savings account for any of the purposes prescribed under division (C) (1) of this section shall be provided a receipt of the goods or services. The student's parent or the student, if at least eighteen years of age, shall retain copies of receipts for at least five years.</u>	2025 2026 2027 2028 2029 2030
<u>(D) The department shall maintain each education savings account as long as there are moneys credited to the student in the account unless any of the following occurs:</u>	2031 2032 2033
<u>(1) The student reaches twenty-five years of age.</u>	2034
<u>(2) The student dies before reaching twenty-five years of age.</u>	2035 2036

<u>(3) The student is no longer a resident of this state.</u>	2037
<u>(4) The student enrolls in a primary or secondary school that is not located in this state.</u>	2038
	2039
<u>(5) The student or the student's parent uses the funds from the education savings account for a purpose other than the expenses prescribed in this section.</u>	2040
	2041
	2042
<u>(E) Moneys still credited to a student's account upon the occurrence of any of the conditions described in division (D) of this section shall be transferred to the department of education for opportunity scholarship program oversight and parental outreach.</u>	2043
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<u>(F) At least annually, the treasurer of state shall report to the governor and the general assembly, in accordance with section 101.68 of the Revised Code, the total amount of interest credited to the department of education under division (B) (2) of this section and the total amount of moneys from students' education savings accounts transferred to the department under division (E) of this section.</u>	2048
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<u>(G) The auditor of state may conduct audits of any student's education savings account, and annually shall conduct random audits of students' education savings accounts. If the auditor finds that the student or student's parent used the funds from the education savings account for a purpose other than the expenses prescribed in this section, the auditor may do the following:</u>	2055
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<u>(1) Disqualify the student from participation in the opportunity scholarship program. If a student is disqualified, the student's education savings account shall be forfeited to the state.</u>	2062
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(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~~+~~. Division (A) (2) (b)
of this section does not apply after July 1, 2018. 2222
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 2232
Revised Code; 2233

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

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

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

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

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

(i) A science, technology, engineering, and mathematics 2249
school established under Chapter 3326. of the Revised Code, 2250
including any participation in a college pursuant to Chapter 2251
3365. of the Revised Code while enrolled in the school; 2252

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

(3) The department also shall compile a list of the 2257
students entitled to attend school in the district under section 2258
3313.64 or 3313.65 of the Revised Code who are enrolled in a 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 2289
Revised Code who are: 2290

(a) Participating in a pilot project scholarship program 2291
established under former sections 3313.974 to 3313.979 of the 2292
Revised Code as described in division (I) (2) (a) or (b) of this 2293
section~~†~~. Division (B) (3) (a) of this section does not apply 2294
after July 1, 2018. 2295

(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;	2296 2297 2298 2299 2300 2301 2302
(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;	2303 2304
(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;	2305 2306 2307 2308 2309 2310
(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;	2311 2312 2313 2314
(f) Enrolled in a chartered nonpublic school with a <u>an</u> <u>educational choice</u> scholarship paid under <u>former</u> section 3310.08 of the Revised Code and who qualified for the scholarship under <u>former</u> section 3310.03 of the Revised Code 7. Division (B) (3) (f) of this section does not apply after July 1, 2018.	2315 2316 2317 2318 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	2324

alternative public provider or a registered private provider	2325
with a scholarship awarded under section 3310.41 of the Revised	2326
Code;	2327
(i) Participating in a program operated by a county board	2328
of developmental disabilities or a state institution;	2329
(j) Enrolled in a science, technology, engineering, and	2330
mathematics school established under Chapter 3326. of the	2331
Revised Code, including any participation in a college pursuant	2332
to Chapter 3365. of the Revised Code while enrolled in the	2333
school;	2334
(k) Enrolled in a college-preparatory boarding school	2335
established under Chapter 3328. of the Revised Code, including	2336
any participation in a college pursuant to Chapter 3365. of the	2337
Revised Code while enrolled in the school;	2338
(l) Enrolled in an alternative public provider or a	2339
registered private provider with a scholarship awarded under	2340
sections 3310.51 to 3310.64 of the Revised Code.	2341
(4) The total enrollment of pupils in joint vocational	2342
schools;	2343
(5) The combined enrollment of children with disabilities	2344
reported under division (A) (1) or (2) of this section receiving	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 2406
Code, operated by the school district or another school district 2407
that is a member of the district's career-technical planning 2408
district, other than a joint vocational school district, or by 2409
an educational service center, notwithstanding division (G) of 2410
section 3317.02 of the Revised Code and division (C) (3) of this 2411
section; 2412

(13) The enrollment of pupils reported under division (A) 2413

(1) or (2) of this section on a full-time equivalency basis in 2414
category three career-technical education programs or services, 2415
described in division (C) of section 3317.014 of the Revised 2416
Code, operated by the school district or another school district 2417
that is a member of the district's career-technical planning 2418
district, other than a joint vocational school district, or by 2419
an educational service center, notwithstanding division (G) of 2420
section 3317.02 of the Revised Code and division (C) (3) of this 2421
section; 2422

(14) The enrollment of pupils reported under division (A) 2423
(1) or (2) of this section on a full-time equivalency basis in 2424
category four career-technical education programs or services, 2425
described in division (D) of section 3317.014 of the Revised 2426
Code, operated by the school district or another school district 2427
that is a member of the district's career-technical planning 2428
district, other than a joint vocational school district, or by 2429
an educational service center, notwithstanding division (G) of 2430
section 3317.02 of the Revised Code and division (C) (3) of this 2431
section; 2432

(15) The enrollment of pupils reported under division (A) 2433
(1) or (2) of this section on a full-time equivalency basis in 2434
category five career-technical education programs or services, 2435
described in division (E) of section 3317.014 of the Revised 2436
Code, operated by the school district or another school district 2437
that is a member of the district's career-technical planning 2438
district, other than a joint vocational school district, or by 2439
an educational service center, notwithstanding division (G) of 2440
section 3317.02 of the Revised Code and division (C) (3) of this 2441
section; 2442

(16) The enrollment of pupils reported under division (A) 2443

(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;	2444 2445 2446 2447 2448
(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;	2449 2450 2451 2452 2453 2454
(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;	2455 2456 2457 2458 2459 2460
(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;	2461 2462 2463 2464
(20) (a) The number of children, other than preschool children with disabilities, the district placed with a county board of developmental disabilities in fiscal year 1998. Division (B) (20) (a) of this section does not apply after fiscal year 2013.	2465 2466 2467 2468 2469
(b) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to	2470 2471 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	2611
services for the category five disabilities described in	2612
division (E) of section 3317.013 of the Revised Code;	2613
(g) Children with disabilities receiving special education	2614
services for category six disabilities described in division (F)	2615
of section 3317.013 of the Revised Code;	2616
(h) Students receiving category one career-technical	2617
education services, described in division (A) of section	2618

3317.014 of the Revised Code;	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 defined by the department. A student shall not be categorically excluded from the number reported under division (D) (2) (p) of this section based on anything other than family income.	2638 2639 2640 2641
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	2642 2643 2644 2645 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 2726
Peterson special needs scholarship program is not included in 2727
the formula ADM of the school district from which the department 2728
deducts funds for the scholarship under section 3310.55 of the 2729
Revised Code, the department shall adjust the formula ADM of 2730
that school district to include the student to the extent 2731
necessary to account for the deduction, and shall recalculate 2732
the school district's payments under this chapter for the entire 2733
fiscal year on the basis of that adjusted formula ADM. 2734

(G) (1) (a) The superintendent of an institution operating a 2735

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 enrollment in those units, in the manner prescribed by the superintendent of public instruction.

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

(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 2845
amount as follows: 2846

(i) For a participant enrolled in a college course 2847
delivered on the college campus, at another location operated by 2848
the college, or online, the default ceiling amount; 2849

(ii) For a participant enrolled in a college course 2850
delivered at the participant's secondary school but taught by 2851
college faculty, fifty per cent of the default ceiling amount; 2852

(iii) For a participant enrolled in a college course 2853
delivered at the participant's secondary school and taught by a 2854
high school teacher who has met the credential requirements 2855
established for purposes of the program in rules adopted by the 2856
chancellor, the default floor amount. 2857

(b) The participant's secondary school shall pay for 2858
textbooks, and the college shall waive payment of all other fees 2859
related to participation in the program. 2860

(2) The governing entity of a participant's secondary 2861
school and the college may enter into an agreement to establish 2862
an alternative payment structure for tuition, textbooks, and 2863
fees. Under such an agreement, payments for each participant 2864
made by the department shall be not less than the default floor 2865
amount, unless approved by the chancellor, and not more than the 2866
default ceiling amount. The chancellor shall approve an 2867
agreement that includes a payment below the default floor 2868
amount, as long as the provisions of the agreement comply with 2869
all other requirements of this chapter to ensure program 2870
quality. If no agreement is entered into under division (A) (2) 2871
of this section, both of the following shall apply: 2872

(a) The department shall pay to the college the applicable 2873
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 in a private college:	2883 2884
(1) If no agreement has been entered into under division (B) (2) of this section, the department shall pay to the college the applicable amount calculated in the same manner as in division (A) (1) (a) of this section.	2885 2886 2887 2888
(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 shall be not less than the default floor amount, unless approved by the chancellor, and not more than the default ceiling amount.	2889 2890 2891 2892 2893 2894
If an agreement is entered into under division (B) (2) of this section, both of the following shall apply:	2895 2896
(a) The department shall make a payment to the college for each participant that is equal to the default floor amount, unless approved by the chancellor to pay an amount below the default floor 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.	2897 2898 2899 2900 2901 2902 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	2910
under division (B) (2) of this section exceed the default ceiling	2911
amount;	2912
(ii) The amount charged to a participant under division	2913
(B) (2) of this section exceed the difference between the maximum	2914
per participant charge amount and the default floor amount;	2915
(iii) The sum of the payments made by the department for a	2916
participant and the amount charged to that participant under	2917
division (B) (2) of this section exceed the following amounts, as	2918
applicable:	2919
(I) For a participant enrolled in a college course	2920
delivered on the college campus, at another location operated by	2921
the college, or online, the maximum per participant charge	2922
amount;	2923
(II) For a participant enrolled in a college course	2924
delivered at the participant's secondary school but taught by	2925
college faculty, one hundred twenty-five dollars;	2926
(III) For a participant enrolled in a college course	2927
delivered at the participant's secondary school and taught by a	2928
high school teacher who has met the credential requirements	2929
established for purposes of the program in rules adopted by the	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 participants, nonchartered nonpublic secondary school participants, and home-instructed participants under this section shall be deducted from moneys appropriated by the general assembly for such purpose. Payments shall be allocated and distributed in accordance with rules adopted by the chancellor, in consultation with the state superintendent, pursuant to division (A) of section 3365.071 of the Revised Code. 2999
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(G) Any public college that enrolls a student under division (B) of section 3365.06 of the Revised Code may include that student in the calculation used to determine its state share of instruction funds appropriated to the department of higher education by the general assembly. 3008
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Sec. 5727.84. No determinations, computations, certifications, or payments shall be made under this section after June 30, 2015. 3013
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(A) As used in this section and sections 5727.85, 5727.86, and 5727.87 of the Revised Code: 3016
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(1) "School district" means a city, local, or exempted village school district. 3018
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(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code. 3020
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(3) "Local taxing unit" means a subdivision or taxing unit, as defined in section 5705.01 of the Revised Code, a park 3026
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 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 Code, excluding any such payments received for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "2010 S.B. 3 allocation" used to compute payments to be made under division (A) (1) (d) or (e) of section 5727.86 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy.

(20) "Total S.B. 3 allocation" means, in the case of a school district or joint vocational school district, the sum of the payments received in fiscal year 2011 pursuant to divisions (C) (2) and (D) of section 5727.85 of the Revised Code. In the case of a local taxing unit, "total S.B. 3 allocation" means the sum of payments received by the unit in calendar year 2010 pursuant to divisions (A) (1) and (4) of section 5727.86 of the Revised Code, excluding any such payments received for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "total S.B. 3 allocation" used to compute payments to be made under division (C) (3) of section 5727.85 or division (A) (1) (d) or (e) of section 5727.86 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that those payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (C) (2) of section 5727.85 or division (A) (1) (b) of section 5727.86 of the Revised Code.

(21) "2011 non-current expense S.B. 3 allocation" means the difference of a school district's or joint vocational school

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

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

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

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

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

(a) The value of electric company tangible personal 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 132nd 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 132nd General Assembly. 3482