

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

H. B. No. 122

Representative Koehler

Cosponsors: Representatives Stein, Merrin, Riedel

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

(4) Beginning with the 2019-2020 school year, a school 324
district, other public school, or chartered nonpublic school may 325
administer the third-grade English language arts or mathematics 326
assessment, or both, in a paper format in any school year for 327
which the district board of education or school governing body 328
adopts a resolution indicating that the district or school 329
chooses to administer the assessment in a paper format. The 330
board or governing body shall submit a copy of the resolution to 331
the department of education not later than the first day of May 332
prior to the school year for which it will apply. If the 333
resolution is submitted, the district or school shall administer 334
the assessment in a paper format to all students in the third 335
grade, except that any student whose individualized education 336
program or plan developed under section 504 of the 337
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 338
amended, specifies that taking the assessment in an online 339
format is an appropriate accommodation for the student may take 340
the assessment in an online format. 341

(H) Individual scores on any assessments administered 342
under this section shall be released by a district board only in 343

accordance with section 3319.321 of the Revised Code and the 344
rules adopted under division (A) of this section. No district 345
board or its employees shall utilize individual or aggregate 346
results in any manner that conflicts with rules for the ethical 347
use of assessments adopted pursuant to division (A) of this 348
section. 349

(I) Except as provided in division (G) of this section, 350
the department or an entity with which the department contracts 351
for the scoring of the assessment shall not release any 352
individual scores on any assessment administered under this 353
section. The state board shall adopt rules to ensure the 354
protection of student confidentiality at all times. The rules 355
may require the use of the data verification codes assigned to 356
students pursuant to division (D)(2) of section 3301.0714 of the 357
Revised Code to protect the confidentiality of student scores. 358

(J) Notwithstanding division (D) of section 3311.52 of the 359
Revised Code, this section does not apply to the board of 360
education of any cooperative education school district except as 361
provided under rules adopted pursuant to this division. 362

(1) In accordance with rules that the state board shall 363
adopt, the board of education of any city, exempted village, or 364
local school district with territory in a cooperative education 365
school district established pursuant to divisions (A) to (C) of 366
section 3311.52 of the Revised Code may enter into an agreement 367
with the board of education of the cooperative education school 368
district for administering any assessment prescribed under this 369
section to students of the city, exempted village, or local 370
school district who are attending school in the cooperative 371
education school district. 372

(2) In accordance with rules that the state board shall 373

adopt, the board of education of any city, exempted village, or 374
local school district with territory in a cooperative education 375
school district established pursuant to section 3311.521 of the 376
Revised Code shall enter into an agreement with the cooperative 377
district that provides for the administration of any assessment 378
prescribed under this section to both of the following: 379

(a) Students who are attending school in the cooperative 380
district and who, if the cooperative district were not 381
established, would be entitled to attend school in the city, 382
local, or exempted village school district pursuant to section 383
3313.64 or 3313.65 of the Revised Code; 384

(b) Persons described in division (B) (8) (b) of this 385
section. 386

Any assessment of students pursuant to such an agreement 387
shall be in lieu of any assessment of such students or persons 388
pursuant to this section. 389

(K) (1) Except as otherwise provided in division (K) (1) or 390
(2) of this section, each chartered nonpublic school for which 391
at least sixty-five per cent of its total enrollment is made up 392
of students who are participating in state scholarship programs 393
shall administer the elementary assessments prescribed by 394
section 3301.0710 of the Revised Code. In accordance with 395
procedures and deadlines prescribed by the department, the 396
parent or guardian of a student enrolled in the school who is 397
not participating in a state scholarship program may submit 398
notice to the chief administrative officer of the school that 399
the parent or guardian does not wish to have the student take 400
the elementary assessments prescribed for the student's grade 401
level under division (A) of section 3301.0710 of the Revised 402
Code. If a parent or guardian submits an opt-out notice, the 403

school shall not administer the assessments to that student. 404
This option does not apply to any assessment required for a high 405
school diploma under section 3313.612 of the Revised Code. 406

(2) A chartered nonpublic school may submit to the 407
superintendent of public instruction a request for a waiver from 408
administering the elementary assessments prescribed by division 409
(A) of section 3301.0710 of the Revised Code. The state 410
superintendent shall approve or disapprove a request for a 411
waiver submitted under division (K) (2) of this section. No 412
waiver shall be approved for any school year prior to the 2015- 413
2016 school year. 414

To be eligible to submit a request for a waiver, a 415
chartered nonpublic school shall meet the following conditions: 416

(a) At least ninety-five per cent of the students enrolled 417
in the school are children with disabilities, as defined under 418
section 3323.01 of the Revised Code, or have received a 419
diagnosis by a school district or from a physician, including a 420
neuropsychiatrist or psychiatrist, or a psychologist who is 421
authorized to practice in this or another state as having a 422
condition that impairs academic performance, such as dyslexia, 423
dyscalculia, attention deficit hyperactivity disorder, or 424
Asperger's syndrome. 425

(b) The school has solely served a student population 426
described in division (K) (1) (a) of this section for at least ten 427
years. 428

(c) The school provides to the department at least five 429
years of records of internal testing conducted by the school 430
that affords the department data required for accountability 431
purposes, including diagnostic assessments and nationally 432

standardized norm-referenced achievement assessments that 433
measure reading and math skills. 434

(3) Any chartered nonpublic school that is not subject to 435
division (K)(1) of this section may participate in the 436
assessment program by administering any of the assessments 437
prescribed by division (A) of section 3301.0710 of the Revised 438
Code. The chief administrator of the school shall specify which 439
assessments the school will administer. Such specification shall 440
be made in writing to the superintendent of public instruction 441
prior to the first day of August of any school year in which 442
assessments are administered and shall include a pledge that the 443
nonpublic school will administer the specified assessments in 444
the same manner as public schools are required to do under this 445
section and rules adopted by the department. 446

(4) The department of education shall furnish the 447
assessments prescribed by section 3301.0710 of the Revised Code 448
to each chartered nonpublic school that is subject to division 449
(K)(1) of this section or participates under division (K)(3) of 450
this section. 451

(L) If a chartered nonpublic school is educating students 452
in grades nine through twelve, the following shall apply: 453

(1) Except as provided in division (L)(4) of this section, 454
for a student who is enrolled in a chartered nonpublic school 455
that is accredited through the independent schools association 456
of the central states and who is attending the school under a 457
state scholarship program, the student shall either take all of 458
the assessments prescribed by division (B) of section 3301.0712 459
of the Revised Code or take an alternative assessment approved 460
by the department under section 3313.619 of the Revised Code. 461
However, a student who is excused from taking an assessment 462

under division (C) of this section or has presented evidence to 463
the chartered nonpublic school of having satisfied the condition 464
prescribed by division (A) (1) of section 3313.618 of the Revised 465
Code to qualify for a high school diploma prior to the date of 466
the administration of the assessment prescribed under division 467
(B) (1) of section 3301.0712 of the Revised Code shall not be 468
required to take that assessment. No governing authority of a 469
chartered nonpublic school shall prohibit a student who is not 470
required to take such assessment from taking the assessment. 471

(2) For a student who is enrolled in a chartered nonpublic 472
school that is accredited through the independent schools 473
association of the central states, and who is not attending the 474
school under a state scholarship program, the student shall not 475
be required to take any assessment prescribed under section 476
3301.0712 or 3313.619 of the Revised Code. 477

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 478
of this section, for a student who is enrolled in a chartered 479
nonpublic school that is not accredited through the independent 480
schools association of the central states, regardless of whether 481
the student is attending or is not attending the school under a 482
state scholarship program, the student shall do one of the 483
following: 484

(i) Take all of the assessments prescribed by division (B) 485
of section 3301.0712 of the Revised Code; 486

(ii) Take only the assessment prescribed by division (B) 487
(1) of section 3301.0712 of the Revised Code, provided that the 488
student's school publishes the results of that assessment for 489
each graduating class. The published results of that assessment 490
shall include the overall composite scores, mean scores, twenty- 491
fifth percentile scores, and seventy-fifth percentile scores for 492

each subject area of the assessment.	493
(iii) Take an alternative assessment approved by the	494
department under section 3313.619 of the Revised Code.	495
(b) A student who is excused from taking an assessment	496
under division (C) of this section or has presented evidence to	497
the chartered nonpublic school of having satisfied the condition	498
prescribed by division (A) (1) of section 3313.618 of the Revised	499
Code to qualify for a high school diploma prior to the date of	500
the administration of the assessment prescribed under division	501
(B) (1) of section 3301.0712 of the Revised Code shall not be	502
required to take that assessment. No governing authority of a	503
chartered nonpublic school shall prohibit a student who is not	504
required to take such assessment from taking the assessment.	505
(4) The assessments prescribed by sections 3301.0712 and	506
3313.619 of the Revised Code shall not be administered to any	507
student attending the school, if the school meets all of the	508
following conditions:	509
(a) At least ninety-five per cent of the students enrolled	510
in the school are children with disabilities, as defined under	511
section 3323.01 of the Revised Code, or have received a	512
diagnosis by a school district or from a physician, including a	513
neuropsychologist or psychiatrist, or a psychologist who is	514
authorized to practice in this or another state as having a	515
condition that impairs academic performance, such as dyslexia,	516
dyscalculia, attention deficit hyperactivity disorder, or	517
Asperger's syndrome.	518
(b) The school has solely served a student population	519
described in division (L) (4) (a) of this section for at least ten	520
years.	521

(c) The school makes available to the department at least 522
five years of records of internal testing conducted by the 523
school that affords the department data required for 524
accountability purposes, including growth in student achievement 525
in reading or mathematics, or both, as measured by nationally 526
norm-referenced assessments that have developed appropriate 527
standards for students. 528

Division (L) (4) of this section applies to any student 529
attending such school regardless of whether the student receives 530
special education or related services and regardless of whether 531
the student is attending the school under a state scholarship 532
program. 533

(M) (1) The superintendent of the state school for the 534
blind and the superintendent of the state school for the deaf 535
shall administer the assessments described by sections 3301.0710 536
and 3301.0712 of the Revised Code. Each superintendent shall 537
administer the assessments in the same manner as district boards 538
are required to do under this section and rules adopted by the 539
department of education and in conformity with division (C) (1) 540
(a) of this section. 541

(2) The department of education shall furnish the 542
assessments described by sections 3301.0710 and 3301.0712 of the 543
Revised Code to each superintendent. 544

(N) Notwithstanding division (E) of this section, a school 545
district may use a student's failure to attain a score in at 546
least the proficient range on the mathematics assessment 547
described by division (A) (1) (a) of section 3301.0710 of the 548
Revised Code or on an assessment described by division (A) (1) 549
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 550
Code as a factor in retaining that student in the current grade 551

level. 552

(O) (1) In the manner specified in divisions (O) (3), (4), 553
(6), and (7) of this section, the assessments required by 554
division (A) (1) of section 3301.0710 of the Revised Code shall 555
become public records pursuant to section 149.43 of the Revised 556
Code on the thirty-first day of July following the school year 557
that the assessments were administered. 558

(2) The department may field test proposed questions with 559
samples of students to determine the validity, reliability, or 560
appropriateness of questions for possible inclusion in a future 561
year's assessment. The department also may use anchor questions 562
on assessments to ensure that different versions of the same 563
assessment are of comparable difficulty. 564

Field test questions and anchor questions shall not be 565
considered in computing scores for individual students. Field 566
test questions and anchor questions may be included as part of 567
the administration of any assessment required by division (A) (1) 568
or (B) of section 3301.0710 and division (B) of section 569
3301.0712 of the Revised Code. 570

(3) Any field test question or anchor question 571
administered under division (O) (2) of this section shall not be 572
a public record. Such field test questions and anchor questions 573
shall be redacted from any assessments which are released as a 574
public record pursuant to division (O) (1) of this section. 575

(4) This division applies to the assessments prescribed by 576
division (A) of section 3301.0710 of the Revised Code. 577

(a) The first administration of each assessment, as 578
specified in former section 3301.0712 of the Revised Code, shall 579
be a public record. 580

(b) For subsequent administrations of each assessment 581
prior to the 2011-2012 school year, not less than forty per cent 582
of the questions on the assessment that are used to compute a 583
student's score shall be a public record. The department shall 584
determine which questions will be needed for reuse on a future 585
assessment and those questions shall not be public records and 586
shall be redacted from the assessment prior to its release as a 587
public record. However, for each redacted question, the 588
department shall inform each city, local, and exempted village 589
school district of the statewide academic standard adopted by 590
the state board under section 3301.079 of the Revised Code and 591
the corresponding benchmark to which the question relates. The 592
preceding sentence does not apply to field test questions that 593
are redacted under division (O) (3) of this section. 594

(c) The administrations of each assessment in the 2011- 595
2012, 2012-2013, and 2013-2014 school years shall not be a 596
public record. 597

(5) Each assessment prescribed by division (B) (1) of 598
section 3301.0710 of the Revised Code shall not be a public 599
record. 600

(6) (a) Except as provided in division (O) (6) (b) of this 601
section, for the administrations in the 2014-2015, 2015-2016, 602
and 2016-2017 school years, questions on the assessments 603
prescribed under division (A) of section 3301.0710 and division 604
(B) (2) of section 3301.0712 of the Revised Code and the 605
corresponding preferred answers that are used to compute a 606
student's score shall become a public record as follows: 607

(i) Forty per cent of the questions and preferred answers 608
on the assessments on the thirty-first day of July following the 609
administration of the assessment; 610

(ii) Twenty per cent of the questions and preferred 611
answers on the assessment on the thirty-first day of July one 612
year after the administration of the assessment; 613

(iii) The remaining forty per cent of the questions and 614
preferred answers on the assessment on the thirty-first day of 615
July two years after the administration of the assessment. 616

The entire content of an assessment shall become a public 617
record within three years of its administration. 618

The department shall make the questions that become a 619
public record under this division readily accessible to the 620
public on the department's web site. Questions on the spring 621
administration of each assessment shall be released on an annual 622
basis, in accordance with this division. 623

(b) No questions and corresponding preferred answers shall 624
become a public record under division (O) (6) of this section 625
after July 31, 2017. 626

(7) Division (O) (7) of this section applies to the 627
assessments prescribed by division (A) of section 3301.0710 and 628
division (B) (2) of section 3301.0712 of the Revised Code. 629

Beginning with the assessments administered in the spring 630
of the 2017-2018 school year, not less than forty per cent of 631
the questions on each assessment that are used to compute a 632
student's score shall be a public record. The department shall 633
determine which questions will be needed for reuse on a future 634
assessment and those questions shall not be public records and 635
shall be redacted from the assessment prior to its release as a 636
public record. However, for each redacted question, the 637
department shall inform each city, local, and exempted village 638
school district of the corresponding statewide academic standard 639

adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section.

(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.~~

(5) "Other public school" means a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. 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 in accordance with this section and the rules adopted under this section. The guidelines shall include:

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

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

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

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

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

(B) The guidelines adopted under this section shall require the data maintained in the education management

information system to include at least the following: 697

(1) Student participation and performance data, for each 698
grade in each school district as a whole and for each grade in 699
each school building in each school district, that includes: 700

(a) The numbers of students receiving each category of 701
instructional service offered by the school district, such as 702
regular education instruction, vocational education instruction, 703
specialized instruction programs or enrichment instruction that 704
is part of the educational curriculum, instruction for gifted 705
students, instruction for students with disabilities, and 706
remedial instruction. The guidelines shall require instructional 707
services under this division to be divided into discrete 708
categories if an instructional service is limited to a specific 709
subject, a specific type of student, or both, such as regular 710
instructional services in mathematics, remedial reading 711
instructional services, instructional services specifically for 712
students gifted in mathematics or some other subject area, or 713
instructional services for students with a specific type of 714
disability. The categories of instructional services required by 715
the guidelines under this division shall be the same as the 716
categories of instructional services used in determining cost 717
units pursuant to division (C) (3) of this section. 718

(b) The numbers of students receiving support or 719
extracurricular services for each of the support services or 720
extracurricular programs offered by the school district, such as 721
counseling services, health services, and extracurricular sports 722
and fine arts programs. The categories of services required by 723
the guidelines under this division shall be the same as the 724
categories of services used in determining cost units pursuant 725
to division (C) (4) (a) of this section. 726

(c) Average student grades in each subject in grades nine through twelve;	727 728
(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	729 730
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	731 732 733
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	734 735 736
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	737 738 739 740
(h) Expulsion rates;	741
(i) Suspension rates;	742
(j) Dropout rates;	743
(k) Rates of retention in grade;	744
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	745 746 747
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	748 749 750 751 752
(n) Results of diagnostic assessments administered to	753

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

~~(o) Beginning on the first day of July that next succeeds the effective date of this amendment 1, 2018, for each disciplinary action which is required to be reported under division (B) (4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.~~

Division (B) (1) (o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly.

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

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C) (3) of this section. The guidelines adopted under

this section shall require these categories of data to be 784
maintained for the school district as a whole and, wherever 785
applicable, for each grade in the school district as a whole, 786
for each school building as a whole, and for each grade in each 787
school building. 788

(b) The total number of employees and the number of full- 789
time equivalent employees providing each category of service 790
used pursuant to divisions (C) (4) (a) and (b) of this section, 791
and the total numbers of licensed employees and nonlicensed 792
employees and the numbers of full-time equivalent licensed 793
employees and nonlicensed employees providing each category used 794
pursuant to division (C) (4) (c) of this section. The guidelines 795
adopted under this section shall require these categories of 796
data to be maintained for the school district as a whole and, 797
wherever applicable, for each grade in the school district as a 798
whole, for each school building as a whole, and for each grade 799
in each school building. 800

(c) The total number of regular classroom teachers 801
teaching classes of regular education and the average number of 802
pupils enrolled in each such class, in each of grades 803
kindergarten through five in the district as a whole and in each 804
school building in the school district. 805

(d) The number of lead teachers employed by each school 806
district and each school building. 807

(3) (a) Student demographic data for each school district, 808
including information regarding the gender ratio of the school 809
district's pupils, the racial make-up of the school district's 810
pupils, the number of limited English proficient students in the 811
district, and an appropriate measure of the number of the school 812
district's pupils who reside in economically disadvantaged 813

households. The demographic data shall be collected in a manner 814
to allow correlation with data collected under division (B) (1) 815
of this section. Categories for data collected pursuant to 816
division (B) (3) of this section shall conform, where 817
appropriate, to standard practices of agencies of the federal 818
government. 819

(b) With respect to each student entering kindergarten, 820
whether the student previously participated in a public 821
preschool program, a private preschool program, or a head start 822
program, and the number of years the student participated in 823
each of these programs. 824

(4) Any data required to be collected pursuant to federal 825
law. 826

(C) The education management information system shall 827
include cost accounting data for each district as a whole and 828
for each school building in each school district. The guidelines 829
adopted under this section shall require the cost data for each 830
school district to be maintained in a system of mutually 831
exclusive cost units and shall require all of the costs of each 832
school district to be divided among the cost units. The 833
guidelines shall require the system of mutually exclusive cost 834
units to include at least the following: 835

(1) Administrative costs for the school district as a 836
whole. The guidelines shall require the cost units under this 837
division (C) (1) to be designed so that each of them may be 838
compiled and reported in terms of average expenditure per pupil 839
in formula ADM in the school district, as determined pursuant to 840
section 3317.03 of the Revised Code. 841

(2) Administrative costs for each school building in the 842

school district. The guidelines shall require the cost units 843
under this division (C) (2) to be designed so that each of them 844
may be compiled and reported in terms of average expenditure per 845
full-time equivalent pupil receiving instructional or support 846
services in each building. 847

(3) Instructional services costs for each category of 848
instructional service provided directly to students and required 849
by guidelines adopted pursuant to division (B) (1) (a) of this 850
section. The guidelines shall require the cost units under 851
division (C) (3) of this section to be designed so that each of 852
them may be compiled and reported in terms of average 853
expenditure per pupil receiving the service in the school 854
district as a whole and average expenditure per pupil receiving 855
the service in each building in the school district and in terms 856
of a total cost for each category of service and, as a breakdown 857
of the total cost, a cost for each of the following components: 858

(a) The cost of each instructional services category 859
required by guidelines adopted under division (B) (1) (a) of this 860
section that is provided directly to students by a classroom 861
teacher; 862

(b) The cost of the instructional support services, such 863
as services provided by a speech-language pathologist, classroom 864
aide, multimedia aide, or librarian, provided directly to 865
students in conjunction with each instructional services 866
category; 867

(c) The cost of the administrative support services 868
related to each instructional services category, such as the 869
cost of personnel that develop the curriculum for the 870
instructional services category and the cost of personnel 871
supervising or coordinating the delivery of the instructional 872

services category. 873

(4) Support or extracurricular services costs for each 874
category of service directly provided to students and required 875
by guidelines adopted pursuant to division (B)(1)(b) of this 876
section. The guidelines shall require the cost units under 877
division (C)(4) of this section to be designed so that each of 878
them may be compiled and reported in terms of average 879
expenditure per pupil receiving the service in the school 880
district as a whole and average expenditure per pupil receiving 881
the service in each building in the school district and in terms 882
of a total cost for each category of service and, as a breakdown 883
of the total cost, a cost for each of the following components: 884

(a) The cost of each support or extracurricular services 885
category required by guidelines adopted under division (B)(1)(b) 886
of this section that is provided directly to students by a 887
licensed employee, such as services provided by a guidance 888
counselor or any services provided by a licensed employee under 889
a supplemental contract; 890

(b) The cost of each such services category provided 891
directly to students by a nonlicensed employee, such as 892
janitorial services, cafeteria services, or services of a sports 893
trainer; 894

(c) The cost of the administrative services related to 895
each services category in division (C)(4)(a) or (b) of this 896
section, such as the cost of any licensed or nonlicensed 897
employees that develop, supervise, coordinate, or otherwise are 898
involved in administering or aiding the delivery of each 899
services category. 900

(D)(1) The guidelines adopted under this section shall 901

require school districts to collect information about individual 902
students, staff members, or both in connection with any data 903
required by division (B) or (C) of this section or other 904
reporting requirements established in the Revised Code. The 905
guidelines may also require school districts to report 906
information about individual staff members in connection with 907
any data required by division (B) or (C) of this section or 908
other reporting requirements established in the Revised Code. 909
The guidelines shall not authorize school districts to request 910
social security numbers of individual students. The guidelines 911
shall prohibit the reporting under this section of a student's 912
name, address, and social security number to the state board of 913
education or the department of education. The guidelines shall 914
also prohibit the reporting under this section of any personally 915
identifiable information about any student, except for the 916
purpose of assigning the data verification code required by 917
division (D)(2) of this section, to any other person unless such 918
person is employed by the school district or the information 919
technology center operated under section 3301.075 of the Revised 920
Code and is authorized by the district or technology center to 921
have access to such information or is employed by an entity with 922
which the department contracts for the scoring or the 923
development of state assessments. The guidelines may require 924
school districts to provide the social security numbers of 925
individual staff members and the county of residence for a 926
student. Nothing in this section prohibits the state board of 927
education or department of education from providing a student's 928
county of residence to the department of taxation to facilitate 929
the distribution of tax revenue. 930

(2) (a) The guidelines shall provide for each school 931
district or community school to assign a data verification code 932

that is unique on a statewide basis over time to each student 933
whose initial Ohio enrollment is in that district or school and 934
to report all required individual student data for that student 935
utilizing such code. The guidelines shall also provide for 936
assigning data verification codes to all students enrolled in 937
districts or community schools on the effective date of the 938
guidelines established under this section. The assignment of 939
data verification codes for other entities, as described in 940
division (D) (2) (d) of this section, the use of those codes, and 941
the reporting and use of associated individual student data 942
shall be coordinated by the department in accordance with state 943
and federal law. 944

School districts shall report individual student data to 945
the department through the information technology centers 946
utilizing the code. The entities described in division (D) (2) (d) 947
of this section shall report individual student data to the 948
department in the manner prescribed by the department. 949

(b) (i) Except as provided in sections 3301.941, 3310.11, 950
3310.42, 3310.63, ~~3313.978~~, and 3317.20 of the Revised Code, and 951
in division (D) (2) (b) (ii) of this section, at no time shall the 952
state board or the department have access to information that 953
would enable any data verification code to be matched to 954
personally identifiable student data. 955

(ii) For the purpose of making per-pupil payments to 956
community schools under division (C) of section 3314.08 of the 957
Revised Code, the department shall have access to information 958
that would enable any data verification code to be matched to 959
personally identifiable student data. 960

(c) Each school district and community school shall ensure 961
that the data verification code is included in the student's 962

records reported to any subsequent school district, community 963
school, or state institution of higher education, as defined in 964
section 3345.011 of the Revised Code, in which the student 965
enrolls. Any such subsequent district or school shall utilize 966
the same identifier in its reporting of data under this section. 967

(d) The director of any state agency that administers a 968
publicly funded program providing services to children who are 969
younger than compulsory school age, as defined in section 970
3321.01 of the Revised Code, including the directors of health, 971
job and family services, mental health and addiction services, 972
and developmental disabilities, shall request and receive, 973
pursuant to sections 3301.0723 and 5123.0423 of the Revised 974
Code, a data verification code for a child who is receiving 975
those services. 976

(E) The guidelines adopted under this section may require 977
school districts to collect and report data, information, or 978
reports other than that described in divisions (A), (B), and (C) 979
of this section for the purpose of complying with other 980
reporting requirements established in the Revised Code. The 981
other data, information, or reports may be maintained in the 982
education management information system but are not required to 983
be compiled as part of the profile formats required under 984
division (G) of this section or the annual statewide report 985
required under division (H) of this section. 986

(F) Beginning with the school year that begins July 1, 987
1991, the board of education of each school district shall 988
annually collect and report to the state board, in accordance 989
with the guidelines established by the board, the data required 990
pursuant to this section. A school district may collect and 991
report these data notwithstanding section 2151.357 or 3319.321 992

of the Revised Code.	993
(G) The state board shall, in accordance with the	994
procedures it adopts, annually compile the data reported by each	995
school district pursuant to division (D) of this section. The	996
state board shall design formats for profiling each school	997
district as a whole and each school building within each	998
district and shall compile the data in accordance with these	999
formats. These profile formats shall:	1000
(1) Include all of the data gathered under this section in	1001
a manner that facilitates comparison among school districts and	1002
among school buildings within each school district;	1003
(2) Present the data on academic achievement levels as	1004
assessed by the testing of student achievement maintained	1005
pursuant to division (B)(1)(d) of this section.	1006
(H)(1) The state board shall, in accordance with the	1007
procedures it adopts, annually prepare a statewide report for	1008
all school districts and the general public that includes the	1009
profile of each of the school districts developed pursuant to	1010
division (G) of this section. Copies of the report shall be sent	1011
to each school district.	1012
(2) The state board shall, in accordance with the	1013
procedures it adopts, annually prepare an individual report for	1014
each school district and the general public that includes the	1015
profiles of each of the school buildings in that school district	1016
developed pursuant to division (G) of this section. Copies of	1017
the report shall be sent to the superintendent of the district	1018
and to each member of the district board of education.	1019
(3) Copies of the reports received from the state board	1020
under divisions (H)(1) and (2) of this section shall be made	1021

available to the general public at each school district's 1022
offices. Each district board of education shall make copies of 1023
each report available to any person upon request and payment of 1024
a reasonable fee for the cost of reproducing the report. The 1025
board shall annually publish in a newspaper of general 1026
circulation in the school district, at least twice during the 1027
two weeks prior to the week in which the reports will first be 1028
available, a notice containing the address where the reports are 1029
available and the date on which the reports will be available. 1030

(I) Any data that is collected or maintained pursuant to 1031
this section and that identifies an individual pupil is not a 1032
public record for the purposes of section 149.43 of the Revised 1033
Code. 1034

(J) As used in this section: 1035

(1) "School district" means any city, local, exempted 1036
village, or joint vocational school district and, in accordance 1037
with section 3314.17 of the Revised Code, any community school. 1038
As used in division (L) of this section, "school district" also 1039
includes any educational service center or other educational 1040
entity required to submit data using the system established 1041
under this section. 1042

(2) "Cost" means any expenditure for operating expenses 1043
made by a school district excluding any expenditures for debt 1044
retirement except for payments made to any commercial lending 1045
institution for any loan approved pursuant to section 3313.483 1046
of the Revised Code. 1047

(K) Any person who removes data from the information 1048
system established under this section for the purpose of 1049
releasing it to any person not entitled under law to have access 1050

to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data. 1051
1052

(L) (1) In accordance with division (L) (2) of this section 1053
and the rules adopted under division (L) (10) of this section, 1054
the department of education may sanction any school district 1055
that reports incomplete or inaccurate data, reports data that 1056
does not conform to data requirements and descriptions published 1057
by the department, fails to report data in a timely manner, or 1058
otherwise does not make a good faith effort to report data as 1059
required by this section. 1060

(2) If the department decides to sanction a school 1061
district under this division, the department shall take the 1062
following sequential actions: 1063

(a) Notify the district in writing that the department has 1064
determined that data has not been reported as required under 1065
this section and require the district to review its data 1066
submission and submit corrected data by a deadline established 1067
by the department. The department also may require the district 1068
to develop a corrective action plan, which shall include 1069
provisions for the district to provide mandatory staff training 1070
on data reporting procedures. 1071

(b) Withhold up to ten per cent of the total amount of 1072
state funds due to the district for the current fiscal year and, 1073
if not previously required under division (L) (2) (a) of this 1074
section, require the district to develop a corrective action 1075
plan in accordance with that division; 1076

(c) Withhold an additional amount of up to twenty per cent 1077
of the total amount of state funds due to the district for the 1078
current fiscal year; 1079

- (d) Direct department staff or an outside entity to 1080
investigate the district's data reporting practices and make 1081
recommendations for subsequent actions. The recommendations may 1082
include one or more of the following actions: 1083
- (i) Arrange for an audit of the district's data reporting 1084
practices by department staff or an outside entity; 1085
- (ii) Conduct a site visit and evaluation of the district; 1086
- (iii) Withhold an additional amount of up to thirty per 1087
cent of the total amount of state funds due to the district for 1088
the current fiscal year; 1089
- (iv) Continue monitoring the district's data reporting; 1090
- (v) Assign department staff to supervise the district's 1091
data management system; 1092
- (vi) Conduct an investigation to determine whether to 1093
suspend or revoke the license of any district employee in 1094
accordance with division (N) of this section; 1095
- (vii) If the district is issued a report card under 1096
section 3302.03 of the Revised Code, indicate on the report card 1097
that the district has been sanctioned for failing to report data 1098
as required by this section; 1099
- (viii) If the district is issued a report card under 1100
section 3302.03 of the Revised Code and incomplete or inaccurate 1101
data submitted by the district likely caused the district to 1102
receive a higher performance rating than it deserved under that 1103
section, issue a revised report card for the district; 1104
- (ix) Any other action designed to correct the district's 1105
data reporting problems. 1106

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

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

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

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

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

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

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

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

this section. 1167

(M) No information technology center or school district 1168
shall acquire, change, or update its student administration 1169
software package to manage and report data required to be 1170
reported to the department unless it converts to a student 1171
software package that is certified by the department. 1172

(N) The state board of education, in accordance with 1173
sections 3319.31 and 3319.311 of the Revised Code, may suspend 1174
or revoke a license as defined under division (A) of section 1175
3319.31 of the Revised Code that has been issued to any school 1176
district employee found to have willfully reported erroneous, 1177
inaccurate, or incomplete data to the education management 1178
information system. 1179

(O) No person shall release or maintain any information 1180
about any student in violation of this section. Whoever violates 1181
this division is guilty of a misdemeanor of the fourth degree. 1182

(P) The department shall disaggregate the data collected 1183
under division (B) (1) (n) of this section according to the race 1184
and socioeconomic status of the students assessed. 1185

(Q) If the department cannot compile any of the 1186
information required by division (H) of section 3302.03 of the 1187
Revised Code based upon the data collected under this section, 1188
the department shall develop a plan and a reasonable timeline 1189
for the collection of any data necessary to comply with that 1190
division. 1191

Sec. 3301.163. (A) ~~Beginning July 1, 2015, any~~ Any third- 1192
grade student who attends a chartered nonpublic school with a 1193
scholarship awarded under ~~either the educational choice~~ 1194
opportunity scholarship pilot program, prescribed in sections 1195

3310.01 to 3310.17, ~~or the pilot project scholarship program~~ 1196
~~prescribed in sections 3313.974 to 3313.979~~ of the Revised Code, 1197
shall be subject to the third-grade reading guarantee retention 1198
provisions under division (A) (2) of section 3313.608 of the 1199
Revised Code, including the exemptions prescribed by that 1200
division. For purposes of determining if a child with a 1201
disability is exempt from retention under this section, an 1202
individual services plan created for the child that has been 1203
reviewed by either the student's school district of residence or 1204
the school district in which the chartered nonpublic school is 1205
located and that specifies that the student is not subject to 1206
retention shall be considered in the same manner as an 1207
individualized education program or plan under section 504 of 1208
the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, 1209
as amended, as prescribed by division (A) (2) of section 3313.608 1210
of the Revised Code. 1211

As used in this section, "child with a disability" and 1212
"school district of residence" have the same meanings as in 1213
section 3323.01 of the Revised Code. 1214

(B) (1) Each chartered nonpublic school that enrolls 1215
students in any of grades kindergarten through three and that 1216
accepts students under the ~~educational choice opportunity~~ 1217
~~scholarship pilot program or the pilot project scholarship~~ 1218
~~program~~ shall adopt policies and procedures for the annual 1219
assessment of the reading skills of those students. Each school 1220
may use the diagnostic assessment to measure reading ability for 1221
the appropriate grade level prescribed in division (D) of 1222
section 3301.079 of the Revised Code. If the school uses such 1223
assessments, the department of education shall furnish them to 1224
the chartered nonpublic school. 1225

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

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

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

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

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

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

Sec. 3302.036. (A) Notwithstanding anything in the Revised Code to the contrary, the department of education shall not assign an overall letter grade under division (C) (3) of section 3302.03 of the Revised Code for any school district or building for the 2014-2015, 2015-2016, or 2016-2017 school years, may, at the discretion of the state board of education, not assign an individual grade to any component prescribed under division (C) (3) of section 3302.03 of the Revised Code, and shall not rank school districts, community schools established under Chapter

3314. of the Revised Code, or STEM schools established under 1255
Chapter 3326. of the Revised Code under section 3302.21 of the 1256
Revised Code for those school years. The report card ratings 1257
issued for the 2014-2015, 2015-2016, or 2016-2017 school years 1258
shall not be considered in determining whether a school district 1259
or a school is subject to sanctions or penalties. However, the 1260
report card ratings of any previous or subsequent years shall be 1261
considered in determining whether a school district or building 1262
is subject to sanctions or penalties. Accordingly, the report 1263
card ratings for the 2014-2015, 2015-2016, or 2016-2017 school 1264
years shall have no effect in determining sanctions or 1265
penalties, but shall not create a new starting point for 1266
determinations that are based on ratings over multiple years. 1267

(B) The provisions from which a district or school is 1268
exempt under division (A) of this section shall be the 1269
following: 1270

(1) Any restructuring provisions established under this 1271
chapter, except as required under the "No Child Left Behind Act 1272
of 2001"; 1273

(2) Provisions for the Columbus city school pilot project 1274
under section 3302.042 of the Revised Code; 1275

(3) Provisions for academic distress commissions under 1276
former section 3302.10 of the Revised Code as it existed prior 1277
~~to the effective date of this amendment~~ October 15, 2015. The 1278
provisions of this section do not apply to academic distress 1279
commissions under the version of that section as it exists on or 1280
~~after the effective date of this amendment~~ October 15, 2015. 1281

(4) Provisions prescribing new buildings where students 1282
are eligible for the educational choice scholarships under 1283

former section 3310.03 of the Revised Code; 1284

(5) Provisions defining "challenged school districts" in 1285
which new start-up community schools may be located, as 1286
prescribed in section 3314.02 of the Revised Code; 1287

(6) Provisions prescribing community school closure 1288
requirements under section 3314.35 or 3314.351 of the Revised 1289
Code. 1290

(C) Notwithstanding anything in the Revised Code to the 1291
contrary and except as provided in Section 3 of H.B. 7 of the 1292
131st general assembly, no school district, community school, or 1293
STEM school shall utilize at any time during a student's 1294
academic career a student's score on any assessment administered 1295
under division (A) of section 3301.0710 or division (B) (2) of 1296
section 3301.0712 of the Revised Code in the 2014-2015, 2015- 1297
2016, or 2016-2017 school ~~year~~ years as a factor in any decision 1298
to promote or to deny the student promotion to a higher grade 1299
level or in any decision to grant course credit. No individual 1300
student score reports on such assessments administered in the 1301
2014-2015, 2015-2016, or 2016-2017 school years shall be 1302
released, except to a student's school district or school or to 1303
the student or the student's parent or guardian. 1304

Sec. 3302.10. (A) The superintendent of public instruction 1305
shall establish an academic distress commission for any school 1306
district that meets one of the following conditions: 1307

(1) The district has received an overall grade of "F" 1308
under division (C) (3) of section 3302.03 of the Revised Code for 1309
three consecutive years. 1310

(2) An academic distress commission established for the 1311
district under former section 3302.10 of the Revised Code was 1312

still in existence on ~~the effective date of this section~~ October 1313
15, 2015, and has been in existence for at least four years. 1314

(B) (1) The academic distress commission shall consist of 1315
five members as follows: 1316

(a) Three members appointed by the state superintendent, 1317
one of whom is a resident in the county in which a majority of 1318
the district's territory is located; 1319

(b) One member appointed by the president of the district 1320
board of education, who shall be a teacher employed by the 1321
district; 1322

(c) One member appointed by the mayor of the municipality 1323
in which a majority of the district's territory is located or, 1324
if no such municipality exists, by the mayor of a municipality 1325
selected by the state superintendent in which the district has 1326
territory. 1327

Appointments to the commission shall be made within thirty 1328
days after the district is notified that it is subject to this 1329
section. Members of the commission shall serve at the pleasure 1330
of their appointing authority. The state superintendent shall 1331
designate a chairperson for the commission from among the 1332
members appointed by the state superintendent. The chairperson 1333
shall call and conduct meetings, set meeting agendas, and serve 1334
as a liaison between the commission and the chief executive 1335
officer appointed under division (C) (1) of this section. 1336

(2) In the case of a school district that meets the 1337
condition in division (A) (2) of this section, the academic 1338
distress commission established for the district under former 1339
section 3302.10 of the Revised Code shall be abolished and a new 1340
academic distress commission shall be appointed for the district 1341

pursuant to division (B) (1) of this section. 1342

(C) (1) Within sixty days after the state superintendent 1343
has designated a chairperson for the academic distress 1344
commission, the commission shall appoint a chief executive 1345
officer for the district, who shall be paid by the department of 1346
education and shall serve at the pleasure of the commission. The 1347
individual appointed as chief executive officer shall have high- 1348
level management experience in the public or private sector. The 1349
chief executive officer shall exercise complete operational, 1350
managerial, and instructional control of the district, which 1351
shall include, but shall not be limited to, the following powers 1352
and duties, but the chief executive officer may delegate, in 1353
writing, specific powers or duties to the district board or 1354
district superintendent: 1355

(a) Replacing school administrators and central office 1356
staff; 1357

(b) Assigning employees to schools and approving 1358
transfers; 1359

(c) Hiring new employees; 1360

(d) Defining employee responsibilities and job 1361
descriptions; 1362

(e) Establishing employee compensation; 1363

(f) Allocating teacher class loads; 1364

(g) Conducting employee evaluations; 1365

(h) Making reductions in staff under section 3319.17, 1366
3319.171, or 3319.172 of the Revised Code; 1367

(i) Setting the school calendar; 1368

(j) Creating a budget for the district;	1369
(k) Contracting for services for the district;	1370
(l) Modifying policies and procedures established by the district board;	1371 1372
(m) Establishing grade configurations of schools;	1373
(n) Determining the school curriculum;	1374
(o) Selecting instructional materials and assessments;	1375
(p) Setting class sizes;	1376
(q) Providing for staff professional development.	1377
(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.	1378 1379 1380 1381 1382 1383 1384
(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	1385 1386 1387 1388 1389 1390 1391 1392 1393 1394 1395 1396

chief executive officer shall have no authority over the 1397
accelerator. 1398

(E) (1) Within thirty days after the chief executive 1399
officer is appointed, the chief executive officer shall convene 1400
a group of community stakeholders. The purpose of the group 1401
shall be to develop expectations for academic improvement in the 1402
district and to assist the district in building relationships 1403
with organizations in the community that can provide needed 1404
services to students. Members of the group shall include, but 1405
shall not be limited to, educators, civic and business leaders, 1406
and representatives of institutions of higher education and 1407
government service agencies. Within ninety days after the chief 1408
executive officer is appointed, the chief executive officer also 1409
shall convene a smaller group of community stakeholders for each 1410
school operated by the district to develop expectations for 1411
academic improvement in that school. The group convened for each 1412
school shall have teachers employed in the school and parents of 1413
students enrolled in the school among its members. 1414

(2) The chief executive officer shall create a plan to 1415
improve the district's academic performance. In creating the 1416
plan, the chief executive officer shall consult with the groups 1417
convened under division (E) (1) of this section. The chief 1418
executive officer also shall consider the availability of 1419
funding to ensure sustainability of the plan. The plan shall 1420
establish clear, measurable performance goals for the district 1421
and for each school operated by the district. The performance 1422
goals shall include, but not be limited to, the performance 1423
measures prescribed for report cards issued under section 1424
3302.03 of the Revised Code. Within ninety days after the chief 1425
executive officer is appointed, the chief executive officer 1426
shall submit the plan to the academic distress commission for 1427

approval. Within thirty days after the submission of the plan, 1428
the commission shall approve the plan or suggest modifications 1429
to the plan that will render it acceptable. If the commission 1430
suggests modifications, the chief executive officer may revise 1431
the plan before resubmitting it to the commission. The chief 1432
executive officer shall resubmit the plan, whether revised or 1433
not, within fifteen days after the commission suggests 1434
modifications. The commission shall approve the plan within 1435
thirty days after the plan is resubmitted. Upon approval of the 1436
plan by the commission, the chief executive officer shall 1437
implement the plan. 1438

(F) Notwithstanding any provision to the contrary in 1439
Chapter 4117. of the Revised Code, if the district board has 1440
entered into, modified, renewed, or extended a collective 1441
bargaining agreement on or after ~~the effective date of this~~ 1442
~~section~~ October 15, 2015, that contains provisions relinquishing 1443
one or more of the rights or responsibilities listed in division 1444
(C) of section 4117.08 of the Revised Code, those provisions are 1445
not enforceable and the chief executive officer and the district 1446
board shall resume holding those rights or responsibilities as 1447
if the district board had not relinquished them in that 1448
agreement until such time as both the academic distress 1449
commission ceases to exist and the district board agrees to 1450
relinquish those rights or responsibilities in a new collective 1451
bargaining agreement. For purposes of this section, "collective 1452
bargaining agreement" shall include any labor contract or 1453
agreement in effect with any applicable bargaining 1454
representative. The chief executive officer and the district 1455
board are not required to bargain on subjects reserved to the 1456
management and direction of the school district, including, but 1457
not limited to, the rights or responsibilities listed in 1458

division (C) of section 4117.08 of the Revised Code. The way in 1459
which these subjects and these rights or responsibilities may 1460
affect the wages, hours, terms and conditions of employment, or 1461
the continuation, modification, or deletion of an existing 1462
provision of a collective bargaining agreement is not subject to 1463
collective bargaining or effects bargaining under Chapter 4117. 1464
of the Revised Code. The provisions of this paragraph apply to a 1465
collective bargaining agreement entered into, modified, renewed, 1466
or extended on or after ~~the effective date of this section~~ 1467
October 15, 2015, and those provisions are deemed to be part of 1468
that agreement regardless of whether the district satisfied the 1469
conditions prescribed in division (A) of this section at the 1470
time the district entered into that agreement. If the district 1471
board relinquished one or more of the rights or responsibilities 1472
listed in division (C) of section 4117.08 of the Revised Code in 1473
a collective bargaining agreement entered into prior to ~~the~~ 1474
~~effective date of this section~~ October 15, 2015, and had resumed 1475
holding those rights or responsibilities pursuant to division 1476
(K) of former section 3302.10 of the Revised Code, as it existed 1477
prior to that date, the district board shall continue to hold 1478
those rights or responsibilities until such time as both the new 1479
academic distress commission appointed under this section ceases 1480
to exist upon completion of the transition period specified in 1481
division (N) (1) of this section and the district board agrees to 1482
relinquish those rights or responsibilities in a new collective 1483
bargaining agreement. 1484

(G) In each school year that the district is subject to 1485
this section, the following shall apply: 1486

(1) The chief executive officer shall implement the 1487
improvement plan approved under division (E) (2) of this section 1488
and shall review the plan annually to determine if changes are 1489

needed. The chief executive officer may modify the plan upon the approval of the modifications by the academic distress commission.

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

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

(b) Provide mentoring;

(c) Provide job resources;

(d) Disseminate higher education information;

(e) Offer recreational or cultural activities;

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

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

~~(3) If the district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, each student who is entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and is enrolled in a school operated by the district or in a community school, or will be both enrolling in any of grades kindergarten through twelve in~~

~~this state for the first time and at least five years of age by~~ 1518
~~the first day of January of the following school year, shall be~~ 1519
~~eligible to participate in the educational choice scholarship~~ 1520
~~pilot program established under sections 3310.01 to 3310.17 of~~ 1521
~~the Revised Code and an application for the student may be~~ 1522
~~submitted during the next application period.~~ 1523

~~(4)~~ Notwithstanding anything to the contrary in the 1524
Revised Code, the chief executive officer may limit, suspend, or 1525
alter any contract with an administrator that is entered into, 1526
modified, renewed, or extended by the district board on or after 1527
~~the effective date of this section~~ October 15, 2015, provided 1528
that the chief executive officer shall not reduce any salary or 1529
base hourly rate of pay unless such salary or base hourly rate 1530
reductions are part of a uniform plan affecting all district 1531
employees and shall not reduce any insurance benefits unless 1532
such insurance benefit reductions are also applicable generally 1533
to other employees of the district. 1534

~~(5)~~ ~~(4)~~ The chief executive officer shall represent the 1535
district board during any negotiations to modify, renew, or 1536
extend a collective bargaining agreement entered into by the 1537
board under Chapter 4117. of the Revised Code. 1538

(H) If the report card for the district has been issued 1539
under section 3302.03 of the Revised Code for the first school 1540
year that the district is subject to this section and the 1541
district does not meet the qualification in division (N)(1) of 1542
this section, the following shall apply: 1543

(1) The chief executive officer may reconstitute any 1544
school operated by the district. The chief executive officer 1545
shall present to the academic distress commission a plan that 1546
lists each school designated for reconstitution and explains how 1547

the chief executive officer plans to reconstitute the school. 1548
The chief executive officer may take any of the following 1549
actions to reconstitute a school: 1550

(a) Change the mission of the school or the focus of its 1551
curriculum; 1552

(b) Replace the school's principal and/or administrative 1553
staff; 1554

(c) Replace a majority of the school's staff, including 1555
teaching and nonteaching employees; 1556

(d) Contract with a nonprofit or for-profit entity to 1557
manage the operations of the school. The contract may provide 1558
for the entity to supply all or some of the staff for the 1559
school. 1560

(e) Reopen the school as a community school under Chapter 1561
3314. of the Revised Code or a science, technology, engineering, 1562
and mathematics school under Chapter 3326. of the Revised Code; 1563

(f) Permanently close the school. 1564

If the chief executive officer plans to reconstitute a 1565
school under division (H) (1) (e) or (f) of this section, the 1566
commission shall review the plan for that school and either 1567
approve or reject it by the thirtieth day of June of the school 1568
year. Upon approval of the plan by the commission, the chief 1569
executive officer shall reconstitute the school as outlined in 1570
the plan. 1571

(2) Notwithstanding any provision to the contrary in 1572
Chapter 4117. of the Revised Code, the chief executive officer, 1573
in consultation with the chairperson of the academic distress 1574
commission, may reopen any collective bargaining agreement 1575

entered into, modified, renewed, or extended on or after ~~the~~ 1576
~~effective date of this section~~ October 15, 2015, for the purpose 1577
of renegotiating its terms. The chief executive officer shall 1578
have the sole discretion to designate any provisions of a 1579
collective bargaining agreement as subject to reopening by 1580
providing written notice to the bargaining representative. Any 1581
provisions designated for reopening by the chief executive 1582
officer shall be subject to collective bargaining as set forth 1583
in Chapter 4117. of the Revised Code. Any changes to the 1584
provisions subject to reopening shall take effect on the 1585
following first day of July or another date agreed to by the 1586
parties. The chief executive officer may reopen a collective 1587
bargaining agreement under division (H) (2) of this section as 1588
necessary to reconstitute a school under division (H) (1) of this 1589
section. 1590

(I) If the report card for the district has been issued 1591
under section 3302.03 of the Revised Code for the second school 1592
year that the district is subject to this section and the 1593
district does not meet the qualification in division (N) (1) of 1594
this section, the following shall apply: 1595

(1) The chief executive officer may exercise any of the 1596
powers authorized under division (H) of this section. 1597

(2) Notwithstanding any provision to the contrary in 1598
Chapter 4117. of the Revised Code, the chief executive officer 1599
may limit, suspend, or alter any provision of a collective 1600
bargaining agreement entered into, modified, renewed, or 1601
extended on or after ~~the effective date of this section~~ October 1602
15, 2015, provided that the chief executive officer shall not 1603
reduce any base hourly rate of pay and shall not reduce any 1604
insurance benefits. The decision to limit, suspend, or alter any 1605

provision of a collective bargaining agreement under this 1606
division is not subject to bargaining under Chapter 4117. of the 1607
Revised Code; however, the chief executive officer shall have 1608
the discretion to engage in effects bargaining on the way any 1609
such decision may affect wages, hours, or terms and conditions 1610
of employment. The chief executive officer may limit, suspend, 1611
or alter a provision of a collective bargaining agreement under 1612
division (I) (2) of this section as necessary to reconstitute a 1613
school under division (H) (1) of this section. 1614

(J) If the report card for the district has been issued 1615
under section 3302.03 of the Revised Code for the third school 1616
year that the district is subject to this section and the 1617
district does not meet the qualification in division (N) (1) of 1618
this section, the following shall apply: 1619

(1) The chief executive officer may exercise any of the 1620
powers authorized under division (H) or (I) of this section. 1621

(2) The chief executive officer may continue in effect a 1622
limitation, suspension, or alteration of a provision of a 1623
collective bargaining agreement issued under division (I) (2) of 1624
this section. Any such continuation shall be subject to the 1625
requirements and restrictions of that division. 1626

(K) If the report card for the district has been issued 1627
under section 3302.03 of the Revised Code for the fourth school 1628
year that the district is subject to this section and the 1629
district does not meet the qualification in division (N) (1) of 1630
this section, the following shall apply: 1631

(1) The chief executive officer may exercise any of the 1632
powers authorized under division (H), (I), or (J) of this 1633
section. 1634

(2) A new board of education shall be appointed for the 1635
district in accordance with section 3302.11 of the Revised Code. 1636
However, the chief executive officer shall retain complete 1637
operational, managerial, and instructional control of the 1638
district until the chief executive officer relinquishes that 1639
control to the district board under division (N) (1) of this 1640
section. 1641

(L) If the report card for the district has been issued 1642
under section 3302.03 of the Revised Code for the fifth school 1643
year, or any subsequent school year, that the district is 1644
subject to this section and the district does not meet the 1645
qualification in division (N) (1) of this section, the chief 1646
executive officer may exercise any of the powers authorized 1647
under division (H), (I), (J), or (K) (1) of this section. 1648

(M) If division (I), (J), (K), or (L) of this section 1649
applies to a district, community schools, STEM schools, 1650
chartered nonpublic schools, and other school districts that 1651
enroll students residing in the district and meet academic 1652
accountability standards shall be eligible to be paid an 1653
academic performance bonus in each fiscal year for which the 1654
general assembly appropriates funds for that purpose. The 1655
academic performance bonus is intended to give students residing 1656
in the district access to a high-quality education by 1657
encouraging high-quality schools to enroll those students. 1658

(N) (1) When a district subject to this section receives an 1659
overall grade of "C" or higher under division (C) (3) of section 1660
3302.03 of the Revised Code, the district shall begin its 1661
transition out of being subject to this section. Except as 1662
provided in division (N) (2) of this section, the transition 1663
period shall last until the district has received an overall 1664

grade higher than "F" under division (C) (3) of section 3302.03 1665
of the Revised Code for two consecutive school years after the 1666
transition period begins. The overall grade of "C" or higher 1667
that qualifies the district to begin the transition period shall 1668
not count as one of the two consecutive school years. During the 1669
transition period, the conditions described in divisions (F) to 1670
(L) of this section for the school year prior to the school year 1671
in which the transition period begins shall continue to apply 1672
and the chief executive officer shall work closely with the 1673
district board and district superintendent to increase their 1674
ability to resume control of the district and sustain the 1675
district's academic improvement over time. Upon completion of 1676
the transition period, the chief executive officer shall 1677
relinquish all operational, managerial, and instructional 1678
control of the district to the district board and district 1679
superintendent and the academic distress commission shall cease 1680
to exist. 1681

(2) If the district receives an overall grade of "F" under 1682
division (C) (3) of section 3302.03 of the Revised Code at any 1683
time during the transition period, the transition period shall 1684
end and the district shall be fully subject to this section 1685
again. The district shall resume being fully subject to this 1686
section at the point it began its transition out of being 1687
subject to this section and the division in divisions (H) to (L) 1688
of this section that would have applied to the district had the 1689
district not qualified to begin its transition under division 1690
(N) (1) of this section shall apply to the district. 1691

(0) If at any time there are no longer any schools 1692
operated by the district due to reconstitution or other closure 1693
of the district's schools under this section, the academic 1694
distress commission shall cease to exist and the chief executive 1695

officer shall cease to exercise any powers with respect to the district. 1696
1697

(P) Beginning on ~~the effective date of this section~~ 1698
October 15, 2015, each collective bargaining agreement entered 1699
into by a school district board of education under Chapter 4117. 1700
of the Revised Code shall incorporate the provisions of this 1701
section. 1702

(Q) The chief executive officer, the members of the 1703
academic distress commission, the state superintendent, and any 1704
person authorized to act on behalf of or assist them shall not 1705
be personally liable or subject to any suit, judgment, or claim 1706
for damages resulting from the exercise of or failure to 1707
exercise the powers, duties, and functions granted to them in 1708
regard to their functioning under this section, but the chief 1709
executive officer, commission, state superintendent, and such 1710
other persons shall be subject to mandamus proceedings to compel 1711
performance of their duties under this section. 1712

(R) The state superintendent shall not exempt any district 1713
from this section by approving an application for an innovative 1714
education pilot program submitted by the district under section 1715
3302.07 of the Revised Code. 1716

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of 1717
the Revised Code: 1718

(A) "Chartered nonpublic school" means a nonpublic school 1719
that holds a valid charter issued by the state board of 1720
education under section 3301.16 of the Revised Code and meets 1721
the standards established for such schools in rules adopted by 1722
the state board. 1723

(B) An "eligible student" is a student who satisfies the 1724

conditions specified in section 3310.03 of the Revised Code. 1725

(C) "Parent" has the same meaning as in section 3313.98 of
the Revised Code. 1726
1727

(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. 1728
1729
1730

(E) "School year" has the same meaning as in section
3313.62 of the Revised Code. 1731
1732

(F) "Formula amount" and "state education aid" have the
same meanings as in section 3317.02 of the Revised Code. 1733
1734

(G) "Sibling" means a brother, half-brother, sister, or
half-sister, by birth, adoption, or marriage, without regard to
residence or custodial status. 1735
1736
1737

(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. 1738
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Sec. 3310.02. (A) The opportunity scholarship program is
hereby established. Beginning with the 2020-2021 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 for up to sixty thousand eligible
students. 1743
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(B) 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 1749
1750
1751
1752

established for the student under section 3310.10 of the Revised 1753
Code. The student may use the moneys credited to the education 1754
savings account for the purposes prescribed by section 3310.17 1755
of the Revised Code. 1756

(C) For any school year for which the number of 1757
applications for scholarships timely submitted exceeds ninety 1758
per cent of the maximum number of scholarships permitted, the 1759
department shall increase the maximum number of scholarships 1760
permitted for the following school year by ten per cent. The 1761
department shall make the increased number of scholarships 1762
available for each subsequent school year until the department 1763
is again required to increase the number of scholarships under 1764
division (C) of this section. 1765

(D) If the number of students who apply for a scholarship 1766
exceeds the number of scholarships available under division (A) 1767
of this section for the applicable school year, the department 1768
shall award scholarships in the following order of priority: 1769

(1) First, to eligible students who received scholarships 1770
in the prior school year; 1771

(2) Second, to eligible students with family incomes at or 1772
below two hundred per cent of the federal poverty guidelines, as 1773
defined in section 5101.46 of the Revised Code; 1774

(3) Third, the department shall select eligible students 1775
by lot to receive any remaining scholarships. 1776

Sec. 3310.03. (A) A student is an "eligible student" for 1777
purposes of the opportunity scholarship program if the student 1778
will be at least five years of age by the first day of January 1779
of the school year for which a scholarship is sought and meets 1780
either of the following conditions: 1781

(1) (a) The student's family income is at or below four 1782
hundred per cent of the federal poverty guidelines, as defined 1783
in section 5101.46 of the Revised Code; and 1784

(b) Except as provided in division (A)(3) of this section, 1785
on and after July 1, 2019, the student was not enrolled in a 1786
chartered nonpublic school during the school year prior to the 1787
first school year for which an opportunity scholarship is 1788
sought. 1789

(2) During the 2019-2020 school year, the student or the 1790
student's sibling received a scholarship under the educational 1791
choice scholarship pilot program prescribed under former section 1792
3310.03 or 3310.032 of the Revised Code or a scholarship under 1793
the pilot project scholarship program prescribed under former 1794
sections 3313.974 to 3313.979 of the Revised Code. 1795

(3) The student's family income is at or below four 1796
hundred per cent of the federal poverty guidelines and, in the 1797
school year prior to the first school year for which a 1798
scholarship under this section is sought, the student was 1799
enrolled in the eighth grade in a chartered nonpublic school not 1800
under a state scholarship. 1801

(B) A student who receives a scholarship under the 1802
opportunity scholarship program remains an eligible student and 1803
may continue to receive scholarships in subsequent school years 1804
until the student completes grade twelve, so long as all of the 1805
following apply: 1806

(1) Except as provided in divisions (K)(1) and (L) of 1807
section 3301.0711 of the Revised Code, the student takes each 1808
assessment prescribed for the student's grade level under 1809
section 3301.0710 or 3301.0712 of the Revised Code while 1810

enrolled in a chartered nonpublic school. 1811

(2) In each school year that the student is enrolled in a 1812
chartered nonpublic school, the student is absent from school 1813
for not more than twenty days that the school is open for 1814
instruction, not including excused absences. 1815

(3) The student is not disqualified by the auditor of 1816
state under division (G) of section 3310.17 of the Revised Code. 1817

(4) Except for a student who meets the condition 1818
prescribed under division (A) (2) of this section, the student's 1819
family income does not exceed four hundred per cent of the 1820
federal poverty guidelines. 1821

Sec. 3310.04. Any eligible student who is enrolled in a 1822
chartered nonpublic school and for whom a scholarship under the 1823
opportunity scholarship program has been awarded shall be 1824
entitled to transportation to and from the chartered nonpublic 1825
school by the student's resident district in the manner 1826
prescribed in section 3327.01 of the Revised Code. 1827

Sec. 3310.06. The state board of education shall adopt 1828
rules in accordance with Chapter 119. of the Revised Code 1829
prescribing procedures for the administration of the opportunity 1830
scholarship program. 1831

The state board and the department of education shall not 1832
require chartered nonpublic schools to comply with any education 1833
laws or rules or other requirements that are not specified in 1834
sections 3310.01 to 3310.17 of the Revised Code or in rules 1835
necessary for the administration of the program, adopted under 1836
this section, that otherwise would not apply to a chartered 1837
nonpublic school. 1838

Sec. 3310.07. Any parent, or any student who is at least 1839

eighteen years of age, who is seeking a scholarship under the 1840
opportunity scholarship program shall submit an application to 1841
the department of education. A chartered nonpublic school may 1842
submit an application to the department on behalf of and with 1843
the permission of a parent, or a student who is at least 1844
eighteen years of age, who is seeking a scholarship under the 1845
opportunity scholarship program. 1846

Within thirty days after receiving an application, the 1847
department shall determine whether the student meets the 1848
eligibility requirements prescribed under section 3310.03 of the 1849
Revised Code and approve or deny an application. A student 1850
approved for a scholarship shall receive from the department a 1851
certificate of scholarship approval that is valid for six months 1852
and includes the scholarship amount. The department shall award 1853
a scholarship when a student is accepted for enrollment in a 1854
chartered nonpublic school and when the chartered nonpublic 1855
school notifies the department of the student's enrollment. 1856

Sec. 3310.08. (A) The amount paid for an eligible student 1857
under the opportunity scholarship program shall be the amount 1858
prescribed in section 3310.09 of the Revised Code. 1859

(B) (1) The department of education shall pay to the 1860
chartered nonpublic school, on behalf of the parent of each 1861
eligible student for whom a scholarship is awarded under the 1862
program, periodic partial payments of the scholarship. 1863

(2) The department shall proportionately reduce or 1864
terminate the payments for any student who withdraws from a 1865
chartered nonpublic school prior to the end of the school year 1866
or who enrolls in a chartered nonpublic school after the 1867
beginning of the school year. 1868

(C) Scholarships paid under this section shall be financed 1869
directly through the foundation funding appropriation item of 1870
each biennial operating budget act. 1871

Sec. 3310.09. (A) Subject to division (C) of this section, 1872
the full amount awarded to an eligible student under the 1873
opportunity scholarship program shall be as follows: 1874

(1) For grades kindergarten through eight, five thousand 1875
dollars; 1876

(2) For grades nine through twelve, seven thousand five 1877
hundred dollars. 1878

(B) (1) A student who satisfies the condition prescribed by 1879
division (A) (2) of section 3310.03 of the Revised Code shall 1880
receive the full scholarship amount regardless of the student's 1881
family income. 1882

(2) A student who satisfies the condition prescribed by 1883
division (A) (1) of section 3310.03 of the Revised Code shall 1884
receive a scholarship amount as follows: 1885

(a) If the student's family income is at or below two 1886
hundred per cent of the federal poverty guidelines, as defined 1887
in section 5101.46 of the Revised Code, the student shall 1888
receive a scholarship in the full amount. 1889

(b) If the student's family income is above two hundred 1890
per cent but below four hundred per cent of the federal poverty 1891
guidelines, the student's scholarship shall be reduced, 1892
beginning with the full scholarship amount, by one-half per cent 1893
for every one per cent increase in the student's family income. 1894

(c) If the student's family income is four hundred per 1895
cent of the federal poverty guidelines, the student shall 1896

receive a scholarship in the amount of fifty per cent of the 1897
full scholarship amount. 1898

(d) If the student's family income is above four hundred 1899
per cent of the federal poverty guidelines, the student is no 1900
longer eligible to receive an opportunity scholarship. 1901

(C) If the formula amount from the previous school year 1902
was increased by the general assembly in the subsequent school 1903
year, the full amount for an opportunity scholarship shall be 1904
the full amount awarded in the previous school year increased by 1905
the same percentage by which the formula amount from the 1906
previous school year was increased by the general assembly. 1907

Sec. 3310.10. (A) A scholarship awarded under section 1908
3310.08 of the Revised Code shall be used to pay tuition and 1909
fees to any chartered nonpublic school. 1910

(B) If the scholarship amount exceeds the amount of 1911
tuition and fees charged by a chartered nonpublic school that 1912
the student attends with a scholarship, the department of 1913
education shall pay the excess amount into an education savings 1914
account established for the student. Payments credited to the 1915
student's education savings account shall be made at the end of 1916
the school year for which the scholarship is awarded, and only 1917
if the student is enrolled in a chartered nonpublic school using 1918
the scholarship at the end of the school year. 1919

(C) When determining the appropriate tuition to charge a 1920
student under the opportunity scholarship program, a chartered 1921
nonpublic school shall apply any tuition discounts or rates to 1922
which the student is entitled including discounts for siblings 1923
in the same school or discounts for the child of a school 1924
employee. The tuition and fees charged by a chartered nonpublic 1925

school shall be uniformly imposed on similarly situated 1926
students. 1927

Sec. 3310.11. (A) Only for the purpose of administering 1928
the opportunity scholarship program, the department of education 1929
may request from any of the following entities the data 1930
verification code assigned under division (D) (2) of section 1931
3301.0714 of the Revised Code to any student who is seeking a 1932
scholarship under the program: 1933

(1) The student's resident district; 1934

(2) If applicable, the community school in which that 1935
student is enrolled; 1936

(3) The independent contractor engaged to create and 1937
maintain student data verification codes. 1938

(B) Upon a request by the department under division (A) of 1939
this section for the data verification code of a student seeking 1940
a scholarship or a request by the student's parent for that 1941
code, the school district or community school shall submit that 1942
code to the department or parent in the manner specified by the 1943
department. If the student has not been assigned a code, because 1944
the student will be entering kindergarten during the school year 1945
for which the scholarship is sought, the district shall assign a 1946
code to that student and submit the code to the department or 1947
parent by a date specified by the department. If the district 1948
does not assign a code to the student by the specified date, the 1949
department shall assign a code to that student. 1950

The department annually shall submit to each school 1951
district the name and data verification code of each student 1952
residing in the district who is entering kindergarten, who has 1953
been awarded a scholarship under the program, and for whom the 1954

department has assigned a code under this division. 1955

(C) For the purpose of administering the applicable 1956
assessments prescribed under sections 3301.0710 and 3301.0712 of 1957
the Revised Code, as required by section 3310.14 of the Revised 1958
Code, the department shall provide to each chartered nonpublic 1959
school that enrolls a scholarship student the data verification 1960
code for that student. 1961

(D) The department and each chartered nonpublic school 1962
that receives a data verification code under this section shall 1963
not release that code to any person except as provided by law. 1964

Any document relative to this program that the department 1965
holds in its files that contains both a student's name or other 1966
personally identifiable information and the student's data 1967
verification code shall not be a public record under section 1968
149.43 of the Revised Code. 1969

Sec. 3310.12. Except as provided in division (D) of 1970
section 3310.11 of the Revised Code, documents relative to the 1971
opportunity scholarship program that the department of education 1972
holds in its files are public records under section 149.43 of 1973
the Revised Code and may be released pursuant to that section 1974
subject to the provisions of section 3319.321 of the Revised 1975
Code and the "Family Educational Rights and Privacy Act of 1976
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended. 1977

Sec. 3310.13. (A) A chartered nonpublic school may charge 1978
any student who receives an opportunity scholarship up to the 1979
difference between the amount of the scholarship and the regular 1980
tuition charge and uniformly imposed fees of the school. Each 1981
chartered nonpublic school may permit such an eligible student's 1982
family to provide volunteer services in lieu of cash payment to 1983

pay all or part of the amount of the school's tuition not 1984
covered by the scholarship paid under section 3310.08 of the 1985
Revised Code. 1986

(B) Each chartered nonpublic school that charges a 1987
scholarship student an additional amount as authorized under 1988
division (A) of this section shall annually report to the 1989
department of education in the manner prescribed by the 1990
department the following: 1991

(1) The number of students charged; 1992

(2) The average of the amounts charged to such students. 1993

Sec. 3310.14. (A) Except as provided in division (B) of 1994
this section, each chartered nonpublic school that is not 1995
subject to division (K)(1) of section 3301.0711 of the Revised 1996
Code and that enrolls students awarded scholarships under the 1997
opportunity scholarship program under sections 3310.01 to 1998
3310.17 of the Revised Code annually shall administer the 1999
assessments prescribed by section 3301.0710, 3301.0712, or 2000
3313.619 of the Revised Code, as applicable, to each scholarship 2001
student enrolled in the school in accordance with section 2002
3301.0711 of the Revised Code. Each chartered nonpublic school 2003
that is subject to this section shall report to the department 2004
of education the results of each assessment administered to each 2005
scholarship student under this section. 2006

Nothing in this section requires a chartered nonpublic 2007
school to administer any achievement assessment, except for an 2008
Ohio graduation test prescribed by division (B)(1) of section 2009
3301.0710 of the Revised Code or the college and work ready 2010
assessment system prescribed by division (B) of section 2011
3301.0712 of the Revised Code to any student enrolled in the 2012

school who is not a scholarship student. 2013

(B) A chartered nonpublic school that meets the conditions 2014
specified in division (K) (2) of section 3301.0711 of the Revised 2015
Code shall not be required to administer the elementary 2016
assessments prescribed by division (A) of section 3301.0710 of 2017
the Revised Code. 2018

Sec. 3310.15. (A) The department of education annually 2019
shall compile the scores attained by scholarship students to 2020
whom an assessment is administered under section 3310.14 of the 2021
Revised Code. The scores shall be aggregated as follows: 2022

(1) By state, which shall include all students awarded a 2023
scholarship under the opportunity scholarship program and who 2024
were required to take an assessment under section 3310.14 of the 2025
Revised Code; 2026

(2) By school district, which shall include all 2027
scholarship students who were required to take an assessment 2028
under section 3310.14 of the Revised Code and for whom the 2029
district is the student's resident district; 2030

(3) By chartered nonpublic school, which shall include all 2031
scholarship students enrolled in that school who were required 2032
to take an assessment under section 3310.14 of the Revised Code. 2033

(B) The department shall disaggregate the student 2034
performance data described in division (A) of this section 2035
according to the following categories: 2036

(1) Grade level; 2037

(2) Race and ethnicity; 2038

(3) Gender; 2039

- (4) Students who have participated in the scholarship program for three or more years; 2040
2041
- (5) Students who have participated in the scholarship program for more than one year and less than three years; 2042
2043
- (6) Students who have participated in the scholarship program for one year or less; 2044
2045
- (7) Economically disadvantaged students. 2046
- (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. 2047
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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: 2060
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2063
- (1) A score that is at least one standard error of measure above the mean score shall be designated as "above average progress." 2064
2065
2066
- (2) A score that is between one standard error of measure above the mean score and one standard error of measure below the 2067
2068

mean score shall be designated as "average progress." 2069

(3) A score that is more than one standard error of 2070
measure below the mean score shall be designated as "below 2071
average progress." 2072

(E) The department shall provide the parent of each 2073
scholarship student with information comparing the student's 2074
performance on the assessments administered under section 2075
3310.14 of the Revised Code with the average performance of 2076
similar students enrolled in the building operated by the 2077
student's resident district that the scholarship student would 2078
otherwise attend. In calculating the performance of similar 2079
students, the department shall consider age, grade, race and 2080
ethnicity, gender, and socioeconomic status. 2081

Sec. 3310.16. The department of education shall conduct 2082
application periods each year for the opportunity scholarship 2083
program, as follows: 2084

(A) For students who apply to use a scholarship in the 2085
following school year, the application period shall open not 2086
later than the first day of November prior to the first day of 2087
July of the school year for which a scholarship is sought and 2088
shall close not sooner than the thirty-first day of July of the 2089
school year for which a scholarship is sought. 2090

(B) For students who apply to use a scholarship in the 2091
school year in which the application is submitted, the 2092
application period shall open not later than the first day of 2093
October of the school year for which the scholarship is sought 2094
and shall close not sooner than the fifteenth day of April of 2095
the school year for which a scholarship is sought. 2096

Sec. 3310.17. (A) The state board of education and the 2097

treasurer of state jointly shall adopt rules, in accordance with 2098
Chapter 119. of the Revised Code, prescribing procedures for the 2099
establishment of an education savings account for each student 2100
attending a chartered nonpublic school with an opportunity 2101
scholarship. The rules shall prescribe procedures for the 2102
administration and disbursement of moneys credited to each 2103
student's education savings account. The rules also shall 2104
prescribe procedures for students for whom an excess amount has 2105
been determined under section 3310.10 of the Revised Code. 2106

(B) (1) For a student attending a chartered nonpublic 2107
school with an opportunity scholarship and for whom an excess 2108
amount has been determined under section 3310.10 of the Revised 2109
Code, the department of education shall transfer the excess 2110
amount to the treasurer of state, who shall deposit the 2111
aggregate amount transferred into a fund or account the 2112
treasurer of state determines is suitable for the amount 2113
transferred. The moneys transferred under this section shall be 2114
in the custody of the treasurer of state, but shall not be in 2115
the state treasury. The moneys transferred shall be held in 2116
trust for the benefit of the student. The department of 2117
education shall maintain the record of each student's account. 2118

(2) Interest accrued on moneys transferred to the 2119
treasurer of state under this section shall first be used for 2120
the direct costs incurred by the treasurer in administering the 2121
scholarship funds. Any remaining funds shall be be credited to 2122
the department of education for opportunity scholarship program 2123
oversight and parental outreach. 2124

(C) (1) Moneys credited to a student's account shall be 2125
disbursed to the student's parent or the student, if the student 2126
is at least eighteen years of age, for use for any of the 2127

<u>following:</u>	2128
<u>(a) Tuition and fees at a chartered nonpublic school;</u>	2129
<u>(b) Textbooks required by a chartered nonpublic school;</u>	2130
<u>(c) Payment for a tutor or tutoring services, as approved by the department;</u>	2131 2132
<u>(d) Payment for a private online learning program and any associated fees, as approved by the department;</u>	2133 2134
<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>	2135 2136 2137
<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>	2138 2139 2140
<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>	2141 2142 2143 2144 2145 2146
<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>	2147 2148 2149
<u>(1) The student graduates from high school.</u>	2150
<u>(2) The student dies before graduating from high school.</u>	2151
<u>(3) The student is no longer a resident of this state.</u>	2152
<u>(4) The student enrolls in a primary or secondary school that is not located in this state.</u>	2153 2154

(5) The student or the student's parent uses the funds 2155
from the education savings account for a purpose other than the 2156
expenses prescribed in this section. 2157

(E) Moneys still credited to a student's account upon the 2158
occurrence of any of the conditions described in division (D) of 2159
this section shall be transferred to the department of education 2160
for opportunity scholarship program oversight and parental 2161
outreach. 2162

(F) At least annually, the treasurer of state shall report 2163
to the governor and the general assembly, in accordance with 2164
section 101.68 of the Revised Code, the total amount of interest 2165
credited to the department of education under division (B) (2) of 2166
this section and the total amount of moneys from students' 2167
education savings accounts transferred to the department under 2168
division (E) of this section. 2169

(G) The auditor of state may conduct audits of any 2170
student's education savings account, and annually shall conduct 2171
random audits of students' education savings accounts. If the 2172
auditor finds that the student or student's parent used the 2173
funds from the education savings account for a purpose other 2174
than the expenses prescribed in this section, the auditor may do 2175
the following: 2176

(1) Disqualify the student from participation in the 2177
opportunity scholarship program. If a student is disqualified, 2178
the student's education savings account shall be forfeited to 2179
the state. 2180

(2) Refer the case to the proper law enforcement agency, 2181
if the auditor believes there is sufficient evidence that 2182
substantial misuse of funds occurred by either the parent or the 2183

<u>educational service provider.</u>	2184
Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the Revised Code:	2185 2186
(A) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the eligible applicant owes fees for the services provided to the child:	2187 2188 2189 2190 2191
(1) A school district that is not the school district in which the child is entitled to attend school or the child's school district of residence, if different;	2192 2193 2194
(2) A public entity other than a school district.	2195
(B) "Child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.	2196 2197 2198
(C) "Eligible applicant" means any of the following:	2199
(1) Either of the natural or adoptive parents of a qualified special education child, except as otherwise specified in this division. When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment, or when the natural or adoptive parents of the student are living separate and apart under a legal separation decree, and a court has issued an order allocating the parental rights and responsibilities with respect to the child, "eligible applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated.	2200 2201 2202 2203 2204 2205 2206 2207 2208 2209 2210 2211 2212

(2) The custodian of a qualified special education child, 2213
when a court has granted temporary, legal, or permanent custody 2214
of the child to an individual other than either of the natural 2215
or adoptive parents of the child or to a government agency; 2216

(3) The guardian of a qualified special education child, 2217
when a court has appointed a guardian for the child; 2218

(4) The grandparent of a qualified special education 2219
child, when the grandparent is the child's attorney in fact 2220
under a power of attorney executed under sections 3109.51 to 2221
3109.62 of the Revised Code or when the grandparent has executed 2222
a caregiver authorization affidavit under sections 3109.65 to 2223
3109.73 of the Revised Code; 2224

(5) The surrogate parent appointed for a qualified special 2225
education child pursuant to division (B) of section 3323.05 and 2226
section 3323.051 of the Revised Code; 2227

(6) A qualified special education child, if the child does 2228
not have a custodian or guardian and the child is at least 2229
eighteen years of age. 2230

(D) "Entitled to attend school" means entitled to attend 2231
school in a school district under sections 3313.64 and 3313.65 2232
of the Revised Code. 2233

(E) "Formula ADM" and "formula amount" have the same 2234
meanings as in section 3317.02 of the Revised Code. 2235

(F) "Qualified special education child" is a child for 2236
whom all of the following conditions apply: 2237

(1) The child is at least five years of age and less than 2238
twenty-two years of age. 2239

(2) The school district in which the child is entitled to 2240

attend school, or the child's school district of residence if 2241
different, has identified the child as a child with a 2242
disability. 2243

(3) The school district in which the child is entitled to 2244
attend school, or the child's school district of residence if 2245
different, has developed an individualized education program 2246
under Chapter 3323. of the Revised Code for the child. 2247

(4) The child either: 2248

(a) Was enrolled in the schools of the school district in 2249
which the child is entitled to attend school in any grade from 2250
kindergarten through twelve in the school year prior to the 2251
school year in which a scholarship is first sought for the 2252
child; 2253

(b) Is eligible to enter school in any grade kindergarten 2254
through twelve in the school district in which the child is 2255
entitled to attend school in the school year in which a 2256
scholarship is first sought for the child. 2257

(5) The department of education has not approved a 2258
scholarship for the child under the ~~educational choice~~ 2259
opportunity scholarship pilot program, under sections 3310.01 to 2260
3310.17 of the Revised Code, or the autism scholarship program, 2261
under section 3310.41 of the Revised Code, ~~or the pilot project~~ 2262
~~scholarship program, under sections 3313.974 to 3313.979 of the~~ 2263
~~Revised Code~~ for the same school year in which a scholarship 2264
under the Jon Peterson special needs scholarship program is 2265
sought. 2266

(6) The child and the child's parents are in compliance 2267
with the state compulsory attendance law under Chapter 3321. of 2268
the Revised Code. 2269

(G) "Registered private provider" means a nonpublic school 2270
or other nonpublic entity that has been registered by the 2271
superintendent of public instruction under section 3310.58 of 2272
the Revised Code. 2273

(H) "Scholarship" means a scholarship awarded under the 2274
Jon Peterson special needs scholarship program pursuant to 2275
sections 3310.51 to 3310.64 of the Revised Code. 2276

(I) "School district of residence" has the same meaning as 2277
in section 3323.01 of the Revised Code. A community school 2278
established under Chapter 3314. of the Revised Code is not a 2279
"school district of residence" for purposes of sections 3310.51 2280
to 3310.64 of the Revised Code. 2281

(J) "School year" has the same meaning as in section 2282
3313.62 of the Revised Code. 2283

(K) "Special education program" means a school or facility 2284
that provides special education and related services to children 2285
with disabilities. 2286

Sec. 3317.03. (A) The superintendent of each city, local, 2287
and exempted village school district shall report to the state 2288
board of education as of the last day of October, March, and 2289
June of each year the enrollment of students receiving services 2290
from schools under the superintendent's supervision, and the 2291
numbers of other students entitled to attend school in the 2292
district under section 3313.64 or 3313.65 of the Revised Code 2293
the superintendent is required to report under this section, so 2294
that the department of education can calculate the district's 2295
formula ADM, total ADM, category one through five career- 2296
technical education ADM, category one through three limited 2297
English proficient ADM, category one through six special 2298

education ADM, preschool scholarship ADM, transportation ADM, 2299
and, for purposes of provisions of law outside of Chapter 3317. 2300
of the Revised Code, average daily membership. 2301

(1) The enrollment reported by the superintendent during 2302
the reporting period shall consist of the number of students in 2303
grades kindergarten through twelve receiving any educational 2304
services from the district, except that the following categories 2305
of students shall not be included in the determination: 2306

(a) Students enrolled in adult education classes; 2307

(b) Adjacent or other district students enrolled in the 2308
district under an open enrollment policy pursuant to section 2309
3313.98 of the Revised Code; 2310

(c) Students receiving services in the district pursuant 2311
to a compact, cooperative education agreement, or a contract, 2312
but who are entitled to attend school in another district 2313
pursuant to section 3313.64 or 3313.65 of the Revised Code; 2314

(d) Students for whom tuition is payable pursuant to 2315
sections 3317.081 and 3323.141 of the Revised Code; 2316

(e) Students receiving services in the district through a 2317
scholarship awarded under either section 3310.41 or sections 2318
3310.51 to 3310.64 of the Revised Code. 2319

When reporting students under division (A) (1) of this 2320
section, the superintendent also shall report the district where 2321
each student is entitled to attend school pursuant to sections 2322
3313.64 and 3313.65 of the Revised Code. 2323

(2) The department of education shall compile a list of 2324
all students reported to be enrolled in a district under 2325
division (A) (1) of this section and of the students entitled to 2326

attend school in the district pursuant to section 3313.64 or 2327
3313.65 of the Revised Code on an FTE basis but receiving 2328
educational services in grades kindergarten through twelve from 2329
one or more of the following entities: 2330

(a) A community school pursuant to Chapter 3314. of the 2331
Revised Code, including any participation in a college pursuant 2332
to Chapter 3365. of the Revised Code while enrolled in such 2333
community school; 2334

(b) An alternative school pursuant to former sections 2335
3313.974 to 3313.979 of the Revised Code as described in 2336
division (I)(2)(a) or (b) of this section~~+~~. Division (A)(2)(b) 2337
of this section does not apply after July 1, 2020. 2338

(c) A college pursuant to Chapter 3365. of the Revised 2339
Code, except when the student is enrolled in the college while 2340
also enrolled in a community school pursuant to Chapter 3314., a 2341
science, technology, engineering, and mathematics school 2342
established under Chapter 3326., or a college-preparatory 2343
boarding school established under Chapter 3328. of the Revised 2344
Code; 2345

(d) An adjacent or other school district under an open 2346
enrollment policy adopted pursuant to section 3313.98 of the 2347
Revised Code; 2348

(e) An educational service center or cooperative education 2349
district; 2350

(f) Another school district under a cooperative education 2351
agreement, compact, or contract; 2352

(g) A chartered nonpublic school with a scholarship paid 2353
under former section 3310.08 of the Revised Code, if the 2354
students qualified for the scholarship under former section 2355

3310.03 of the Revised Code~~+~~. Division (A) (2) (g) of this section 2356
does not apply after July 1, 2020. 2357

(h) An alternative public provider or a registered private 2358
provider with a scholarship awarded under either section 3310.41 2359
or sections 3310.51 to 3310.64 of the Revised Code. 2360

As used in this section, "alternative public provider" and 2361
"registered private provider" have the same meanings as in 2362
section 3310.41 or 3310.51 of the Revised Code, as applicable. 2363

(i) A science, technology, engineering, and mathematics 2364
school established under Chapter 3326. of the Revised Code, 2365
including any participation in a college pursuant to Chapter 2366
3365. of the Revised Code while enrolled in the school; 2367

(j) A college-preparatory boarding school established 2368
under Chapter 3328. of the Revised Code, including any 2369
participation in a college pursuant to Chapter 3365. of the 2370
Revised Code while enrolled in the school. 2371

(3) The department also shall compile a list of the 2372
students entitled to attend school in the district under section 2373
3313.64 or 3313.65 of the Revised Code who are enrolled in a 2374
joint vocational school district or under a career-technical 2375
education compact, excluding any students so entitled to attend 2376
school in the district who are enrolled in another school 2377
district through an open enrollment policy as reported under 2378
division (A) (2) (d) of this section and then enroll in a joint 2379
vocational school district or under a career-technical education 2380
compact. 2381

The department shall provide each city, local, and 2382
exempted village school district with an opportunity to review 2383
the list of students compiled under divisions (A) (2) and (3) of 2384

this section to ensure that the students reported accurately 2385
reflect the enrollment of students in the district. 2386

(B) To enable the department of education to obtain the 2387
data needed to complete the calculation of payments pursuant to 2388
this chapter, each superintendent shall certify from the reports 2389
provided by the department under division (A) of this section 2390
all of the following: 2391

(1) The total student enrollment in regular learning day 2392
classes included in the report under division (A) (1) or (2) of 2393
this section for each of the individual grades kindergarten 2394
through twelve in schools under the superintendent's 2395
supervision; 2396

(2) The unduplicated count of the number of preschool 2397
children with disabilities enrolled in the district for whom the 2398
district is eligible to receive funding under section 3317.0213 2399
of the Revised Code adjusted for the portion of the year each 2400
child is so enrolled, in accordance with the disability 2401
categories prescribed in section 3317.013 of the Revised Code; 2402

(3) The number of children entitled to attend school in 2403
the district pursuant to section 3313.64 or 3313.65 of the 2404
Revised Code who are: 2405

(a) Participating in a pilot project scholarship program 2406
established under former sections 3313.974 to 3313.979 of the 2407
Revised Code as described in division (I) (2) (a) or (b) of this 2408
section. Division (B) (3) (a) of this section does not apply 2409
after July 1, 2020. 2410

(b) Enrolled in a college under Chapter 3365. of the 2411
Revised Code, except when the student is enrolled in the college 2412
while also enrolled in a community school pursuant to Chapter 2413

3314. of the Revised Code, a science, technology, engineering, 2414
and mathematics school established under Chapter 3326., or a 2415
college-preparatory boarding school established under Chapter 2416
3328. of the Revised Code; 2417

(c) Enrolled in an adjacent or other school district under 2418
section 3313.98 of the Revised Code; 2419

(d) Enrolled in a community school established under 2420
Chapter 3314. of the Revised Code that is not an internet- or 2421
computer-based community school as defined in section 3314.02 of 2422
the Revised Code, including any participation in a college 2423
pursuant to Chapter 3365. of the Revised Code while enrolled in 2424
such community school; 2425

(e) Enrolled in an internet- or computer-based community 2426
school, as defined in section 3314.02 of the Revised Code, 2427
including any participation in a college pursuant to Chapter 2428
3365. of the Revised Code while enrolled in the school; 2429

(f) Enrolled in a chartered nonpublic school with ~~a~~an 2430
educational choice scholarship paid under former section 3310.08 2431
of the Revised Code and who qualified for the scholarship under 2432
former section 3310.03 of the Revised Code~~+~~. Division (B) (3) (f) 2433
of this section does not apply after July 1, 2020. 2434

(g) Enrolled in kindergarten through grade twelve in an 2435
alternative public provider or a registered private provider 2436
with a scholarship awarded under section 3310.41 of the Revised 2437
Code; 2438

(h) Enrolled as a preschool child with a disability in an 2439
alternative public provider or a registered private provider 2440
with a scholarship awarded under section 3310.41 of the Revised 2441
Code; 2442

(i) Participating in a program operated by a county board of developmental disabilities or a state institution;	2443
	2444
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	2445
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	2449
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	2450
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	2453
(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code.	2454
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	2456
(4) The total enrollment of pupils in joint vocational schools;	2457
	2458
(5) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	2459
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(6) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program	2467
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operated by an alternative public provider or a registered 2472
private provider with a scholarship awarded under sections 2473
3310.51 to 3310.64 of the Revised Code; 2474

(7) The combined enrollment of children with disabilities 2475
reported under division (A) (1) or (2) of this section receiving 2476
special education services for category three disabilities 2477
described in division (C) of section 3317.013 of the Revised 2478
Code, including children attending a special education program 2479
operated by an alternative public provider or a registered 2480
private provider with a scholarship awarded under sections 2481
3310.51 to 3310.64 of the Revised Code; 2482

(8) The combined enrollment of children with disabilities 2483
reported under division (A) (1) or (2) of this section receiving 2484
special education services for category four disabilities 2485
described in division (D) of section 3317.013 of the Revised 2486
Code, including children attending a special education program 2487
operated by an alternative public provider or a registered 2488
private provider with a scholarship awarded under sections 2489
3310.51 to 3310.64 of the Revised Code; 2490

(9) The combined enrollment of children with disabilities 2491
reported under division (A) (1) or (2) of this section receiving 2492
special education services for the category five disabilities 2493
described in division (E) of section 3317.013 of the Revised 2494
Code, including children attending a special education program 2495
operated by an alternative public provider or a registered 2496
private provider with a scholarship awarded under sections 2497
3310.51 to 3310.64 of the Revised Code; 2498

(10) The combined enrollment of children with disabilities 2499
reported under division (A) (1) or (2) and under division (B) (3) 2500
(h) of this section receiving special education services for 2501

category six disabilities described in division (F) of section 2502
3317.013 of the Revised Code, including children attending a 2503
special education program operated by an alternative public 2504
provider or a registered private provider with a scholarship 2505
awarded under either section 3310.41 or sections 3310.51 to 2506
3310.64 of the Revised Code; 2507

(11) The enrollment of pupils reported under division (A) 2508
(1) or (2) of this section on a full-time equivalency basis in 2509
category one career-technical education programs or classes, 2510
described in division (A) of section 3317.014 of the Revised 2511
Code, operated by the school district or by another district 2512
that is a member of the district's career-technical planning 2513
district, other than a joint vocational school district, or by 2514
an educational service center, notwithstanding division (G) of 2515
section 3317.02 of the Revised Code and division (C) (3) of this 2516
section; 2517

(12) The enrollment of pupils reported under division (A) 2518
(1) or (2) of this section on a full-time equivalency basis in 2519
category two career-technical education programs or services, 2520
described in division (B) of section 3317.014 of the Revised 2521
Code, operated by the school district or another school district 2522
that is a member of the district's career-technical planning 2523
district, other than a joint vocational school district, or by 2524
an educational service center, notwithstanding division (G) of 2525
section 3317.02 of the Revised Code and division (C) (3) of this 2526
section; 2527

(13) The enrollment of pupils reported under division (A) 2528
(1) or (2) of this section on a full-time equivalency basis in 2529
category three career-technical education programs or services, 2530
described in division (C) of section 3317.014 of the Revised 2531

Code, operated by the school district or another school district 2532
that is a member of the district's career-technical planning 2533
district, other than a joint vocational school district, or by 2534
an educational service center, notwithstanding division (G) of 2535
section 3317.02 of the Revised Code and division (C) (3) of this 2536
section; 2537

(14) The enrollment of pupils reported under division (A) 2538
(1) or (2) of this section on a full-time equivalency basis in 2539
category four career-technical education programs or services, 2540
described in division (D) of section 3317.014 of the Revised 2541
Code, operated by the school district or another school district 2542
that is a member of the district's career-technical planning 2543
district, other than a joint vocational school district, or by 2544
an educational service center, notwithstanding division (G) of 2545
section 3317.02 of the Revised Code and division (C) (3) of this 2546
section; 2547

(15) The enrollment of pupils reported under division (A) 2548
(1) or (2) of this section on a full-time equivalency basis in 2549
category five career-technical education programs or services, 2550
described in division (E) of section 3317.014 of the Revised 2551
Code, operated by the school district or another school district 2552
that is a member of the district's career-technical planning 2553
district, other than a joint vocational school district, or by 2554
an educational service center, notwithstanding division (G) of 2555
section 3317.02 of the Revised Code and division (C) (3) of this 2556
section; 2557

(16) The enrollment of pupils reported under division (A) 2558
(1) or (2) of this section who are limited English proficient 2559
students described in division (A) of section 3317.016 of the 2560
Revised Code, excluding any student reported under division (B) 2561

(3) (e) of this section as enrolled in an internet- or computer-	2562
based community school;	2563
(17) The enrollment of pupils reported under division (A)	2564
(1) or (2) of this section who are limited English proficient	2565
students described in division (B) of section 3317.016 of the	2566
Revised Code, excluding any student reported under division (B)	2567
(3) (e) of this section as enrolled in an internet- or computer-	2568
based community school;	2569
(18) The enrollment of pupils reported under division (A)	2570
(1) or (2) of this section who are limited English proficient	2571
students described in division (C) of section 3317.016 of the	2572
Revised Code, excluding any student reported under division (B)	2573
(3) (e) of this section as enrolled in an internet- or computer-	2574
based community school;	2575
(19) The average number of children transported during the	2576
reporting period by the school district on board-owned or	2577
contractor-owned and -operated buses, reported in accordance	2578
with rules adopted by the department of education;	2579
(20) (a) The number of children, other than preschool	2580
children with disabilities, the district placed with a county	2581
board of developmental disabilities in fiscal year 1998.	2582
Division (B) (20) (a) of this section does not apply after fiscal	2583
year 2013.	2584
(b) The number of children with disabilities, other than	2585
preschool children with disabilities, placed with a county board	2586
of developmental disabilities in the current fiscal year to	2587
receive special education services for the category one	2588
disability described in division (A) of section 3317.013 of the	2589
Revised Code;	2590

(c) The number of children with disabilities, other than 2591
preschool children with disabilities, placed with a county board 2592
of developmental disabilities in the current fiscal year to 2593
receive special education services for category two disabilities 2594
described in division (B) of section 3317.013 of the Revised 2595
Code; 2596

(d) The number of children with disabilities, other than 2597
preschool children with disabilities, placed with a county board 2598
of developmental disabilities in the current fiscal year to 2599
receive special education services for category three 2600
disabilities described in division (C) of section 3317.013 of 2601
the Revised Code; 2602

(e) The number of children with disabilities, other than 2603
preschool children with disabilities, placed with a county board 2604
of developmental disabilities in the current fiscal year to 2605
receive special education services for category four 2606
disabilities described in division (D) of section 3317.013 of 2607
the Revised Code; 2608

(f) The number of children with disabilities, other than 2609
preschool children with disabilities, placed with a county board 2610
of developmental disabilities in the current fiscal year to 2611
receive special education services for the category five 2612
disabilities described in division (E) of section 3317.013 of 2613
the Revised Code; 2614

(g) The number of children with disabilities, other than 2615
preschool children with disabilities, placed with a county board 2616
of developmental disabilities in the current fiscal year to 2617
receive special education services for category six disabilities 2618
described in division (F) of section 3317.013 of the Revised 2619
Code. 2620

(21) The enrollment of students who are economically 2621
disadvantaged, as defined by the department, excluding any 2622
student reported under division (B) (3) (e) of this section as 2623
enrolled in an internet- or computer-based community school. A 2624
student shall not be categorically excluded from the number 2625
reported under division (B) (21) of this section based on 2626
anything other than family income. 2627

(C) (1) The state board of education shall adopt rules 2628
necessary for implementing divisions (A), (B), and (D) of this 2629
section. 2630

(2) A student enrolled in a community school established 2631
under Chapter 3314., a science, technology, engineering, and 2632
mathematics school established under Chapter 3326., or a 2633
college-preparatory boarding school established under Chapter 2634
3328. of the Revised Code shall be counted in the formula ADM 2635
and, if applicable, the category one, two, three, four, five, or 2636
six special education ADM of the school district in which the 2637
student is entitled to attend school under section 3313.64 or 2638
3313.65 of the Revised Code for the same proportion of the 2639
school year that the student is counted in the enrollment of the 2640
community school, the science, technology, engineering, and 2641
mathematics school, or the college-preparatory boarding school 2642
for purposes of section 3314.08, 3326.33, or 3328.24 of the 2643
Revised Code. Notwithstanding the enrollment of students 2644
certified pursuant to division (B) (3) (d), (e), (j), or (k) of 2645
this section, the department may adjust the formula ADM of a 2646
school district to account for students entitled to attend 2647
school in the district under section 3313.64 or 3313.65 of the 2648
Revised Code who are enrolled in a community school, a science, 2649
technology, engineering, and mathematics school, or a college- 2650
preparatory boarding school for only a portion of the school 2651

year. 2652

(3) No child shall be counted as more than a total of one 2653
child in the sum of the enrollment of students of a school 2654
district under division (A), divisions (B)(1) to (22), or 2655
division (D) of this section, except as follows: 2656

(a) A child with a disability described in section 2657
3317.013 of the Revised Code may be counted both in formula ADM 2658
and in category one, two, three, four, five, or six special 2659
education ADM and, if applicable, in category one, two, three, 2660
four, or five career-technical education ADM. As provided in 2661
division (G) of section 3317.02 of the Revised Code, such a 2662
child shall be counted in category one, two, three, four, five, 2663
or six special education ADM in the same proportion that the 2664
child is counted in formula ADM. 2665

(b) A child enrolled in career-technical education 2666
programs or classes described in section 3317.014 of the Revised 2667
Code may be counted both in formula ADM and category one, two, 2668
three, four, or five career-technical education ADM and, if 2669
applicable, in category one, two, three, four, five, or six 2670
special education ADM. Such a child shall be counted in category 2671
one, two, three, four, or five career-technical education ADM in 2672
the same proportion as the percentage of time that the child 2673
spends in the career-technical education programs or classes. 2674

(4) Based on the information reported under this section, 2675
the department of education shall determine the total student 2676
count, as defined in section 3301.011 of the Revised Code, for 2677
each school district. 2678

(D) (1) The superintendent of each joint vocational school 2679
district shall report and certify to the superintendent of 2680

public instruction as of the last day of October, March, and 2681
June of each year the enrollment of students receiving services 2682
from schools under the superintendent's supervision so that the 2683
department can calculate the district's formula ADM, total ADM, 2684
category one through five career-technical education ADM, 2685
category one through three limited English proficient ADM, 2686
category one through six special education ADM, and for purposes 2687
of provisions of law outside of Chapter 3317. of the Revised 2688
Code, average daily membership. 2689

The enrollment reported and certified by the 2690
superintendent, except as otherwise provided in this division, 2691
shall consist of the the number of students in grades six 2692
through twelve receiving any educational services from the 2693
district, except that the following categories of students shall 2694
not be included in the determination: 2695

(a) Students enrolled in adult education classes; 2696

(b) Adjacent or other district joint vocational students 2697
enrolled in the district under an open enrollment policy 2698
pursuant to section 3313.98 of the Revised Code; 2699

(c) Students receiving services in the district pursuant 2700
to a compact, cooperative education agreement, or a contract, 2701
but who are entitled to attend school in a city, local, or 2702
exempted village school district whose territory is not part of 2703
the territory of the joint vocational district; 2704

(d) Students for whom tuition is payable pursuant to 2705
sections 3317.081 and 3323.141 of the Revised Code. 2706

(2) To enable the department of education to obtain the 2707
data needed to complete the calculation of payments pursuant to 2708
this chapter, each superintendent shall certify from the report 2709

provided under division (D) (1) of this section the enrollment	2710
for each of the following categories of students:	2711
(a) Students enrolled in each individual grade included in	2712
the joint vocational district schools;	2713
(b) Children with disabilities receiving special education	2714
services for the category one disability described in division	2715
(A) of section 3317.013 of the Revised Code;	2716
(c) Children with disabilities receiving special education	2717
services for the category two disabilities described in division	2718
(B) of section 3317.013 of the Revised Code;	2719
(d) Children with disabilities receiving special education	2720
services for category three disabilities described in division	2721
(C) of section 3317.013 of the Revised Code;	2722
(e) Children with disabilities receiving special education	2723
services for category four disabilities described in division	2724
(D) of section 3317.013 of the Revised Code;	2725
(f) Children with disabilities receiving special education	2726
services for the category five disabilities described in	2727
division (E) of section 3317.013 of the Revised Code;	2728
(g) Children with disabilities receiving special education	2729
services for category six disabilities described in division (F)	2730
of section 3317.013 of the Revised Code;	2731
(h) Students receiving category one career-technical	2732
education services, described in division (A) of section	2733
3317.014 of the Revised Code;	2734
(i) Students receiving category two career-technical	2735
education services, described in division (B) of section	2736
3317.014 of the Revised Code;	2737

(j) Students receiving category three career-technical education services, described in division (C) of section 3317.014 of the Revised Code;	2738 2739 2740
(k) Students receiving category four career-technical education services, described in division (D) of section 3317.014 of the Revised Code;	2741 2742 2743
(l) Students receiving category five career-technical education services, described in division (E) of section 3317.014 of the Revised Code;	2744 2745 2746
(m) Limited English proficient students described in division (A) of section 3317.016 of the Revised Code;	2747 2748
(n) Limited English proficient students described in division (B) of section 3317.016 of the Revised Code;	2749 2750
(o) Limited English proficient students described in division (C) of section 3317.016 of the Revised Code;	2751 2752
(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.	2753 2754 2755 2756
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.	2757 2758 2759 2760 2761
(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school enrollment, which record shall accurately show, for each day the school is in	2762 2763 2764 2765

session, the actual enrollment in regular day classes. For the 2766
purpose of determining the enrollment of students, the 2767
enrollment figure of any school shall not include any pupils 2768
except those pupils described by division (A) of this section. 2769
The record of enrollment for each school shall be maintained in 2770
such manner that no pupil shall be counted as enrolled prior to 2771
the actual date of entry in the school and also in such manner 2772
that where for any cause a pupil permanently withdraws from the 2773
school that pupil shall not be counted as enrolled from and 2774
after the date of such withdrawal. There shall not be included 2775
in the enrollment of any school any of the following: 2776

(1) Any pupil who has graduated from the twelfth grade of 2777
a public or nonpublic high school; 2778

(2) Any pupil who is not a resident of the state; 2779

(3) Any pupil who was enrolled in the schools of the 2780
district during the previous school year when assessments were 2781
administered under section 3301.0711 of the Revised Code but did 2782
not take one or more of the assessments required by that section 2783
and was not excused pursuant to division (C) (1) or (3) of that 2784
section; 2785

(4) Any pupil who has attained the age of twenty-two 2786
years, except for veterans of the armed services whose 2787
attendance was interrupted before completing the recognized 2788
twelve-year course of the public schools by reason of induction 2789
or enlistment in the armed forces and who apply for reenrollment 2790
in the public school system of their residence not later than 2791
four years after termination of war or their honorable 2792
discharge; 2793

(5) Any pupil who has a certificate of high school 2794

equivalence as defined in section 5107.40 of the Revised Code. 2795

If, however, any veteran described by division (E) (4) of 2796
this section elects to enroll in special courses organized for 2797
veterans for whom tuition is paid under the provisions of 2798
federal laws, or otherwise, that veteran shall not be included 2799
in the enrollment of students determined under this section. 2800

Notwithstanding division (E) (3) of this section, the 2801
enrollment of any school may include a pupil who did not take an 2802
assessment required by section 3301.0711 of the Revised Code if 2803
the superintendent of public instruction grants a waiver from 2804
the requirement to take the assessment to the specific pupil and 2805
a parent is not paying tuition for the pupil pursuant to section 2806
3313.6410 of the Revised Code. The superintendent may grant such 2807
a waiver only for good cause in accordance with rules adopted by 2808
the state board of education. 2809

The formula ADM, total ADM, category one through five 2810
career-technical education ADM, category one through three 2811
limited English proficient ADM, category one through six special 2812
education ADM, preschool scholarship ADM, transportation ADM, 2813
and, for purposes of provisions of law outside of Chapter 3317. 2814
of the Revised Code, average daily membership of any school 2815
district shall be determined in accordance with rules adopted by 2816
the state board of education. 2817

(F) (1) If a student attending a community school under 2818
Chapter 3314., a science, technology, engineering, and 2819
mathematics school established under Chapter 3326., or a 2820
college-preparatory boarding school established under Chapter 2821
3328. of the Revised Code is not included in the formula ADM 2822
calculated for the school district in which the student is 2823
entitled to attend school under section 3313.64 or 3313.65 of 2824

the Revised Code, the department of education shall adjust the 2825
formula ADM of that school district to include the student in 2826
accordance with division (C)(2) of this section, and shall 2827
recalculate the school district's payments under this chapter 2828
for the entire fiscal year on the basis of that adjusted formula 2829
ADM. 2830

(2) If a student awarded an educational choice scholarship 2831
is not included in the formula ADM of the school district from 2832
which the department deducts funds for the scholarship under 2833
former section 3310.08 of the Revised Code, the department shall 2834
adjust the formula ADM of that school district to include the 2835
student to the extent necessary to account for the deduction, 2836
and shall recalculate the school district's payments under this 2837
chapter for the entire fiscal year on the basis of that adjusted 2838
formula ADM. Division (F)(2) of this section does not apply 2839
after July 1, 2020. 2840

(3) If a student awarded a scholarship under the Jon 2841
Peterson special needs scholarship program is not included in 2842
the formula ADM of the school district from which the department 2843
deducts funds for the scholarship under section 3310.55 of the 2844
Revised Code, the department shall adjust the formula ADM of 2845
that school district to include the student to the extent 2846
necessary to account for the deduction, and shall recalculate 2847
the school district's payments under this chapter for the entire 2848
fiscal year on the basis of that adjusted formula ADM. 2849

(G)(1)(a) The superintendent of an institution operating a 2850
special education program pursuant to section 3323.091 of the 2851
Revised Code shall, for the programs under such superintendent's 2852
supervision, certify to the state board of education, in the 2853
manner prescribed by the superintendent of public instruction, 2854

both of the following: 2855

(i) The unduplicated count of the number of all children 2856
with disabilities other than preschool children with 2857
disabilities receiving services at the institution for each 2858
category of disability described in divisions (A) to (F) of 2859
section 3317.013 of the Revised Code adjusted for the portion of 2860
the year each child is so enrolled; 2861

(ii) The unduplicated count of the number of all preschool 2862
children with disabilities in classes or programs for whom the 2863
district is eligible to receive funding under section 3317.0213 2864
of the Revised Code adjusted for the portion of the year each 2865
child is so enrolled, reported according to the categories 2866
prescribed in section 3317.013 of the Revised Code. 2867

(b) The superintendent of an institution with career- 2868
technical education units approved under section 3317.05 of the 2869
Revised Code shall, for the units under the superintendent's 2870
supervision, certify to the state board of education the 2871
enrollment in those units, in the manner prescribed by the 2872
superintendent of public instruction. 2873

(2) The superintendent of each county board of 2874
developmental disabilities that maintains special education 2875
classes under section 3317.20 of the Revised Code or provides 2876
services to preschool children with disabilities pursuant to an 2877
agreement between the county board and the appropriate school 2878
district shall do both of the following: 2879

(a) Certify to the state board, in the manner prescribed 2880
by the board, the enrollment in classes under section 3317.20 of 2881
the Revised Code for each school district that has placed 2882
children in the classes; 2883

(b) Certify to the state board, in the manner prescribed 2884
by the board, the unduplicated count of the number of all 2885
preschool children with disabilities enrolled in classes for 2886
which the ~~DD~~ board is eligible to receive funding under section 2887
3317.0213 of the Revised Code adjusted for the portion of the 2888
year each child is so enrolled, reported according to the 2889
categories prescribed in section 3317.013 of the Revised Code, 2890
and the number of those classes. 2891

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

(I) (1) Prior to July 1, 2020: 2905

(a) A city, local, exempted village, or joint vocational 2906
school district admitting a scholarship student of a pilot 2907
project district pursuant to division (C) of former section 2908
3313.976 of the Revised Code may count such student in its 2909
enrollment. 2910

~~(2)~~ (b) In any year for which funds are appropriated for 2911
pilot project scholarship programs, a school district 2912
implementing a state-sponsored pilot project scholarship program 2913

that year pursuant to former sections 3313.974 to 3313.979 of 2914
the Revised Code may count in its enrollment: 2915

~~(a)~~ (i) All children residing in the district and 2916
utilizing a scholarship to attend kindergarten in any 2917
alternative school, as defined in former section 3313.974 of the 2918
Revised Code; 2919

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

(2) Division (I) (1) of this section does not apply after 2923
July 1, 2020. 2924

(J) The superintendent of each cooperative education 2925
school district shall certify to the superintendent of public 2926
instruction, in a manner prescribed by the state board of 2927
education, the applicable enrollments for all students in the 2928
cooperative education district, also indicating the city, local, 2929
or exempted village district where each pupil is entitled to 2930
attend school under section 3313.64 or 3313.65 of the Revised 2931
Code. 2932

(K) If the superintendent of public instruction determines 2933
that a component of the enrollment certified or reported by a 2934
district superintendent, or other reporting entity, is not 2935
correct, the superintendent of public instruction may order that 2936
the formula ADM used for the purposes of payments under any 2937
section of Title XXXIII of the Revised Code be adjusted in the 2938
amount of the error. 2939

Sec. 3365.07. The department of education shall calculate 2940
and pay state funds to colleges for participants in the college 2941
credit plus program under division (B) of section 3365.06 of the 2942

Revised Code pursuant to this section. For a nonpublic secondary 2943
school participant, a nonchartered nonpublic secondary school 2944
participant, or a home-instructed participant, the department 2945
shall pay state funds pursuant to this section only if that 2946
participant is awarded funding according to rules adopted by the 2947
chancellor of higher education, in consultation with the 2948
superintendent of public instruction, pursuant to section 2949
3365.071 of the Revised Code. The program shall be the sole 2950
mechanism by which state funds are paid to colleges for students 2951
to earn transcribed credit for college courses while enrolled 2952
in both a secondary school and a college, with the exception of 2953
state funds paid to colleges according to an agreement described 2954
in division (A) (1) of section 3365.02 of the Revised Code. 2955

(A) For each public or nonpublic secondary school 2956
participant enrolled in a public college: 2957

(1) If no agreement has been entered into under division 2958
(A) (2) of this section, both of the following shall apply: 2959

(a) The department shall pay to the college the applicable 2960
amount as follows: 2961

(i) For a participant enrolled in a college course 2962
delivered on the college campus, at another location operated by 2963
the college, or online, the lesser of the default ceiling amount 2964
or the college's standard rate; 2965

(ii) For a participant enrolled in a college course 2966
delivered at the participant's secondary school but taught by 2967
college faculty, the lesser of fifty per cent of the default 2968
ceiling amount or the college's standard rate; 2969

(iii) For a participant enrolled in a college course 2970
delivered at the participant's secondary school and taught by a 2971

high school teacher who has met the credential requirements 2972
established for purposes of the program in rules adopted by the 2973
chancellor, the default floor amount. 2974

(b) The participant's secondary school shall pay for 2975
textbooks, and the college shall waive payment of all other fees 2976
related to participation in the program. 2977

(2) The governing entity of a participant's secondary 2978
school and the college may enter into an agreement to establish 2979
an alternative payment structure for tuition, textbooks, and 2980
fees. Under such an agreement, payments for each participant 2981
made by the department shall be not less than the default floor 2982
amount, unless approved by the chancellor, and not more than 2983
either the default ceiling amount or the college's standard 2984
rate, whichever is less. The chancellor may approve an agreement 2985
that includes a payment below the default floor amount, as long 2986
as the provisions of the agreement comply with all other 2987
requirements of this chapter to ensure program quality. If no 2988
agreement is entered into under division (A)(2) of this section, 2989
both of the following shall apply: 2990

(a) The department shall pay to the college the applicable 2991
default amounts prescribed by division (A)(1)(a) of this 2992
section, depending upon the method of delivery and instruction. 2993

(b) In accordance with division (A)(1)(b) of this section, 2994
the participant's secondary school shall pay for textbooks, and 2995
the college shall waive payment of all other fees related to 2996
participation in the program. 2997

(3) No participant that is enrolled in a public college 2998
shall be charged for any tuition, textbooks, or other fees 2999
related to participation in the program. 3000

(B) For each public secondary school participant enrolled 3001
in a private college: 3002

(1) If no agreement has been entered into under division 3003
(B) (2) of this section, the department shall pay to the college 3004
the applicable amount calculated in the same manner as in 3005
division (A) (1) (a) of this section. 3006

(2) The governing entity of a participant's secondary 3007
school and the college may enter into an agreement to establish 3008
an alternative payment structure for tuition, textbooks, and 3009
fees. Under such an agreement, payments shall be not less than 3010
the default floor amount, unless approved by the chancellor, and 3011
not more than either the default ceiling amount or the college's 3012
standard rate, whichever is less. 3013

If an agreement is entered into under division (B) (2) of 3014
this section, both of the following shall apply: 3015

(a) The department shall make a payment to the college for 3016
each participant that is equal to the default floor amount, 3017
unless approved by the chancellor to pay an amount below the 3018
default floor amount. The chancellor may approve an agreement 3019
that includes a payment below the default floor amount, as long 3020
as the provisions of the agreement comply with all other 3021
requirements of this chapter to ensure program quality. 3022

(b) Payment for costs for the participant that exceed the 3023
amount paid by the department pursuant to division (B) (2) (a) of 3024
this section shall be negotiated by the school and the college. 3025
The agreement may include a stipulation permitting the charging 3026
of a participant. 3027

However, under no circumstances shall: 3028

(i) Payments for a participant made by the department 3029

under division (B) (2) of this section exceed the lesser of the 3030
default ceiling amount or the college's standard rate; 3031

(ii) The amount charged to a participant under division 3032
(B) (2) of this section exceed the difference between the maximum 3033
per participant charge amount and the default floor amount; 3034

(iii) The sum of the payments made by the department for a 3035
participant and the amount charged to that participant under 3036
division (B) (2) of this section exceed the following amounts, as 3037
applicable: 3038

(I) For a participant enrolled in a college course 3039
delivered on the college campus, at another location operated by 3040
the college, or online, the maximum per participant charge 3041
amount; 3042

(II) For a participant enrolled in a college course 3043
delivered at the participant's secondary school but taught by 3044
college faculty, one hundred twenty-five dollars; 3045

(III) For a participant enrolled in a college course 3046
delivered at the participant's secondary school and taught by a 3047
high school teacher who has met the credential requirements 3048
established for purposes of the program in rules adopted by the 3049
chancellor, one hundred dollars. 3050

(iv) A participant that is identified as economically 3051
disadvantaged according to rules adopted by the department be 3052
charged under division (B) (2) of this section for any tuition, 3053
textbooks, or other fees related to participation in the 3054
program. 3055

(C) For each nonpublic secondary school participant 3056
enrolled in a private or eligible out-of-state college, the 3057
department shall pay to the college the applicable amount 3058

calculated in the same manner as in division (A) (1) (a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.

However, under no circumstances shall:

(1) The payments for a participant made by the department under this division exceed the lesser of the default ceiling amount or the college's standard rate.

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

(D) For each nonchartered nonpublic secondary school participant and each home-instructed participant enrolled in a public, private, or eligible out-of-state college, the department shall pay to the college the lesser of the default ceiling amount or the college's standard rate, if that participant is enrolled in a college course delivered on the college campus, at another location operated by the college, or online.

(E) Not later than thirty days after the end of each term,

each college expecting to receive payment for the costs of a 3088
participant under this section shall notify the department of 3089
the number of enrolled credit hours for each participant. 3090

(F) The department shall make the applicable payments 3091
under this section to each college, which provided proper 3092
notification to the department under division (E) of this 3093
section, for the number of enrolled credit hours for 3094
participants enrolled in the college under division (B) of 3095
section 3365.06 of the Revised Code. Except in cases involving 3096
incomplete participant information or a dispute of participant 3097
information, payments shall be made by the last day of January 3098
for participants who were enrolled during the fall term and by 3099
the last day of July for participants who were enrolled during 3100
the spring term. The department shall not make any payments to a 3101
college under this section if a participant withdrew from a 3102
course prior to the date on which a withdrawal from the course 3103
would have negatively affected the participant's transcribed 3104
grade, as prescribed by the college's established withdrawal 3105
policy. 3106

(1) Payments made for public secondary school participants 3107
under this section shall be deducted from the school foundation 3108
payments made to the participant's school district or, if the 3109
participant is enrolled in a community school, a STEM school, or 3110
a college-preparatory boarding school, from the payments made to 3111
that school under section 3314.08, 3326.33, or 3328.34 of the 3112
Revised Code. If the participant is enrolled in a joint 3113
vocational school district, a portion of the amount shall be 3114
deducted from the payments to the joint vocational school 3115
district and a portion shall be deducted from the payments to 3116
the participant's city, local, or exempted village school 3117
district in accordance with the full-time equivalency of the 3118

student's enrollment in each district. Amounts deducted under 3119
division (F) (1) of this section shall be calculated in 3120
accordance with rules adopted by the chancellor, in consultation 3121
with the state superintendent, pursuant to division (B) of 3122
section 3365.071 of the Revised Code. 3123

(2) Payments made for nonpublic secondary school 3124
participants, nonchartered nonpublic secondary school 3125
participants, and home-instructed participants under this 3126
section shall be deducted from moneys appropriated by the 3127
general assembly for such purpose. Payments shall be allocated 3128
and distributed in accordance with rules adopted by the 3129
chancellor, in consultation with the state superintendent, 3130
pursuant to division (A) of section 3365.071 of the Revised 3131
Code. 3132

(G) Any public college that enrolls a student under 3133
division (B) of section 3365.06 of the Revised Code may include 3134
that student in the calculation used to determine its state 3135
share of instruction funds appropriated to the department of 3136
higher education by the general assembly. 3137

Sec. 5727.84. No determinations, computations, 3138
certifications, or payments shall be made under this section 3139
after June 30, 2015. 3140

(A) As used in this section and sections 5727.85, 5727.86, 3141
and 5727.87 of the Revised Code: 3142

(1) "School district" means a city, local, or exempted 3143
village school district. 3144

(2) "Joint vocational school district" means a joint 3145
vocational school district created under section 3311.16 of the 3146
Revised Code, and includes a cooperative education school 3147

district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.

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

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

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

(D) of section 3317.022 of the Revised Code; and include amounts 3178
calculated under Section 269.30.80 of H.B. 119 of the 127th 3179
general assembly, as subsequently amended. 3180

(b) For fiscal years 2010 and 2011, the sum of the amounts 3181
computed for the district under former sections 3306.052, 3182
3306.12, 3306.13, 3306.19, 3306.191, 3306.192, 3317.052, and 3183
3317.053 of the Revised Code and the following provisions, as 3184
they existed for the applicable fiscal year: division (G) of 3185
section 3317.024; section 3317.05 of the Revised Code; and the 3186
adjustments required by division (C) of former section 3310.08; 3187
division (C) (2) of section 3310.41; division (C) of section 3188
3314.08; division (D) (2) of section 3314.091; division (D) of 3189
former section 3314.13; divisions (E), (K), (L), (M), and (N) of 3190
section 3317.023; division (C) of section 3317.20; and sections 3191
~~3313.979, 3313.981,~~ and 3326.33 and former section 3313.979 of 3192
the Revised Code. 3193

(c) For fiscal years 2012 and 2013, the amount paid in 3194
accordance with the section of H.B. 153 of the 129th general 3195
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 3196
SCHOOL DISTRICTS" and the adjustments required by division (C) 3197
of former section 3310.08; division (C) (2) of section 3310.41; 3198
section 3310.55; division (C) of section 3314.08; division (D) 3199
(2) of section 3314.091; division (D) of former section 3314.13; 3200
divisions (B), (H), (I), (J), and (K) of section 3317.023; 3201
division (C) of section 3317.20; and ~~sections 3313.979 and~~ 3202
section 3313.981 and former section 3313.979 of the Revised 3203
Code; 3204

(d) For fiscal year 2014 and each fiscal year thereafter, 3205
the sum of amounts computed for and paid to the district under 3206
section 3317.022 of the Revised Code; and the adjustments 3207

required by division (C) of former section 3310.08, division (C) 3208
(2) of section 3310.41, section 3310.55, division (C) of section 3209
3314.08, division (D)(2) of section 3314.091, divisions (B), 3210
(H), (J), and (K) of section 3317.023, and sections ~~3313.978,~~ 3211
3313.981, 3317.0212, 3317.0213, 3317.0214, and 3326.33 and 3212
former section 3313.978 of the Revised Code. However, for fiscal 3213
years 2014 and 2015, the amount computed for the district under 3214
the section of this act entitled "TRANSITIONAL AID FOR CITY, 3215
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also shall be 3216
included. 3217

(5) "State education aid," for a joint vocational school 3218
district, means the following: 3219

(a) For fiscal years prior to fiscal year 2010, the sum of 3220
the state aid amounts computed for the district under division 3221
(N) of section 3317.024 and section 3317.16 of the Revised Code. 3222
However, when calculating state education aid for a joint 3223
vocational school district for fiscal years 2008 and 2009, 3224
include the amount computed for the district under Section 3225
269.30.90 of H.B. 119 of the 127th general assembly, as 3226
subsequently amended. 3227

(b) For fiscal years 2010 and 2011, the amount computed 3228
for the district in accordance with the section of H.B. 1 of the 3229
128th general assembly entitled "FUNDING FOR JOINT VOCATIONAL 3230
SCHOOL DISTRICTS." 3231

(c) For fiscal years 2012 and 2013, the amount paid in 3232
accordance with the section of H.B. 153 of the 129th general 3233
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 3234
DISTRICTS." 3235

(d) For fiscal year 2014 and each fiscal year thereafter, 3236

the amount computed for the district under section 3317.16 of 3237
the Revised Code; except that, for fiscal years 2014 and 2015, 3238
the amount computed for the district under the section of this 3239
act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 3240
DISTRICTS" shall be included. 3241

(6) "State education aid offset" means the amount 3242
determined for each school district or joint vocational school 3243
district under division (A)(1) of section 5727.85 of the Revised 3244
Code. 3245

(7) "Recognized valuation" means the amount computed for a 3246
school district pursuant to section 3317.015 of the Revised 3247
Code. 3248

(8) "Electric company tax value loss" means the amount 3249
determined under division (D) of this section. 3250

(9) "Natural gas company tax value loss" means the amount 3251
determined under division (E) of this section. 3252

(10) "Tax value loss" means the sum of the electric 3253
company tax value loss and the natural gas company tax value 3254
loss. 3255

(11) "Fixed-rate levy" means any tax levied on property 3256
other than a fixed-sum levy. 3257

(12) "Fixed-rate levy loss" means the amount determined 3258
under division (G) of this section. 3259

(13) "Fixed-sum levy" means a tax levied on property at 3260
whatever rate is required to produce a specified amount of tax 3261
money or levied in excess of the ten-mill limitation to pay debt 3262
charges, and includes school district emergency levies charged 3263
and payable pursuant to section 5705.194 of the Revised Code. 3264

(14) "Fixed-sum levy loss" means the amount determined	3265
under division (H) of this section.	3266
(15) "Consumer price index" means the consumer price index	3267
(all items, all urban consumers) prepared by the bureau of labor	3268
statistics of the United States department of labor.	3269
(16) "Total resources" and "total library resources" have	3270
the same meanings as in section 5751.20 of the Revised Code.	3271
(17) "2011 current expense S.B. 3 allocation" means the	3272
sum of payments received by a school district or joint	3273
vocational school district in fiscal year 2011 for current	3274
expense levy losses pursuant to division (C) (2) of section	3275
5727.85 of the Revised Code. If a fixed-rate levy eligible for	3276
reimbursement is not charged and payable in any year after tax	3277
year 2010, "2011 current expense S.B. 3 allocation" used to	3278
compute payments to be made under division (C) (3) of section	3279
5727.85 of the Revised Code in the tax years following the last	3280
year the levy is charged and payable shall be reduced to the	3281
extent that those payments are attributable to the fixed-rate	3282
levy loss of that levy.	3283
(18) "2010 current expense S.B. 3 allocation" means the	3284
sum of payments received by a municipal corporation in calendar	3285
year 2010 for current expense levy losses pursuant to division	3286
(A) (1) of section 5727.86 of the Revised Code, excluding any	3287
such payments received for current expense levy losses	3288
attributable to a tax levied under section 5705.23 of the	3289
Revised Code. If a fixed-rate levy eligible for reimbursement is	3290
not charged and payable in any year after tax year 2010, "2010	3291
current expense S.B. 3 allocation" used to compute payments to	3292
be made under division (A) (1) (d) or (e) of section 5727.86 of	3293
the Revised Code in the tax years following the last year the	3294

levy is charged and payable shall be reduced to the extent that 3295
those payments are attributable to the fixed-rate levy loss of 3296
that levy. 3297

(19) "2010 S.B. 3 allocation" means the sum of payments 3298
received by a local taxing unit during calendar year 2010 3299
pursuant to division (A) (1) of section 5727.86 of the Revised 3300
Code, excluding any such payments received for fixed-rate levy 3301
losses attributable to a tax levied under section 5705.23 of the 3302
Revised Code. If a fixed-rate levy eligible for reimbursement is 3303
not charged and payable in any year after tax year 2010, "2010 3304
S.B. 3 allocation" used to compute payments to be made under 3305
division (A) (1) (d) or (e) of section 5727.86 of the Revised Code 3306
in the tax years following the last year the levy is charged and 3307
payable shall be reduced to the extent that those payments are 3308
attributable to the fixed-rate levy loss of that levy. 3309

(20) "Total S.B. 3 allocation" means, in the case of a 3310
school district or joint vocational school district, the sum of 3311
the payments received in fiscal year 2011 pursuant to divisions 3312
(C) (2) and (D) of section 5727.85 of the Revised Code. In the 3313
case of a local taxing unit, "total S.B. 3 allocation" means the 3314
sum of payments received by the unit in calendar year 2010 3315
pursuant to divisions (A) (1) and (4) of section 5727.86 of the 3316
Revised Code, excluding any such payments received for fixed- 3317
rate levy losses attributable to a tax levied under section 3318
5705.23 of the Revised Code. If a fixed-rate levy eligible for 3319
reimbursement is not charged and payable in any year after tax 3320
year 2010, "total S.B. 3 allocation" used to compute payments to 3321
be made under division (C) (3) of section 5727.85 or division (A) 3322
(1) (d) or (e) of section 5727.86 of the Revised Code in the tax 3323
years following the last year the levy is charged and payable 3324
shall be reduced to the extent that those payments are 3325

attributable to the fixed-rate levy loss of that levy as would 3326
be computed under division (C) (2) of section 5727.85 or division 3327
(A) (1) (b) of section 5727.86 of the Revised Code. 3328

(21) "2011 non-current expense S.B. 3 allocation" means 3329
the difference of a school district's or joint vocational school 3330
district's total S.B. 3 allocation minus the sum of the school 3331
district's 2011 current expense S.B. 3 allocation and the 3332
portion of the school district's total S.B. 3 allocation 3333
constituting reimbursement for debt levies pursuant to division 3334
(D) of section 5727.85 of the Revised Code. 3335

(22) "2010 non-current expense S.B. 3 allocation" means 3336
the difference of a municipal corporation's total S.B. 3 3337
allocation minus the sum of its 2010 current expense S.B. 3 3338
allocation and the portion of its total S.B. 3 allocation 3339
constituting reimbursement for debt levies pursuant to division 3340
(A) (4) of section 5727.86 of the Revised Code. 3341

(23) "S.B. 3 allocation for library purposes" means, in 3342
the case of a county, municipal corporation, school district, or 3343
township public library that receives the proceeds of a tax 3344
levied under section 5705.23 of the Revised Code, the sum of the 3345
payments received by the public library in calendar year 2010 3346
pursuant to section 5727.86 of the Revised Code for fixed-rate 3347
levy losses attributable to a tax levied under section 5705.23 3348
of the Revised Code. If a fixed-rate levy authorized under 3349
section 5705.23 of the Revised Code that is eligible for 3350
reimbursement is not charged and payable in any year after tax 3351
year 2010, "S.B. 3 allocation for library purposes" used to 3352
compute payments to be made under division (A) (1) (f) of section 3353
5727.86 of the Revised Code in the tax years following the last 3354
year the levy is charged and payable shall be reduced to the 3355

extent that those payments are attributable to the fixed-rate 3356
levy loss of that levy as would be computed under division (A) 3357
(1) (b) of section 5727.86 of the Revised Code. 3358

(24) "Threshold per cent" means, in the case of a school 3359
district or joint vocational school district, two per cent for 3360
fiscal year 2012 and four per cent for fiscal years 2013 and 3361
thereafter. In the case of a local taxing unit or public library 3362
that receives the proceeds of a tax levied under section 5705.23 3363
of the Revised Code, "threshold per cent" means two per cent for 3364
calendar year 2011, four per cent for calendar year 2012, and 3365
six per cent for calendar years 2013 and thereafter. 3366

(B) The kilowatt-hour tax receipts fund is hereby created 3367
in the state treasury and shall consist of money arising from 3368
the tax imposed by section 5727.81 of the Revised Code. All 3369
money in the kilowatt-hour tax receipts fund shall be credited 3370
as follows: 3371

Fiscal Year	General Revenue	School District	Local	
	Fund	Property Tax	Government	
		Replacement	Property Tax	
		Fund	Replacement	
			Fund	
2001-2011	63.0%	25.4%	11.6%	
2012-2015	88.0%	9.0%	3.0%	

(C) The natural gas tax receipts fund is hereby created in 3379
the state treasury and shall consist of money arising from the 3380
tax imposed by section 5727.811 of the Revised Code. All money 3381
in the fund shall be credited as follows for fiscal years before 3382
fiscal year 2012: 3383

(1) Sixty-eight and seven-tenths per cent shall be 3384

credited to the school district property tax replacement fund 3385
for the purpose of making the payments described in section 3386
5727.85 of the Revised Code. 3387

(2) Thirty-one and three-tenths per cent shall be credited 3388
to the local government property tax replacement fund for the 3389
purpose of making the payments described in section 5727.86 of 3390
the Revised Code. 3391

(D) Not later than January 1, 2002, the tax commissioner 3392
shall determine for each taxing district its electric company 3393
tax value loss, which is the sum of the applicable amounts 3394
described in divisions (D) (1) to (4) of this section: 3395

(1) The difference obtained by subtracting the amount 3396
described in division (D) (1) (b) from the amount described in 3397
division (D) (1) (a) of this section. 3398

(a) The value of electric company and rural electric 3399
company tangible personal property as assessed by the tax 3400
commissioner for tax year 1998 on a preliminary assessment, or 3401
an amended preliminary assessment if issued prior to March 1, 3402
1999, and as apportioned to the taxing district for tax year 3403
1998; 3404

(b) The value of electric company and rural electric 3405
company tangible personal property as assessed by the tax 3406
commissioner for tax year 1998 had the property been apportioned 3407
to the taxing district for tax year 2001, and assessed at the 3408
rates in effect for tax year 2001. 3409

(2) The difference obtained by subtracting the amount 3410
described in division (D) (2) (b) from the amount described in 3411
division (D) (2) (a) of this section. 3412

(a) The three-year average for tax years 1996, 1997, and 3413

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

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

(3) In the case of a taxing district having a nuclear power plant within its territory, any amount, resulting in an electric 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 3443
section from the amount described in division (D) (4) (a) of this 3444
section, provided that such difference is greater than ten per 3445
cent of the amount described in division (D) (4) (a) of this 3446
section. 3447

(a) The value of electric company tangible personal 3448
property as assessed by the tax commissioner for tax year 2005 3449
on a preliminary assessment, or an amended preliminary 3450
assessment if issued prior to March 1, 2006, and as apportioned 3451
to the taxing district for tax year 2005; 3452

(b) The value of electric company tangible personal 3453
property as assessed by the tax commissioner for tax year 2006 3454
on a preliminary assessment, or an amended preliminary 3455
assessment if issued prior to March 1, 2007, and as apportioned 3456
to the taxing district for tax year 2006. 3457

(E) Not later than January 1, 2002, the tax commissioner 3458
shall determine for each taxing district its natural gas company 3459
tax value loss, which is the sum of the amounts described in 3460
divisions (E) (1) and (2) of this section: 3461

(1) The difference obtained by subtracting the amount 3462
described in division (E) (1) (b) from the amount described in 3463
division (E) (1) (a) of this section. 3464

(a) The value of all natural gas company tangible personal 3465
property, other than property described in division (E) (2) of 3466
this section, as assessed by the tax commissioner for tax year 3467
1999 on a preliminary assessment, or an amended preliminary 3468
assessment if issued prior to March 1, 2000, and apportioned to 3469
the taxing district for tax year 1999; 3470

(b) The value of all natural gas company tangible personal 3471

property, other than property described in division (E) (2) of 3472
this section, as assessed by the tax commissioner for tax year 3473
1999 had the property been apportioned to the taxing district 3474
for tax year 2001, and assessed at the rates in effect for tax 3475
year 2001. 3476

(2) The difference in the value of current gas obtained by 3477
subtracting the amount described in division (E) (2) (b) from the 3478
amount described in division (E) (2) (a) of this section. 3479

(a) The three-year average assessed value of current gas 3480
as assessed by the tax commissioner for tax years 1997, 1998, 3481
and 1999 on a preliminary assessment, or an amended preliminary 3482
assessment if issued prior to March 1, 2001, and as apportioned 3483
in the taxing district for those respective years; 3484

(b) The three-year average assessed value from current gas 3485
under division (E) (2) (a) of this section for tax years 1997, 3486
1998, and 1999, as reflected in the preliminary assessment, 3487
using an assessment rate of twenty-five per cent. 3488

(F) The tax commissioner may request that natural gas 3489
companies, electric companies, and rural electric companies file 3490
a report to help determine the tax value loss under divisions 3491
(D) and (E) of this section. The report shall be filed within 3492
thirty days of the commissioner's request. A company that fails 3493
to file the report or does not timely file the report is subject 3494
to the penalty in section 5727.60 of the Revised Code. 3495

(G) Not later than January 1, 2002, the tax commissioner 3496
shall determine for each school district, joint vocational 3497
school district, and local taxing unit its fixed-rate levy loss, 3498
which is the sum of its electric company tax value loss 3499
multiplied by the tax rate in effect in tax year 1998 for fixed- 3500

rate levies and its natural gas company tax value loss 3501
multiplied by the tax rate in effect in tax year 1999 for fixed- 3502
rate levies. 3503

(H) Not later than January 1, 2002, the tax commissioner 3504
shall determine for each school district, joint vocational 3505
school district, and local taxing unit its fixed-sum levy loss, 3506
which is the amount obtained by subtracting the amount described 3507
in division (H) (2) of this section from the amount described in 3508
division (H) (1) of this section: 3509

(1) The sum of the electric company tax value loss 3510
multiplied by the tax rate in effect in tax year 1998, and the 3511
natural gas company tax value loss multiplied by the tax rate in 3512
effect in tax year 1999, for fixed-sum levies for all taxing 3513
districts within each school district, joint vocational school 3514
district, and local taxing unit. For the years 2002 through 3515
2006, this computation shall include school district emergency 3516
levies that existed in 1998 in the case of the electric company 3517
tax value loss, and 1999 in the case of the natural gas company 3518
tax value loss, and all other fixed-sum levies that existed in 3519
1998 in the case of the electric company tax value loss and 1999 3520
in the case of the natural gas company tax value loss and 3521
continue to be charged in the tax year preceding the 3522
distribution year. For the years 2007 through 2016 in the case 3523
of school district emergency levies, and for all years after 3524
2006 in the case of all other fixed-sum levies, this computation 3525
shall exclude all fixed-sum levies that existed in 1998 in the 3526
case of the electric company tax value loss and 1999 in the case 3527
of the natural gas company tax value loss, but are no longer in 3528
effect in the tax year preceding the distribution year. For the 3529
purposes of this section, an emergency levy that existed in 1998 3530
in the case of the electric company tax value loss, and 1999 in 3531

the case of the natural gas company tax value loss, continues to 3532
exist in a year beginning on or after January 1, 2007, but 3533
before January 1, 2017, if, in that year, the board of education 3534
levies a school district emergency levy for an annual sum at 3535
least equal to the annual sum levied by the board in tax year 3536
1998 or 1999, respectively, less the amount of the payment 3537
certified under this division for 2002. 3538

(2) The total taxable value in tax year 1999 less the tax 3539
value loss in each school district, joint vocational school 3540
district, and local taxing unit multiplied by one-fourth of one 3541
mill. 3542

If the amount computed under division (H) of this section 3543
for any school district, joint vocational school district, or 3544
local taxing unit is greater than zero, that amount shall equal 3545
the fixed-sum levy loss reimbursed pursuant to division (F) of 3546
section 5727.85 of the Revised Code or division (A)(2) of 3547
section 5727.86 of the Revised Code, and the one-fourth of one 3548
mill that is subtracted under division (H)(2) of this section 3549
shall be apportioned among all contributing fixed-sum levies in 3550
the proportion of each levy to the sum of all fixed-sum levies 3551
within each school district, joint vocational school district, 3552
or local taxing unit. 3553

(I) Notwithstanding divisions (D), (E), (G), and (H) of 3554
this section, in computing the tax value loss, fixed-rate levy 3555
loss, and fixed-sum levy loss, the tax commissioner shall use 3556
the greater of the 1998 tax rate or the 1999 tax rate in the 3557
case of levy losses associated with the electric company tax 3558
value loss, but the 1999 tax rate shall not include for this 3559
purpose any tax levy approved by the voters after June 30, 1999, 3560
and the tax commissioner shall use the greater of the 1999 or 3561

the 2000 tax rate in the case of levy losses associated with the 3562
natural gas company tax value loss. 3563

(J) Not later than January 1, 2002, the tax commissioner 3564
shall certify to the department of education the tax value loss 3565
determined under divisions (D) and (E) of this section for each 3566
taxing district, the fixed-rate levy loss calculated under 3567
division (G) of this section, and the fixed-sum levy loss 3568
calculated under division (H) of this section. The calculations 3569
under divisions (G) and (H) of this section shall separately 3570
display the levy loss for each levy eligible for reimbursement. 3571

(K) Not later than September 1, 2001, the tax commissioner 3572
shall certify the amount of the fixed-sum levy loss to the 3573
county auditor of each county in which a school district with a 3574
fixed-sum levy loss has territory. 3575

Section 2. That existing sections 3301.0711, 3301.0714, 3576
3301.163, 3302.036, 3302.10, 3310.51, 3317.03, 3365.07, and 3577
5727.84 of the Revised Code are hereby repealed. 3578

Section 3. That sections 3310.01, 3310.02, 3310.03, 3579
3310.031, 3310.032, 3310.035, 3310.04, 3310.05, 3310.06, 3580
3310.07, 3310.08, 3310.09, 3310.10, 3310.11, 3310.12, 3310.13, 3581
3310.14, 3310.15, 3310.16, 3310.17, 3313.974, 3313.975, 3582
3313.976, 3313.977, 3313.978, and 3313.979 of the Revised Code 3583
are hereby repealed. 3584

Section 4. Sections 1, 2, and 3 of this act take effect on 3585
July 1, 2020. 3586

Section 5. Notwithstanding anything to the contrary in the 3587
Revised Code: 3588

(A) The Department of Education shall begin preparations 3589
to implement the Opportunity Scholarship Program established by 3590

sections 3310.01 to 3310.17 of the Revised Code so that a 3591
scholarship can be used beginning with the 2020-2021 school 3592
year. 3593

(B) The rules required to be adopted under sections 3594
3310.06 and 3310.17 of the Revised Code shall be adopted so that 3595
they are implemented beginning with the 2020-2021 school year. 3596

Section 6. The General Assembly, applying the principle 3597
stated in division (B) of section 1.52 of the Revised Code that 3598
amendments are to be harmonized if reasonably capable of 3599
simultaneous operation, finds that the following sections, 3600
presented in this act as composites of the sections as amended 3601
by the acts indicated, are the resulting versions of the 3602
sections in effect prior to the effective date of the sections 3603
as presented in this act: 3604

Section 3301.0711 of the Revised Code as amended by both 3605
Sub. H.B. 21 and Am. Sub. S.B. 216 of the 132nd General 3606
Assembly. 3607

Section 3302.036 of the Revised Code as amended by both 3608
Am. Sub. H.B. 64 and Am. Sub. S.B. 70 of the 131st General 3609
Assembly. 3610

Section 3317.03 of the Revised Code as amended by both 3611
Sub. H.B. 113 and Sub. H.B. 158 of the 131st General Assembly. 3612