

I_134_1204-1

134th General Assembly
Regular Session
2021-2022

Sub. H. B. No. 290

A BILL

To amend sections 3317.02, 3317.022, 3317.03, and 1
5747.70; to enact sections 3310.21, 3310.22, 2
3310.23, 3310.24, 3310.25, 3310.26, and 3310.27; 3
to amend sections 125.04, 311.29, 3301.0711, 4
3301.0714, 3301.163, 3302.036, 3302.04, 3302.10, 5
3310.51, 3365.07, and 5703.21 on July 1, 2023; 6
and to repeal sections 3310.01, 3310.02, 7
3310.03, 3310.031, 3310.032, 3310.033, 3310.034, 8
3310.035, 3310.036, 3310.04, 3310.05, 3310.06, 9
3310.07, 3310.10, 3310.11, 3310.12, 3310.13, 10
3310.14, 3310.15, 3310.16, 3310.17, 3313.974, 11
3313.975, 3313.976, 3313.977, 3313.978, and 12
3313.979 of the Revised Code on July 1, 2023, to 13
establish the Backpack Scholarship Program to 14
begin operating for the 2023-2024 school year, 15
to repeal the Educational Choice Scholarship 16
Pilot Program and the Pilot Project Scholarship 17
Program on July 1, 2023, and to make an 18
appropriation. 19

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



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Section 1. That sections 3317.02, 3317.022, 3317.03, and 5747.70 be amended and sections 3310.21, 3310.22, 3310.23, 3310.24, 3310.25, 3310.26, and 3310.27 of the Revised Code be enacted to read as follows:

Sec. 3310.21. As used in this section and sections 3310.22 to 3310.27 of the Revised Code:

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

(B) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(C) "Eligible student" means a student to whom either of the following apply:

(1) The student is enrolled in any of the following:

(a) A school district;

(b) A community school;

(c) A STEM school;

(d) A chartered nonpublic school;

(e) A nonchartered nonpublic school.

(2) The student is excused from compulsory school attendance for the purpose of home instruction under section 3321.04 of the Revised Code.

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

(E) "Participating school" means a chartered nonpublic school or nonchartered nonpublic school that participates in the backpack scholarship program in accordance with section 3310.25 of the Revised Code. 46
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(F) "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. 50
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(G) "Scholarship account" means an educational savings account established under section 3310.23 of the Revised Code. 53
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(H) "School district" means a city, local, or exempted village school district. 55
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(I) "STEM school" means a STEM school established under Chapter 3326. of the Revised Code. 57
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Sec. 3310.22. The backpack scholarship program is hereby established to begin operating for the 2023-2024 school year. The purpose of the program is to permit students to enroll in the school that they and their parents determine is the best fit for them. Under the program, the treasurer of state shall establish an education savings account for each participating eligible student to purchase educational goods and services, including tuition at participating chartered and nonchartered nonpublic schools. Funding for each education savings account shall be transferred by the department of education from the backpack scholarship unit, as defined in section 3317.02 of the Revised Code, in accordance with division (I) of section 3317.022 of the Revised Code. 59
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In administering the program, the treasurer of state shall do all of the following: 72
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(A) Contract with an entity to establish educational 74

savings accounts in accordance with section 3310.23 of the 75
Revised Code; 76

(B) Execute any contracts or other instruments for 77
necessary goods and services; 78

(C) Employ necessary personnel and engage the services of 79
private consultants, actuaries, auditors, counsel, managers, 80
trustees, and any other contractor or professional needed for 81
rendering professional and technical assistance and advice; 82

(D) Annually provide the parents of eligible students with 83
information regarding participating schools. The treasurer of 84
state shall prioritize providing information to eligible 85
students with low family incomes, as determined by the treasurer 86
of state; 87

(E) Determine a method to ensure that all expenditures 88
from scholarship accounts are in accordance with section 3310.24 89
of the Revised Code; 90

(F) Determine penalties for any fraudulent activity by 91
participating schools, other educational providers, students for 92
whom a scholarship account is established, or the students' 93
parents. 94

Sec. 3310.23. (A) Not later than March 1, 2023, the 95
treasurer of state shall develop an application procedure for 96
the backpack scholarship program. Under the procedure, the 97
treasurer of state shall open an application period for a school 98
year on the first day of March immediately prior to the first 99
day of July of that school year. The parent of an eligible 100
student may submit an application to participate in the program 101
during that application period. The treasurer of state shall 102
accept and process each application that is submitted. 103

(B) For an educational savings account sought for the 104
2023-2024 school year, and for each school year thereafter, the 105
treasurer of state shall approve a completed application 106
submitted on behalf of an eligible student, and establish an 107
educational savings account for that student, if either of the 108
following apply to the student for the school year for which an 109
account is sought: 110

(1) The student is enrolling in any of grades kindergarten 111
through twelve in a participating school. 112

(2) The student is excused from compulsory school 113
attendance for the purpose of home instruction under section 114
3321.04 of the Revised Code for the equivalent of any of grades 115
kindergarten through twelve. 116

(C) A student for whom an educational savings account is 117
established under this section for a school year shall be 118
required to reapply under this section to have an account 119
established for a subsequent school year. 120

(D) An eligible student who receives a scholarship under 121
the autism scholarship program established under section 3310.41 122
of the Revised Code or the Jon Peterson special needs 123
scholarship program established under sections 3310.51 to 124
3310.64 of the Revised Code also may apply to have an 125
educational savings account established under this section. 126

(E) An eligible student who received a scholarship under 127
the educational choice scholarship pilot program established 128
under sections 3310.01 to 3310.17 of the Revised Code, as those 129
sections existed prior to July 1, 2023, or the pilot project 130
scholarship program established under sections 3313.974 to 131
3313.979 of the Revised Code, as those sections existed prior to 132

that date, may apply for an educational savings account in 133
accordance with this section. However, the student's entitlement 134
to scholarship under either the educational choice scholarship 135
pilot program or the pilot project scholarship program shall 136
cease on July 1, 2023. 137

Sec. 3310.24. (A) Funds transferred by the department of 138
education under section 3317.022 of the Revised Code to a 139
scholarship account established for a student shall be used by 140
the student's parent for any of the following purposes: 141

(1) Tuition and fees at a participating school; 142

(2) Tuition and fees for a nonpublic online learning 143
program; 144

(3) Tutoring or intervention services by an individual or 145
educational facility, provided that the services are not 146
provided by an immediate family member of the student; 147

(4) Fees for nationally standardized assessments, advanced 148
placement examinations, and any examinations related to college 149
or university admission, as well as tuition or fees for 150
preparatory courses for those examinations; 151

(5) Tuition and fees for programs of study or the 152
curriculum of courses that lead to an industry-recognized 153
credential that satisfies a workforce need; 154

(6) Educational services including occupational, 155
behavioral, physical, speech-language, and audiology therapies; 156

(7) Curriculum, textbooks, instructional materials, and 157
supplies; 158

(8) Fees for after-school and summer educational programs. 159

(B) Any refund or other repayment of funds by a 160
participating school or other educational provider shall be 161
returned to the student's scholarship account. Such a refund or 162
repayment shall not be made directly to the student or the 163
student's parent. 164

(C) If a student for whom a scholarship account has been 165
established for a school year enrolls in a school district, 166
community school, or STEM school during that school year, the 167
treasurer of state shall transfer the balance of any funds in 168
the student's account, including any prorated refund from a 169
participating school, to the department of education, and the 170
department shall distribute those funds to the school district, 171
community school, or STEM school in which the student enrolls. 172

(D) If the parent of a student for whom a scholarship 173
account is established for a school year reapplies to have an 174
account established for the immediately subsequent school year, 175
the treasurer of state shall, on the thirtieth day of June of 176
the school year for which the account is established, transfer 177
to the student's new account fifty per cent of the balance of 178
funds in the student's old account. The treasurer of state shall 179
transfer any other funds remaining in the old account to the 180
general revenue fund. 181

(E) Except as provided for in division (F) of this 182
section, if the parent of a student for whom a scholarship 183
account is established for a school year does not reapply to 184
have a new account established for the immediately subsequent 185
school year, the treasurer of state shall, on the thirtieth day 186
of June of the school year for which the account is established, 187
transfer the balance of any funds in the student's old account 188
to the department. The department shall distribute those funds 189

to the school district, community school, or STEM school in 190
which the students enrolls in the subsequent school year. If the 191
student does not enroll in a school district, community school, 192
or STEM school in the subsequent school year, the department 193
shall distribute those funds to the student's resident district. 194

(F) (1) If the student for whom a scholarship account is 195
established for a school year completes grade twelve, or the 196
equivalent, in that school year, the student's parent may 197
request that the treasurer of state do either of the following 198
with regard to an amount equal to fifty per cent of the balance 199
of any funds remaining in the account: 200

(a) Transfer that amount to a scholarship account 201
established for the student's sibling for the immediately 202
subsequent school year; 203

(b) Use that amount to make a contribution to a qualified 204
education savings account established for the student pursuant 205
to 26 U.S.C. 529. 206

(2) In that event the student's parent submits a request 207
under division (F) (1) of this section, the treasurer of state 208
shall, on the thirtieth day of June of the school year for which 209
the student's account is established, do either of the 210
following: 211

(a) Transfer fifty per cent of the balance of any funds in 212
the student's account to the scholarship account established for 213
the student's sibling; 214

(b) Use fifty per cent of the balance of any funds in the 215
student's account to make a contribution to the student's 216
education savings account under 26 U.S.C. 529. 217

For any other funds remaining in the student's backpack 218

scholarship account after the transfer or contribution, the 219
treasurer of state shall transfer those funds to the general 220
revenue fund. 221

(3) If the parent of a student described in division (F) 222
(1) of this section does not submit a request under that 223
division, the treasurer of state shall transfer the balance of 224
any funds in the student's account to the general revenue fund. 225

(G) Nothing in this section prohibits the parent of a 226
student for whom a backpack scholarship account is established 227
from making payments for the costs of educational goods and 228
services not covered by the funds in that account. However, the 229
parent of a student shall not deposit funds in the student's 230
backpack scholarship account. 231

Sec. 3310.25. (A) Not later than February 15, 2023, a 232
chartered nonpublic or nonchartered nonpublic school that elects 233
to participate in the backpack scholarship program for the 2023- 234
2024 school year shall notify the treasurer of state of that 235
fact. Thereafter, a chartered nonpublic or nonchartered 236
nonpublic school that elects to participate in the program for a 237
school year shall notify the treasurer of state of that fact not 238
later than the fifteenth day of February immediately prior to 239
the first day of July of that school year. 240

(B) Each chartered nonpublic or nonchartered nonpublic 241
school that elects to participate in the program shall do all of 242
the following: 243

(1) Administer to all students enrolled in any of grades 244
one through eight nationally recognized measures of achievement, 245
as determined by the school, in the subject areas or reading, 246
mathematics, and history at least every other year; 247

(2) For students enrolled in any of grades nine through 248
twelve in a chartered nonpublic school, annually administer to 249
those students the assessments prescribed by sections 3301.0712 250
or 3313.619 of the Revised Code, as applicable, in accordance 251
with section 3301.0711 of the Revised Code; 252

(3) Report to the treasurer of state the aggregate results 253
of the measures and assessments administered under division (B) 254
of this section. The treasurer of state shall publish the 255
aggregate results and provide them to the parent of an eligible 256
student upon that parent's request. 257

(C) No chartered nonpublic or nonchartered nonpublic 258
school that elects to participate in the program shall charge 259
any student whose family income is at or below two hundred per 260
cent of the federal poverty guidelines, as defined in section 261
5101.46 of the Revised Code, a tuition that is greater than the 262
amount described for that student under (A) (14) (a) of section 263
3317.022 of the Revised Code. 264

(D) Each chartered nonpublic or nonchartered nonpublic 265
school that elects to participate in the program shall comply 266
with the requirements prescribed under this section. However, 267
such schools are autonomous and not an agent of the state or 268
federal governments. Therefore, all of the following shall 269
apply: 270

(1) The treasurer of state shall not regulate the 271
educational or instructional program of a chartered nonpublic or 272
nonchartered nonpublic school or other educational provider that 273
accepts funds under the program. 274

(2) The backpack scholarship program does not expand the 275
authority of the treasurer of state to impose on chartered 276

<u>nonpublic or nonchartered nonpublic schools any additional</u>	277
<u>requirements beyond those prescribed under this section.</u>	278
<u>(3) Chartered nonpublic and nonchartered nonpublic schools</u>	279
<u>that elect to participate in the program shall be given maximum</u>	280
<u>freedom to provide for the educational needs of their students.</u>	281
<u>(E) The treasurer of state may remove a chartered</u>	282
<u>nonpublic or nonchartered nonpublic school from the list of</u>	283
<u>schools participating in the program if the treasurer determines</u>	284
<u>the school has routinely failed to comply with the requirements</u>	285
<u>prescribed under this section.</u>	286
<u>(F) Nothing in this section affects the state board of</u>	287
<u>education's authority to adopted minimum education standards or</u>	288
<u>minimum operating standards under division (D) of section</u>	289
<u>3301.07 of the Revised Code or issue charters pursuant to</u>	290
<u>section 3301.16 of the Revised Code.</u>	291
<u>Sec. 3310.26. (A) Only for the purpose of administering</u>	292
<u>the backpack scholarship program, the department of education</u>	293
<u>may request from any of the following entities the data</u>	294
<u>verification code assigned under division (D) (2) of section</u>	295
<u>3301.0714 of the Revised Code to any student who is seeking a</u>	296
<u>scholarship account under the program:</u>	297
<u>(1) The student's resident district;</u>	298
<u>(2) If applicable, the community school in which that</u>	299
<u>student is enrolled;</u>	300
<u>(3) The independent contractor engaged to create and</u>	301
<u>maintain student data verification codes.</u>	302
<u>(B) Upon a request by the department under division (A) of</u>	303
<u>this section for the data verification code of a student seeking</u>	304

a scholarship or a request by the student's parent for that 305
code, the school district or community school shall submit that 306
code to the department or parent in the manner specified by the 307
department. If the student has not been assigned a code, because 308
the student will be entering kindergarten during the school year 309
for which the scholarship is sought, the district shall assign a 310
code to that student and submit the code to the department or 311
parent by a date specified by the department. If the district 312
does not assign a code to the student by the specified date, the 313
department shall assign a code to that student. 314

The department annually shall submit to each school 315
district the name and data verification code of each student 316
residing in the district who is entering kindergarten, for whom 317
a scholarship account is established under the program, and for 318
whom the department has assigned a code under this division. 319

(C) For the purpose of administering the applicable 320
assessments prescribed under section 3301.0712 of the Revised 321
Code, as required by section 3310.25 of the Revised Code, the 322
department shall provide to each chartered nonpublic school that 323
enrolls a student for whom a scholarship account has been 324
established the data verification code for that student. 325

(D) The department and each chartered nonpublic school 326
that receives a data verification code under this section shall 327
not release that code to any person except as provided by law. 328

Any document relative to this program that the department 329
holds in its files that contains both a student's name or other 330
personally identifiable information and the student's data 331
verification code is not a public record under section 149.43 of 332
the Revised Code. 333

Sec. 3310.27. The treasurer of state shall adopt rules in 334
accordance with Chapter 119. of the Revised Code for the 335
purposes of implementing sections 3310.21 to 3310.27 of the 336
Revised Code. 337

Sec. 3317.02. As used in this chapter: 338

(A) "Alternative school" has the same meaning as in 339
section 3313.974 of the Revised Code. 340

(B) "Autism scholarship unit" means a unit that consists 341
of all of the students for whom autism scholarships are awarded 342
under section 3310.41 of the Revised Code. 343

(C) For fiscal years 2022 and 2023, a district's "base 344
cost enrolled ADM" for a fiscal year means the greater of the 345
following: 346

(1) The district's enrolled ADM for the previous fiscal 347
year; 348

(2) The average of the district's enrolled ADM for the 349
previous three fiscal years. 350

(D) (1) "Base cost per pupil" means the following for a 351
city, local, or exempted village school district: 352

(a) For fiscal years 2022 and 2023, the aggregate base 353
cost calculated for that district for that fiscal year under 354
section 3317.011 of the Revised Code divided by the district's 355
base cost enrolled ADM for that fiscal year; 356

(b) For fiscal year 2024 and each fiscal year thereafter, 357
an amount calculated in a manner determined by the general 358
assembly. 359

(2) "Base cost per pupil" means the following for a joint 360

vocational school district: 361

(a) For fiscal years 2022 and 2023, the aggregate base 362
cost calculated for that district for that fiscal year under 363
section 3317.012 of the Revised Code divided by the district's 364
base cost enrolled ADM for that fiscal year; 365

(b) For fiscal year 2024 and each fiscal year thereafter, 366
an amount calculated in a manner determined by the general 367
assembly. 368

(E) (1) "Category one career-technical education ADM" means 369
the enrollment of students during the school year on a full-time 370
equivalency basis in career-technical education programs 371
described in division (A) (1) of section 3317.014 of the Revised 372
Code and, in the case of a funding unit that is a city, local, 373
exempted village, or joint vocational school district, certified 374
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 375
Revised Code or, in the case of the community and STEM school 376
unit, reported by all community and STEM schools statewide under 377
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 378
and division (D) of section 3326.32 of the Revised Code. 379

(2) "Category two career-technical education ADM" means 380
the enrollment of students during the school year on a full-time 381
equivalency basis in career-technical education programs 382
described in division (A) (2) of section 3317.014 of the Revised 383
Code and, in the case of a funding unit that is a city, local, 384
exempted village, or joint vocational school district, certified 385
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 386
Revised Code or, in the case of the community and STEM school 387
unit, reported by all community and STEM schools statewide under 388
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 389
and division (D) of section 3326.32 of the Revised Code. 390

(3) "Category three career-technical education ADM" means 391
the enrollment of students during the school year on a full-time 392
equivalency basis in career-technical education programs 393
described in division (A) (3) of section 3317.014 of the Revised 394
Code and, in the case of a funding unit that is a city, local, 395
exempted village, or joint vocational school district, certified 396
under division (B) (13) or (D) (2) (j) of section 3317.03 of the 397
Revised Code or, in the case of the community and STEM school 398
unit, reported by all community and STEM schools statewide under 399
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 400
and division (D) of section 3326.32 of the Revised Code. 401

(4) "Category four career-technical education ADM" means 402
the enrollment of students during the school year on a full-time 403
equivalency basis in career-technical education programs 404
described in division (A) (4) of section 3317.014 of the Revised 405
Code and, in the case of a funding unit that is a city, local, 406
exempted village, or joint vocational school district, certified 407
under division (B) (14) or (D) (2) (k) of section 3317.03 of the 408
Revised Code or, in the case of the community and STEM school 409
unit, reported by all community and STEM schools statewide under 410
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 411
and division (D) of section 3326.32 of the Revised Code. 412

(5) "Category five career-technical education ADM" means 413
the enrollment of students during the school year on a full-time 414
equivalency basis in career-technical education programs 415
described in division (A) (5) of section 3317.014 of the Revised 416
Code and, in the case of a funding unit that is a city, local, 417
exempted village, or joint vocational school district, certified 418
under division (B) (15) or (D) (2) (l) of section 3317.03 of the 419
Revised Code or, in the case of the community and STEM school 420
unit, reported by all community and STEM schools statewide under 421

divisions (B) (4) and (5) of section 3314.08 of the Revised Code 422
and division (D) of section 3326.32 of the Revised Code. 423

(F) (1) "Category one English learner ADM" means the full- 424
time equivalent number of English learners described in division 425
(A) of section 3317.016 of the Revised Code and, in the case of 426
a funding unit that is a city, local, exempted village, or joint 427
vocational school district, certified under division (B) (16) or 428
(D) (2) (m) of section 3317.03 of the Revised Code or, in the case 429
of the community and STEM school unit, reported by all community 430
and STEM schools statewide under division (B) (6) of section 431
3314.08 of the Revised Code and division (E) of section 3326.32 432
of the Revised Code. 433

(2) "Category two English learner ADM" means the full-time 434
equivalent number of English learners described in division (B) 435
of section 3317.016 of the Revised Code and, in the case of a 436
funding unit that is a city, local, exempted village, or joint 437
vocational school district, certified under division (B) (17) or 438
(D) (2) (n) of section 3317.03 of the Revised Code or, in the case 439
of the community and STEM school unit, reported by all community 440
and STEM schools statewide under division (B) (6) of section 441
3314.08 of the Revised Code and division (E) of section 3326.32 442
of the Revised Code. 443

(3) "Category three English learner ADM" means the full- 444
time equivalent number of English learners described in division 445
(C) of section 3317.016 of the Revised Code and, in the case of 446
a funding unit that is a city, local, exempted village, or joint 447
vocational school district, certified under division (B) (18) or 448
(D) (2) (o) of section 3317.03 of the Revised Code or, in the case 449
of the community and STEM school unit, reported by all community 450
and STEM schools statewide under division (B) (6) of section 451

3314.08 of the Revised Code and division (E) of section 3326.32 452
of the Revised Code. 453

(G) (1) "Category one special education ADM" means the 454
full-time equivalent number of children with disabilities 455
receiving special education services for the disability 456
specified in division (A) of section 3317.013 of the Revised 457
Code and, in the case of a funding unit that is a city, local, 458
exempted village, or joint vocational school district, certified 459
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 460
Revised Code or, in the case of the community and STEM school 461
unit, reported by all community and STEM schools statewide under 462
division (B) (3) of section 3314.08 of the Revised Code and 463
division (C) of section 3326.32 of the Revised Code. 464

(2) "Category two special education ADM" means the full- 465
time equivalent number of children with disabilities receiving 466
special education services for those disabilities specified in 467
division (B) of section 3317.013 of the Revised Code and, in the 468
case of a funding unit that is a city, local, exempted village, 469
or joint vocational school district, certified under division 470
(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 471
in the case of the community and STEM school unit, reported by 472
all community and STEM schools statewide under division (B) (3) 473
of section 3314.08 of the Revised Code and division (C) of 474
section 3326.32 of the Revised Code. 475

(3) "Category three special education ADM" means the full- 476
time equivalent number of students receiving special education 477
services for those disabilities specified in division (C) of 478
section 3317.013 of the Revised Code, and, in the case of a 479
funding unit that is a city, local, exempted village, or joint 480
vocational school district, certified under division (B) (7) or 481

(D) (2) (d) of section 3317.03 of the Revised Code or, in the case 482
of the community and STEM school unit, reported by all community 483
and STEM schools statewide under division (B) (3) of section 484
3314.08 of the Revised Code and division (C) of section 3326.32 485
of the Revised Code. 486

(4) "Category four special education ADM" means the full- 487
time equivalent number of students receiving special education 488
services for those disabilities specified in division (D) of 489
section 3317.013 of the Revised Code and, in the case of a 490
funding unit that is a city, local, exempted village, or joint 491
vocational school district, certified under division (B) (8) or 492
(D) (2) (e) of section 3317.03 of the Revised Code or, in the case 493
of the community and STEM school unit, reported by all community 494
and STEM schools statewide under division (B) (3) of section 495
3314.08 of the Revised Code and division (C) of section 3326.32 496
of the Revised Code. 497

(5) "Category five special education ADM" means the full- 498
time equivalent number of students receiving special education 499
services for the disabilities specified in division (E) of 500
section 3317.013 of the Revised Code and, in the case of a 501
funding unit that is a city, local, exempted village, or joint 502
vocational school district, certified under division (B) (9) or 503
(D) (2) (f) of section 3317.03 of the Revised Code or, in the case 504
of the community and STEM school unit, reported by all community 505
and STEM schools statewide under division (B) (3) of section 506
3314.08 of the Revised Code and division (C) of section 3326.32 507
of the Revised Code. 508

(6) "Category six special education ADM" means the full- 509
time equivalent number of students receiving special education 510
services for the disabilities specified in division (F) of 511

section 3317.013 of the Revised Code and, in the case of a 512
funding unit that is a city, local, exempted village, or joint 513
vocational school district certified under division (B) (10) or 514
(D) (2) (g) of section 3317.03 of the Revised Code or, in the case 515
of the community and STEM school unit, reported by all community 516
and STEM schools statewide under division (B) (3) of section 517
3314.08 of the Revised Code and division (C) of section 3326.32 518
of the Revised Code. 519

(H) "Community and STEM school unit" means a unit that 520
consists of all of the students enrolled in community schools 521
established under Chapter 3314. of the Revised Code and science, 522
technology, engineering, and mathematics schools established 523
under Chapter 3326. of the Revised Code. 524

(I) (1) "Economically disadvantaged index for a school 525
district" means the following: 526

(a) For fiscal years 2022 and 2023, the square of the 527
quotient of that district's percentage of students in its 528
enrolled ADM who are identified as economically disadvantaged as 529
defined by the department of education, divided by the 530
percentage of students in the statewide ADM identified as 531
economically disadvantaged. For purposes of this calculation: 532

(i) For a city, local, or exempted village school 533
district, the "statewide ADM" equals the sum of the following: 534

(I) The enrolled ADM for all city, local, and exempted 535
village school districts combined; 536

(II) The statewide enrollment of students in community 537
schools established under Chapter 3314. of the Revised Code; 538

(III) The statewide enrollment of students in science, 539
technology, engineering, and mathematics schools established 540

under Chapter 3326. of the Revised Code. 541

(ii) For a joint vocational school district, the 542
"statewide ADM" equals the sum of the enrolled ADM for all joint 543
vocational school districts combined. 544

(b) For fiscal year 2024 and each fiscal year thereafter, 545
an index calculated in a manner determined by the general 546
assembly. 547

(2) "Economically disadvantaged index for a community or 548
STEM school" means the following: 549

(a) For fiscal years 2022 and 2023, the square of the 550
quotient of the percentage of students enrolled in the school 551
who are identified as economically disadvantaged as defined by 552
the department of education, divided by the percentage of 553
students in the statewide ADM identified as economically 554
disadvantaged. For purposes of this calculation, the "statewide 555
ADM" equals the "statewide ADM" for city, local, and exempted 556
village school districts described in division (I) (1) (a) (i) of 557
this section. 558

(b) For fiscal year 2024 and each fiscal year thereafter, 559
an index calculated in a manner determined by the general 560
assembly. 561

(J) Division (J) of this section does not apply on or 562
after July 1, 2023. 563

"Educational choice scholarship unit" means a unit that 564
consists of all of the students for whom educational choice 565
scholarships are awarded under sections 3310.03 and 3310.032 of 566
the Revised Code. 567

(K) "Enrolled ADM" means the following: 568

(1) For a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Add the students described in division (A) (1) (b) of section 3317.03 of the Revised Code;

(b) Subtract the students counted under divisions (A) (2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of section 3317.03 of the Revised Code;

(c) Count only twenty per cent of the number of joint vocational school district students counted under division (A) (3) of section 3317.03 of the Revised Code;

(d) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.

(2) For a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section, and as further adjusted by the department of education by adding the students described in division (D) (1) (b) of section 3317.03 of the Revised Code;

(3) For the community and STEM school unit, the sum of the number of students reported as enrolled in community schools under divisions (B) (1) and (2) of section 3314.08 of the Revised

Code and the number of students reported as enrolled in STEM 598
schools under division (A) of section 3326.32 of the Revised 599
Code; 600

(4) Division (K) (4) of this section does not apply on or 601
after July 1, 2023. 602

For the educational choice scholarship unit, the number of 603
students for whom educational choice scholarships are awarded 604
under sections 3310.03 and 3310.032 of the Revised Code as 605
reported under division (A) (2) (g) of section 3317.03 of the 606
Revised Code; 607

(5) Division (K) (5) of this section does not apply on or 608
after July 1, 2023. 609

For the pilot project scholarship unit, the number of 610
students for whom pilot project scholarships are awarded under 611
sections 3313.974 to 3313.979 of the Revised Code as reported 612
under division (A) (2) (b) of section 3317.03 of the Revised Code; 613

(6) For the autism scholarship unit, the number of 614
students for whom autism scholarships are awarded under section 615
3310.41 of the Revised Code as reported under division (A) (2) (h) 616
of section 3317.03 of the Revised Code; 617

(7) For the Jon Peterson special needs scholarship unit, 618
the number of students for whom Jon Peterson special needs 619
scholarships are awarded under sections 3310.51 to 3310.64 of 620
the Revised Code as reported under division (A) (2) (h) of section 621
3317.03 of the Revised Code; 622

(8) For the backpack scholarship unit, the number of 623
students for whom educational savings accounts are established 624
under sections 3310.21 to 3310.27 of the Revised Code as 625
reported under division (A) (2) (k) of section 3317.03 of the 626

Revised Code. 627

(L) (1) "Formula ADM" means, for a city, local, or exempted 628
village school district, the enrollment reported under division 629
(A) of section 3317.03 of the Revised Code, as verified by the 630
superintendent of public instruction and adjusted if so ordered 631
under division (K) of that section, and as further adjusted by 632
the department of education, as follows: 633

(a) Count only twenty per cent of the number of joint 634
vocational school district students counted under division (A) 635
(3) of section 3317.03 of the Revised Code; 636

(b) Add twenty per cent of the number of students who are 637
entitled to attend school in the district under section 3313.64 638
or 3313.65 of the Revised Code and are enrolled in another 639
school district under a career-technical education compact. 640

(2) "Formula ADM" means, for a joint vocational school 641
district, the final number verified by the superintendent of 642
public instruction, based on the enrollment reported and 643
certified under division (D) of section 3317.03 of the Revised 644
Code, as adjusted, if so ordered, under division (K) of that 645
section. 646

(M) "FTE basis" means a count of students based on full- 647
time equivalency, in accordance with rules adopted by the 648
department of education pursuant to section 3317.03 of the 649
Revised Code. In adopting its rules under this division, the 650
department shall provide for counting any student in category 651
one, two, three, four, five, or six special education ADM or in 652
category one, two, three, four, or five career-technical 653
education ADM in the same proportion the student is counted in 654
enrolled ADM and formula ADM. 655

(N) For fiscal years 2022 and 2023, "funding base" means, 656
for a city, local, or exempted village school district, the sum 657
of the following as calculated by the department: 658

(1) The district's "general funding base," which equals 659
the amount calculated as follows: 660

(a) Compute the sum of the following: 661

(i) The amount calculated for the district for fiscal year 662
2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 663
133rd general assembly after any adjustments required under 664
Section 265.227 of H.B. 166 of the 133rd general assembly and 665
prior to any funding reductions authorized by Executive Order 666
2020-19D, "Implementing Additional Spending Controls to Balance 667
the State Budget" issued on May 7, 2020; 668

(ii) The district's payments for fiscal year 2020 under 669
divisions (C) (1), (2), (3), and (4) of section 3313.981 of the 670
Revised Code as those divisions existed prior to ~~the effective~~ 671
~~date of this amendment~~ September 30, 2021. 672

(b) Subtract from the amount calculated in division (J) (1) 673
of this section the sum of the following: 674

(i) The following difference: 675

(The amount paid to the district under division (A) (5) of 676
section 3317.022 of the Revised Code, as that division existed 677
prior to ~~the effective date of this amendment~~ September 30, 678
2021, for fiscal year 2019) - (the amounts deducted from the 679
district and paid to a community school under division (C) (1) (e) 680
of section 3314.08 of the Revised Code or a science, technology, 681
engineering, and mathematics school under division (E) of 682
section 3326.33 of the Revised Code as those divisions existed 683
prior to ~~the effective date of this amendment~~ September 30, 684

2021, for fiscal year 2020 in accordance with division (A) of 685
Section 265.235 of H.B. 166 of the 133rd general assembly) 686

(ii) The payments deducted from the district and paid to a 687
community school for fiscal year 2020 under divisions (C) (1) (a), 688
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the 689
Revised Code as those divisions existed prior to ~~the effective~~ 690
~~date of this amendment~~ September 30, 2021, in accordance with 691
division (A) of Section 265.230 of H.B. 166 of the 133rd general 692
assembly; 693

(iii) The payments deducted from the district and paid to 694
a science, technology, engineering, and mathematics school for 695
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 696
and (G) of section 3326.33 of the Revised Code as those 697
divisions existed prior to ~~the effective date of this amendment~~ 698
September 30, 2021, in accordance with division (A) of Section 699
265.235 of H.B. 166 of the 133rd general assembly; 700

(iv) The payments deducted from the district under 701
division (C) of section 3310.08 of the Revised Code as that 702
division existed prior to ~~the effective date of this amendment~~ 703
September 30, 2021, division (C) (2) of section 3310.41 of the 704
Revised Code as that division existed prior to ~~the effective~~ 705
~~date of this amendment~~ September 30, 2021, and former section 706
3310.55 of the Revised Code for fiscal year 2020 and, in the 707
case of a pilot project school district as defined in section 708
3313.975 of the Revised Code, the funds deducted from the 709
district under Section 265.210 of H.B. 166 of the 133rd general 710
assembly to operate the pilot project scholarship program for 711
fiscal year 2020 under sections 3313.974 to 3313.979 of the 712
Revised Code; 713

(v) The payments subtracted from the district for fiscal 714

year 2020 under divisions (B) (1), (2), and (3) of section 715
3313.981 of the Revised Code as those divisions existed prior to 716
~~the effective date of this amendment~~ September 30, 2021. 717

(2) The district's "disadvantaged pupil impact aid funding 718
base," which equals the following difference: 719

(The amount paid to the district under division (A) (5) of 720
section 3317.022 of the Revised Code, as that division existed 721
prior to ~~the effective date of this amendment~~ September 30, 722
2021, for fiscal year 2019) - (the amounts deducted from the 723
district and paid to a community school under division (C) (1) (e) 724
of section 3314.08 of the Revised Code or a science, technology, 725
engineering, and mathematics school under division (E) of 726
section 3326.33 of the Revised Code as those divisions existed 727
prior to ~~the effective date of this amendment~~ September 30, 728
2021, for fiscal year 2020 in accordance with division (A) of 729
Section 265.235 of H.B. 166 of the 133rd general assembly) 730

(O) For fiscal years 2022 and 2023, "funding base" means, 731
for a joint vocational school district, the sum of the following 732
as calculated by the department: 733

(1) The district's "general funding base," which equals 734
the amount calculated as follows: 735

(a) Compute the sum of the following: 736

(i) The district's payments for fiscal year 2020 under 737
Section 265.225 of H.B. 166 of the 133rd general assembly after 738
any adjustments required under Section 265.227 of H.B. 166 of 739
the 133rd general assembly; 740

(ii) The district's payments for fiscal year 2020 under 741
divisions (D) (1), (2), and (E) (3) of section 3313.981 of the 742
Revised Code as those divisions existed prior to ~~the effective~~ 743

~~date of this amendment September 30, 2021.~~ 744

(b) Subtract from the amount paid to the district under 745
division (A) (3) of section 3317.16 of the Revised Code, as that 746
division existed prior to ~~the effective date of this amendment~~ 747
September 30, 2021, for fiscal year 2019. 748

(2) The district's "disadvantaged pupil impact aid funding 749
base," which equals the amount paid to the district under 750
division (A) (3) of section 3317.16 of the Revised Code, as that 751
division existed prior to ~~the effective date of this amendment~~ 752
September 30, 2021, for fiscal year 2019. 753

(P) For fiscal years 2022 and 2023, "funding base" for a 754
community school means the following: 755

(1) For a community school that was in operation for the 756
entirety of fiscal year 2020, the amount paid to the school for 757
that fiscal year under division (C) (1) of section 3314.08 of the 758
Revised Code as that division existed prior to ~~the effective~~ 759
~~date of this amendment September 30, 2021~~, in accordance with 760
division (A) of Section 265.230 of H.B. 166 of the 133rd general 761
assembly and the amount, if any, paid to the school for that 762
fiscal year under section 3314.085 of the Revised Code in 763
accordance with division (B) of Section 265.230 of H.B. 166 of 764
the 133rd general assembly; 765

(2) For a community school that was in operation for part 766
of fiscal year 2020, the amount that would have been paid to the 767
school for that fiscal year under division (C) (1) of section 768
3314.08 of the Revised Code as that division existed prior to 769
~~the effective date of this amendment September 30, 2021~~, in 770
accordance with division (A) of Section 265.230 of H.B. 166 of 771
the 133rd general assembly if the school had been in operation 772

for the entirety of that fiscal year, as calculated by the 773
department, and the amount that would have been paid to the 774
school for that fiscal year under section 3314.085 of the 775
Revised Code in accordance with division (B) of Section 265.230 776
of H.B. 166 of the 133rd general assembly, if any, if the school 777
had been in operation for the entirety of that fiscal year, as 778
calculated by the department; 779

(3) For a community school that was not in operation for 780
fiscal year 2020, the amount that would have been paid to the 781
school if it was in operation for that school year under 782
division (C)(1) of section 3314.08 of the Revised Code as that 783
division existed prior to ~~the effective date of this amendment~~ 784
September 30, 2021, in accordance with division (A) of Section 785
265.230 of H.B. 166 of the 133rd general assembly if the school 786
had been in operation for the entirety of that fiscal year, as 787
calculated by the department, and the amount that would have 788
been paid to the school for that fiscal year under section 789
3314.085 of the Revised Code in accordance with division (B) of 790
Section 265.230 of H.B. 166 of the 133rd general assembly, if 791
any, if the school had been in operation for the entirety of 792
that fiscal year, as calculated by the department. 793

(Q) For fiscal years 2022 and 2023, "funding base" for a 794
STEM school means the following: 795

(1) For a science, technology, engineering, and 796
mathematics school that was in operation for the entirety of 797
fiscal year 2020, the amount paid to the school for that fiscal 798
year under section 3326.33 of the Revised Code as that section 799
existed prior to ~~the effective date of this amendment~~ September 800
30, 2021, in accordance with division (A) of Section 265.235 of 801
H.B. 166 of the 133rd general assembly and the amount, if any, 802

paid to the school for that fiscal year under section 3326.41 of 803
the Revised Code in accordance with division (B) of Section 804
265.235 of H.B. 166 of the 133rd general assembly; 805

(2) For a science, technology, engineering, and 806
mathematics school that was in operation for part of fiscal year 807
2020, the amount that would have been paid to the school for 808
that fiscal year under section 3326.33 of the Revised Code as 809
that section existed prior to ~~the effective date of this~~ 810
~~amendment September 30, 2021,~~ in accordance with division (A) of 811
Section 265.235 of H.B. 166 of the 133rd general assembly if the 812
school had been in operation for the entirety of that fiscal 813
year, as calculated by the department, and the amount that would 814
have been paid to the school for that fiscal year under section 815
3326.41 of the Revised Code in accordance with division (B) of 816
Section 265.235 of H.B. 166 of the 133rd general assembly, if 817
any, if the school had been in operation for the entirety of 818
that fiscal year, as calculated by the department; 819

(3) For a science, technology, engineering, and 820
mathematics school that was not in operation for fiscal year 821
2020, the amount that would have been paid to the school if it 822
was in operation for that school year under section 3326.33 of 823
the Revised Code as that section existed prior to ~~the effective~~ 824
~~date of this amendment September 30, 2021,~~ in accordance with 825
division (A) of Section 265.235 of H.B. 166 of the 133rd general 826
assembly if the school had been in operation for the entirety of 827
that fiscal year, as calculated by the department, and the 828
amount that would have been paid to the school for that fiscal 829
year under section 3326.41 of the Revised Code in accordance 830
with division (B) of Section 265.235 of H.B. 166 of the 133rd 831
general assembly, if any, if the school had been in operation 832
for the entirety of that fiscal year, as calculated by the 833

department.	834
(R) "Funding unit" means any of the following:	835
(1) A city, local, exempted village, or joint vocational school district;	836 837
(2) The community and STEM school unit;	838
(3) <u>Division (R)(3) of this section does not apply on or after July 1, 2023.</u>	839 840
The educational choice scholarship unit;	841
(4) <u>Division (R)(4) of this section does not apply on or after July 1, 2023.</u>	842 843
The pilot project scholarship unit;	844
(5) The autism scholarship unit;	845
(6) The Jon Peterson special needs scholarship unit;	846
<u>(7) The backpack scholarship unit.</u>	847
(S) "Jon Peterson special needs scholarship unit" means a unit that consists of all of the students for whom Jon Peterson scholarships are awarded under sections 3310.51 to 3310.64 of the Revised Code.	848 849 850 851
(T) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	852 853
(U) "LRE student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students. For purposes of this division, "individualized education program" and "child with a disability" have the same meanings as in section 3323.01	854 855 856 857 858 859

of the Revised Code, and "LRE" is an abbreviation for "least restrictive environment." 860
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(V) "Medically fragile child" means a child to whom all of the following apply: 862
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(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition. 864
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866

(2) The child requires the services of a registered nurse on a daily basis. 867
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(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities. 869
870
871

(W) (1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply: 872
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(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child." 877
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(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child. 881
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(2) A child may be identified as having an "other health impairment-minor" if the child's condition meets the definition 886
887

of "other health impaired" established in rules previously 888
adopted by the state board of education but the child's 889
condition does not meet either of the conditions specified in 890
division (W) (1) (a) or (b) of this section. 891

(X) (1) For fiscal years 2022 and 2023, a city, local, 892
exempted village, or joint vocational school district's, 893
community school's, or STEM school's "general phase-in 894
percentage" is equal to the percentage for that fiscal year that 895
is determined by the general assembly. 896

(2) For fiscal years 2022 and 2023, a city, local, 897
exempted village, or joint vocational school district's "phase- 898
in percentage for disadvantageded pupil impact aid" is equal to 899
the percentage for that fiscal year that is determined by the 900
general assembly. 901

(Y) Division (Y) of this section does not apply on or 902
after July 1, 2023. 903

"Pilot project scholarship unit" means a unit that 904
consists of all of the students for whom pilot project 905
scholarships are awarded under sections 3313.974 to 3313.979 of 906
the Revised Code. 907

(Z) "Preschool child with a disability" means a child with 908
a disability, as defined in section 3323.01 of the Revised Code, 909
who is at least age three but is not of compulsory school age, 910
as defined in section 3321.01 of the Revised Code, and who is 911
not currently enrolled in kindergarten. 912

(AA) "Related services" includes: 913

(1) Child study, special education supervisors and 914
coordinators, speech and hearing services, adaptive physical 915
development services, occupational or physical therapy, teacher 916

assistants for children with disabilities whose disabilities are 917
described in division (B) of section 3317.013 or division (G) (3) 918
of this section, behavioral intervention, interpreter services, 919
work study, nursing services, and specialized integrative 920
services as those terms are defined by the department; 921

(2) Speech and language services provided to any student 922
with a disability, including any student whose primary or only 923
disability is a speech and language disability; 924

(3) Any related service not specifically covered by other 925
state funds but specified in federal law, including but not 926
limited to, audiology and school psychological services; 927

(4) Any service included in units funded under former 928
division (O) (1) of section 3317.024 of the Revised Code; 929

(5) Any other related service needed by children with 930
disabilities in accordance with their individualized education 931
programs. 932

(BB) "School district," unless otherwise specified, means 933
city, local, and exempted village school districts. 934

(CC) "Separately educated student with a disability" has 935
the same meaning as in section 3313.974 of the Revised Code. 936

(DD) "State education aid" has the same meaning as in 937
section 5751.20 of the Revised Code. 938

(EE) (1) "State share percentage" means the following for a 939
city, local, or exempted village school district: 940

(a) For fiscal years 2022 and 2023, the state share 941
percentage calculated under section 3317.017 of the Revised 942
Code; 943

(b) For fiscal year 2024 and each fiscal year thereafter, 944
a percentage calculated in a manner determined by the general 945
assembly. 946

(2) "State share percentage" means the following for a 947
joint vocational school district: 948

(a) For fiscal years 2022 and 2023, the percentage 949
calculated in accordance with the following formula: 950

The amount computed for the district under division (A) (1) of 951
section 3317.16 of the Revised Code for that fiscal year/ the 952
aggregate base cost calculated for the district for that fiscal 953
year under section 3317.012 of the Revised Code 954

(b) For fiscal year 2024 and each fiscal year thereafter, 955
a percentage calculated in a manner determined by the general 956
assembly. 957

(FF) "Statewide average base cost per pupil" means the 958
following: 959

(1) For fiscal years 2022 and 2023, the statewide average 960
base cost per pupil calculated under division (A) of section 961
3317.018 of the Revised Code; 962

(2) For fiscal year 2024 and each fiscal year thereafter, 963
an amount calculated in a manner determined by the general 964
assembly. 965

(GG) "Statewide average career-technical base cost per 966
pupil" means the following: 967

(1) For fiscal years 2022 and 2023, the statewide average 968
career-technical base cost per pupil calculated under division 969
(B) of section 3317.018 of the Revised Code; 970

(2) For fiscal year 2024 and each fiscal year thereafter, 971
an amount calculated in a manner determined by the general 972
assembly. 973

(HH) "STEM school" means a science, technology, 974
engineering, and mathematics school established under Chapter 975
3326. of the Revised Code. 976

(II) "Taxes charged and payable" means the taxes charged 977
and payable against real and public utility property after 978
making the reduction required by section 319.301 of the Revised 979
Code, plus the taxes levied against tangible personal property. 980

(JJ) For purposes of sections 3317.017 and 3317.16 of the 981
Revised Code, "three-year average valuation" for a fiscal year 982
means the average of total taxable value for the three most 983
recent tax years for which data is available, as certified under 984
section 3317.021 of the Revised Code. 985

(KK) "Total ADM" means, for a city, local, or exempted 986
village school district, the enrollment reported under division 987
(A) of section 3317.03 of the Revised Code minus the enrollment 988
reported under divisions (A) (2) (a), (b), (g), (h), ~~and~~ (i), and 989
(k) of that section, as verified by the superintendent of public 990
instruction and adjusted if so ordered under division (K) of 991
that section. 992

(LL) "Total special education ADM" means the sum of 993
categories one through six special education ADM. 994

(MM) "Total taxable value" means the sum of the amounts 995
certified for a city, local, exempted village, or joint 996
vocational school district under divisions (A) (1) and (2) of 997
section 3317.021 of the Revised Code. 998

(NN) "Tuition discount" means any deduction from the base 999

tuition amount per student charged by a chartered nonpublic school, to which the student's family is entitled due to one or more of the following conditions:

(1) The student's family has multiple children enrolled in the same school.

(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students.

(3) The student's parent is an employee of the school.

(4) Some other qualification not based on the income of the student's family or the student's athletic or academic ability and for which all students in the school may qualify.

(OO) "Backpack scholarship unit" means a unit that consists of all the students for whom educational savings accounts are established under sections 3310.21 to 3310.27 of the Revised Code.

Sec. 3317.022. The department of education shall compute and distribute state core foundation funding to each eligible funding unit that is a city, local, or exempted village school district, the community and STEM school unit, the educational choice scholarship unit, the pilot project scholarship unit, the autism scholarship unit, ~~and~~ the Jon Peterson special needs scholarship unit, and the backpack scholarship unit for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins in accordance with the following:

For fiscal years 2022 and 2023, for a funding unit that is a city, local, or exempted village school district:

The district's funding base + [(the district's state core 1029
foundation funding components for that fiscal year calculated 1030
under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this 1031
section - the district's general funding base calculated in 1032
accordance with division (N) (1) of section 3317.02 of the 1033
Revised Code) X the district's general phase-in percentage for 1034
that fiscal year] + [(the district's disadvantaged pupil impact 1035
aid for that fiscal year calculated under division (A) (4) of 1036
this section - the district's disadvantaged pupil impact aid 1037
funding base calculated in accordance with division (N) (2) of 1038
section 3317.02 of the Revised Code) X the district's phase-in 1039
percentage for disadvantaged pupil impact aid for that fiscal 1040
year] + the district's supplemental targeted assistance funds 1041
calculated under section 3317.0218 of the Revised Code 1042

For fiscal year 2024 and each fiscal year thereafter, for 1043
a funding unit that is a city, local, or exempted village school 1044
district, the sum of the district's state core foundation 1045
funding components for that fiscal year calculated under 1046
divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this 1047
section and the district's supplemental targeted assistance 1048
funds calculated under section 3317.0218 of the Revised Code, if 1049
the general assembly authorizes such payments to these funding 1050
units. 1051

For fiscal years 2022 and 2023, for the community and STEM 1052
school unit, an amount calculated in accordance with section 1053
3317.026 of the Revised Code. 1054

For fiscal years 2024 and each fiscal year thereafter, for 1055
the community and STEM school unit, an amount calculated in 1056
accordance with divisions (A) (1), (3), (4), (5), (7), (8), and 1057
(9) of this section, if the general assembly authorizes such 1058

payments to these funding units. 1059

For the educational choice scholarship unit, the amount 1060
calculated under division (A)(10) of this section. However, for 1061
fiscal year 2024 and each fiscal year thereafter, the department 1062
shall not compute and distribute state core foundation funding 1063
for the educational choice scholarship unit. 1064

For the pilot project scholarship unit, the amount 1065
calculated under division (A)(11) of this section. However, for 1066
fiscal year 2024 and each fiscal year thereafter, the department 1067
shall not compute and distribute state core foundation funding 1068
for the pilot project scholarship unit. 1069

For the autism scholarship unit, the amount calculated 1070
under division (A)(12) of this section. 1071

For the Jon Peterson special needs scholarship unit, the 1072
amount calculated under division (A)(13) of this section. 1073

For fiscal year 2024 and each year thereafter, for the 1074
backpack scholarship unit, the amount calculated under division 1075
(A)(14) of this section. 1076

(A) A funding unit's state core foundation funding 1077
components shall be the following: 1078

(1)(a) If the funding unit is a city, local, or exempted 1079
village school district, the district's state share, which is 1080
equal to the following: 1081

(i) For fiscal years 2022 and 2023, the amount calculated 1082
under division (B) of section 3317.017 of the Revised Code; 1083

(ii) For fiscal year 2024 and each fiscal year thereafter, 1084
an amount calculated in a manner determined by the general 1085
assembly. 1086

(b) If the funding unit is the community and STEM school unit, the aggregate base cost for all schools in that unit, which is equal to the following:

(i) For fiscal years 2022 and 2023, the amount calculated under section 3317.0110 of the Revised Code;

(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following:

(a) For fiscal years 2022 and 2023, an amount calculated under section 3317.0217 of the Revised Code;

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(3) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:

(a) For fiscal years 2022 and 2023, the sum of the following:

(i) The funding unit's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share

percentage; 1115

(ii) The funding unit's category two special education ADM 1116
X the multiple specified in division (B) of section 3317.013 of 1117
the Revised Code X the statewide average base cost per pupil for 1118
that fiscal year X if the funding unit is a city, local, or 1119
exempted village school district, the district's state share 1120
percentage; 1121

(iii) The funding unit's category three special education 1122
ADM X the multiple specified in division (C) of section 3317.013 1123
of the Revised Code X the statewide average base cost per pupil 1124
for that fiscal year X if the funding unit is a city, local, or 1125
exempted village school district, the district's state share 1126
percentage; 1127

(iv) The funding unit's category four special education 1128
ADM X the multiple specified in division (D) of section 3317.013 1129
of the Revised Code X the statewide average base cost per pupil 1130
for that fiscal year X if the funding unit is a city, local, or 1131
exempted village school district, the district's state share 1132
percentage; 1133

(v) The funding unit's category five special education ADM 1134
X the multiple specified in division (E) of section 3317.013 of 1135
the Revised Code X the statewide average base cost per pupil for 1136
that fiscal year X if the funding unit is a city, local, or 1137
exempted village school district, the district's state share 1138
percentage; 1139

(vi) The funding unit's category six special education ADM 1140
X the multiple specified in division (F) of section 3317.013 of 1141
the Revised Code X the statewide average base cost per pupil for 1142
that fiscal year X if the funding unit is a city, local, or 1143

exempted village school district, the district's state share 1144
percentage. 1145

(b) For fiscal year 2024 and each fiscal year thereafter, 1146
the sum of the following: 1147

(i) An amount calculated in a manner determined by the 1148
general assembly times the funding unit's category one special 1149
education ADM; 1150

(ii) An amount calculated in a manner determined by the 1151
general assembly times the funding unit's category two special 1152
education ADM; 1153

(iii) An amount calculated in a manner determined by the 1154
general assembly times the funding unit's category three special 1155
education ADM; 1156

(iv) An amount calculated in a manner determined by the 1157
general assembly times the funding unit's category four special 1158
education ADM; 1159

(v) An amount calculated in a manner determined by the 1160
general assembly times the funding unit's category five special 1161
education ADM; 1162

(vi) An amount calculated in a manner determined by the 1163
general assembly times the funding unit's category six special 1164
education ADM. 1165

(4) If the funding unit is a city, local, or exempted 1166
village school district or the community and STEM school unit, 1167
disadvantaged pupil impact aid calculated according to the 1168
following formula: 1169

(a) If the funding unit is a city, local, or exempted 1170
village school district, an amount equal to the following: 1171

(i) For fiscal years 2022 and 2023, the following product:	1172
\$422 X (the district's economically disadvantaged index) X the	1173
number of students who are economically disadvantaged as	1174
certified under division (B) (21) of section 3317.03 of the	1175
Revised Code	1176
(ii) For fiscal year 2024 and each fiscal year thereafter,	1177
an amount calculated in a manner determined by the general	1178
assembly.	1179
(b) If the funding unit is the community and STEM school	1180
unit, an amount equal to the following:	1181
(i) For fiscal years 2022 and 2023, an amount calculated	1182
as follows:	1183
(I) For each student in the funding unit's enrolled ADM	1184
who is economically disadvantaged and is not enrolled in an	1185
internet- or computer-based community school, multiply \$422 by	1186
the economically disadvantaged index of the school in which the	1187
student is enrolled;	1188
(II) Compute the funding unit's disadvantaged pupil impact	1189
aid by calculating the sum of the amounts determined under	1190
division (A) (4) (b) (i) (I) of this section.	1191
(ii) For fiscal year 2024 and each fiscal year thereafter,	1192
an amount calculated as follows:	1193
(I) For each student in the funding unit's enrolled ADM	1194
who is economically disadvantaged and is not enrolled in an	1195
internet- or computer-based community school, calculate an	1196
amount in the manner determined by the general assembly;	1197
(II) Compute the funding unit's disadvantaged pupil impact	1198
aid by calculating the sum of the amounts determined under	1199

division (A) (4) (b) (ii) (I) of this section.	1200
(5) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, English learner funds calculated as follows:	1201 1202 1203
(a) For fiscal years 2022 and 2023, the sum of the following:	1204 1205
(i) The funding unit's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	1206 1207 1208 1209 1210 1211
(ii) The funding unit's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;	1212 1213 1214 1215 1216 1217
(iii) The funding unit's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage.	1218 1219 1220 1221 1222 1223
(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:	1224 1225
(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;	1226 1227 1228

(ii) An amount calculated in a manner determined by the 1229
general assembly times the funding unit's category two English 1230
learner ADM; 1231

(iii) An amount calculated in a manner determined by the 1232
general assembly times the funding unit's category three English 1233
learner ADM. 1234

(6) (a) For fiscal years 2022 and 2023, if the funding unit 1235
is a city, local, or exempted village school district, all of 1236
the following: 1237

(i) Gifted identification funds calculated according to 1238
the following formula: 1239

\$24 X the district's enrolled ADM for grades kindergarten 1240
through six X the district's state share percentage 1241

(ii) Gifted referral funds calculated according to the 1242
following formula: 1243

\$2.50 X the district's enrolled ADM X the district's state share 1244
percentage 1245

(iii) Gifted professional development funds calculated 1246
according to the following formula: 1247

(The greater of the number of gifted students enrolled in the 1248
district as certified under division (B) (22) of section 3317.03 1249
of the Revised Code and ten per cent of the district's enrolled 1250
ADM) X the district's state share percentage X \$7, for fiscal 1251
year 2022, or \$14, for fiscal year 2023 1252

(iv) Gifted unit funding calculated under section 3317.051 1253
of the Revised Code. 1254

(b) For fiscal year 2024 and each fiscal year thereafter, 1255

all of the following:	1256
(i) Gifted identification funds calculated in a manner determined by the general assembly;	1257 1258
(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	1259 1260 1261
(iii) Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	1262 1263 1264
(iv) Gifted unit funding calculated in an amount determined by the general assembly.	1265 1266
(7) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.	1267 1268 1269 1270
(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code.	1271 1272 1273 1274
(9) If the funding unit is the community and STEM school unit, an amount calculated as follows:	1275 1276
(a) For fiscal years 2022 and 2023, an amount equal to the following:	1277 1278
(The number of students in the funding unit's enrolled ADM who are reported under division (B) (5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for all schools in the funding unit for that fiscal year under section 3317.0110 of the Revised Code/ the funding unit's enrolled ADM)	1279 1280 1281 1282 1283

X.20)	1284
(b) For fiscal year 2024 and each fiscal year thereafter,	1285
an amount calculated in a manner determined by the general	1286
assembly.	1287
(10) <u>Division (A) (10) of this section does not apply on or</u>	1288
<u>after July 1, 2023.</u>	1289
If the funding unit is the educational choice scholarship	1290
unit, an amount calculated as follows:	1291
(a) For each student in the funding unit's enrolled ADM,	1292
determine the lesser of the following:	1293
(i) The base tuition of the chartered nonpublic school in	1294
which the student is enrolled minus the total amount of any	1295
applicable tuition discounts for which the student qualifies;	1296
(ii) \$5,500, if the student is in grades kindergarten	1297
through eight, or \$7,500, if the student is in grades nine	1298
through twelve.	1299
The amounts specified in division (A) (10) (a) (ii) of this	1300
section shall increase in future fiscal years by the same	1301
percentage that the statewide average base cost per pupil	1302
increases in future fiscal years.	1303
(b) Compute the sum of the amounts calculated under	1304
division (A) (10) (a) of this section.	1305
(11) <u>Division (A) (11) of this section does not apply on or</u>	1306
<u>after July 1, 2023.</u>	1307
If the funding unit is the pilot project scholarship unit,	1308
an amount calculated as follows:	1309
(a) For each student in the funding unit's enrolled ADM,	1310

determine the lesser of the following: 1311

(i) The net tuition charges of the student's alternative 1312
school; 1313

(ii) \$5,500, if the student is in grades kindergarten 1314
through eight, or \$7,500, if the student is in grades nine 1315
through twelve. 1316

The amounts specified in division (A) (11) (a) (ii) of this 1317
section shall increase in future fiscal years by the same 1318
percentage that the base cost per pupil increases in future 1319
fiscal years. 1320

For purposes of division (A) (11) (a) of this section, the 1321
net tuition and fees charged to a student shall be the tuition 1322
amount specified by the alternative school minus all other 1323
financial aid, discounts, and adjustments received for the 1324
student. In cases where discounts are offered for multiple 1325
students from the same family, and not all students in the same 1326
family are scholarship recipients, the net tuition amount 1327
attributable to the scholarship recipient shall be the lowest 1328
net tuition to which the family is entitled. 1329

The department shall provide for an increase in the amount 1330
determined for any student who is an LRE student with a 1331
disability and shall further increase such amount in the case of 1332
any separately educated student with a disability, as that term 1333
is defined in section 3313.974 of the Revised Code. Such 1334
increases shall take into account the instruction, related 1335
services, and transportation costs of educating such students. 1336

(b) Compute the sum of the amounts calculated under 1337
division (A) (17) (a) of this section. 1338

(12) If the funding unit is the autism scholarship unit, 1339

an amount calculated as follows: 1340

(a) For each student in the funding unit's enrolled ADM, 1341
determine the lesser of the following: 1342

(i) The tuition charged for the student's special 1343
education program, as that term is defined in section 3310.41 of 1344
the Revised Code; 1345

(ii) \$31,500, for fiscal year 2022, and \$32,445, for 1346
fiscal year 2023 and each fiscal year thereafter. 1347

(b) Compute the sum of the amounts calculated under 1348
division (A) (12) (a) of this section. 1349

(13) If the funding unit is the Jon Peterson special needs 1350
scholarship unit, an amount calculated as follows: 1351

(a) For each student in the funding unit's enrolled ADM, 1352
determine the least of the following: 1353

(i) The amount of fees charged for that school year by the 1354
student's alternative public provider or registered private 1355
provider, as those terms are defined in section 3310.51 of the 1356
Revised Code; 1357

(ii) \$6,217, for fiscal year 2022, and \$6,414, for fiscal 1358
year 2023, plus an amount determined as follows: 1359

(I) If the student is receiving special education services 1360
for a disability specified in division (A) of section 3317.013 1361
of the Revised Code, \$1,514, for fiscal year 2022, and \$1,562, 1362
for fiscal year 2023; 1363

(II) If the student is receiving special education 1364
services for a disability specified in division (B) of section 1365
3317.013 of the Revised Code, \$3,841, for fiscal year 2022, and 1366

\$3,963, for fiscal year 2023; 1367

(III) If the student is receiving special education 1368
services for a disability specified in division (C) of section 1369
3317.013 of the Revised Code, \$9,465, for fiscal year 2022, and 1370
\$9,522, for fiscal year 2023; 1371

(IV) If the student is receiving special education 1372
services for a disability specified in division (D) of section 1373
3317.013 of the Revised Code, \$12,644, for fiscal year 2022, and 1374
\$12,707, for fiscal year 2023; 1375

(V) If the student is receiving special education services 1376
for a disability specified in division (E) of section 3317.013 1377
of the Revised Code, \$17,193, for fiscal year 2022, and \$17,209, 1378
for fiscal year 2023; 1379

(VI) If the student is receiving special education 1380
services for a disability specified in division (F) of section 1381
3317.013 of the Revised Code, \$24,591, for fiscal year 2022, and 1382
\$25,370, for fiscal year 2023. 1383

(iii) \$27,000. 1384

The amount specified for fiscal year 2023 in division (A) 1385
(13) (a) (ii) of this section shall increase in future fiscal 1386
years by the same percentage that the statewide average base 1387
cost per pupil increases in future fiscal years. 1388

The amounts specified for fiscal year 2023 in divisions 1389
(A) (13) (a) (ii) (I) to (VI) of this section shall increase in 1390
future fiscal years by the same percentage that the amounts 1391
calculated by the general assembly for those categories of 1392
special education services under division (A) (3) of this section 1393
increase in future fiscal years. 1394

(b) Compute the sum of the amounts calculated under 1395
division (A) (13) (a) of this section. 1396

(14) If the funding unit is the backpack scholarship unit, 1397
an amount calculated as follows: 1398

(a) For each student in the funding unit's enrolled ADM, 1399
\$5,500, if the student is in grades kindergarten through eight 1400
or the equivalent, or \$7,500, if the student is in grades nine 1401
through twelve or the equivalent. 1402

The amounts specified in division (A) (14) (a) of this 1403
section apply for the 2023-2024 school year. Those amounts shall 1404
increase in future fiscal years by the same percentage that the 1405
statewide average base cost per pupil increases in future fiscal 1406
years. 1407

(b) Compute the sum of the amounts calculated under 1408
division (A) (10) (a) of this section. 1409

(B) In any fiscal year, a funding unit that is a city, 1410
local, or exempted village school district shall spend for 1411
purposes that the department designates as approved for special 1412
education and related services expenses at least the amount 1413
calculated as follows: 1414

(The base cost per pupil calculated for the district for that 1415
fiscal year X the total special education ADM) + (the district's 1416
category one special education ADM X the multiple specified in 1417
division (A) of section 3317.013 of the Revised Code X the 1418
statewide average base cost per pupil) + (the district's 1419
category two special education ADM X the multiple specified in 1420
division (B) of section 3317.013 of the Revised Code X the 1421
statewide average base cost per pupil) + (the district's 1422
category three special education ADM X the multiple specified in 1423

division (C) of section 3317.013 of the Revised Code X the 1424
statewide average base cost per pupil) + (the district's 1425
category four special education ADM X the multiple specified in 1426
division (D) of section 3317.013 of the Revised Code X the 1427
statewide average base cost per pupil) + (the district's 1428
category five special education ADM X the multiple specified in 1429
division (E) of section 3317.013 of the Revised Code X the 1430
statewide average base cost per pupil) + (the district's 1431
category six special education ADM X the multiple specified in 1432
division (F) of section 3317.013 of the Revised Code X the 1433
statewide average base cost per pupil) 1434

The purposes approved by the department for special 1435
education expenses shall include, but shall not be limited to, 1436
identification of children with disabilities, compliance with 1437
state rules governing the education of children with 1438
disabilities and prescribing the continuum of program options 1439
for children with disabilities, provision of speech language 1440
pathology services, and the portion of the school district's 1441
overall administrative and overhead costs that are attributable 1442
to the district's special education student population. 1443

(C) A funding unit that is a city, local, or exempted 1444
village school district shall spend the funds it receives under 1445
division (A)(4) of this section in accordance with section 1446
3317.25 of the Revised Code. 1447

(D) (1) Except as provided in division (B) of section 1448
3317.026 of the Revised Code, the department shall distribute to 1449
each community school established under Chapter 3314. of the 1450
Revised Code and to each STEM school established under Chapter 1451
3326. of the Revised Code, from the funds paid to the community 1452
and STEM school unit under this section, an amount for each 1453

student enrolled in the school equal to the sum of the 1454
following: 1455

(a) The school's base cost per pupil for that fiscal year, 1456
calculated as follows: 1457

(i) For fiscal years 2022 and 2023: 1458

The aggregate base cost calculated for the school for that 1459
fiscal year under section 3317.0110 of the Revised Code/ the 1460
number of students enrolled in the school for that fiscal year 1461

(ii) For fiscal year 2024 and each fiscal year thereafter, 1462
an amount determined by the general assembly under division (A) 1463
(1)(b)(ii) of this section divided by the number of students 1464
enrolled in the school for that fiscal year. 1465

(b) If the student is a special education student: 1466

(i) For fiscal years 2022 and 2023, the multiple specified 1467
for the student's special education category under section 1468
3317.013 of the Revised Code times the statewide average base 1469
cost per pupil; 1470

(ii) For fiscal year 2024 and each fiscal year thereafter, 1471
the amount calculated for the student's special education 1472
category in a manner determined by the general assembly under 1473
division (A)(3)(b) of this section. 1474

(c) If the school is not an internet- or computer-based 1475
community school and the student is economically disadvantaged: 1476

(i) For fiscal years 2022 and 2023, the amount calculated 1477
for the student under division (A)(4)(b)(i)(I) of this section; 1478

(ii) For fiscal year 2024 and each fiscal year thereafter, 1479
an amount calculated for the student in the manner determined by 1480

the general assembly under division (A) (4) (b) (ii) (I) of this section. 1481
1482

(d) If the school is not an internet- or computer-based community school and the student is an English learner: 1483
1484

(i) For fiscal years 2022 and 2023, the multiple specified for the student's English learner category under section 3317.016 of the Revised Code times the statewide average base cost per pupil; 1485
1486
1487
1488

(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A) (5) (b) of this section. 1489
1490
1491
1492

(e) If the student is a career-technical education student: 1493
1494

(i) For fiscal years 2022 and 2023, the multiple specified for the student's career-technical education category under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil; 1495
1496
1497
1498

(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's career-technical education category in a manner determined by the general assembly under section 3317.014 of the Revised Code. 1499
1500
1501
1502

(f) If the student is a career-technical education student: 1503
1504

(i) For fiscal years 2022 and 2023, the multiple for career-technical associated services specified under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil; 1505
1506
1507
1508

(ii) For fiscal year 2024 and each fiscal year thereafter, 1509
the amount calculated for career-technical associated services 1510
in a manner determined by the general assembly under section 1511
3317.014 of the Revised Code. 1512

(2) The department shall distribute to each community 1513
school established under Chapter 3314. of the Revised Code and 1514
to each STEM school established under Chapter 3326. of the 1515
Revised Code, from the funds paid to the community and STEM 1516
school unit under this section, an amount equal to the amount 1517
calculated for the school under division (A) (9) of this section. 1518

(E) Division (E) of this section does not apply on or 1519
after July 1, 2023. 1520

The department shall distribute to the parent of each 1521
student for whom an educational choice scholarship is awarded 1522
under section 3310.03 or 3310.032 of the Revised Code, or to the 1523
student if at least eighteen years of age, from the funds paid 1524
to the educational choice scholarship unit under this section, a 1525
scholarship equal to the amount calculated for the student under 1526
division (A) (10) (a) of this section. The scholarship shall be 1527
distributed in monthly partial payments, and the department 1528
shall proportionately reduce or terminate the payments for any 1529
student who withdraws from a chartered nonpublic school prior to 1530
the end of the school year. 1531

(F) Division (F) of this section does not apply on or 1532
after July 1, 2023. 1533

If a student is awarded a pilot project scholarship under 1534
sections 3313.974 to 3313.979 of the Revised Code, the 1535
department shall distribute to the parent of the student, if the 1536
student is attending a registered private school as defined in 1537

section 3313.974 of the Revised Code, or the student's school 1538
district of attendance, if the scholarship is to be used for 1539
payments to a public school in a school district adjacent to the 1540
pilot project school district pursuant to section 3327.06 of the 1541
Revised Code, a scholarship from the funds paid to the pilot 1542
project scholarship unit under this section that is equal to the 1543
amount calculated for the student under division (A)(11)(a) of 1544
this section. 1545

In the case of a scholarship distributed to a student's 1546
parent, the scholarship shall be distributed from time to time 1547
in partial payments. The scholarship amount shall be 1548
proportionately reduced in the case of any such student who is 1549
not enrolled in a registered private school, as that term is 1550
defined in section 3313.974 of the Revised Code, for the entire 1551
school year. The first payment shall be made by the last day of 1552
November and shall equal one-third of the estimated total amount 1553
that will be due to the parent for the school year. 1554

In the case of a scholarship distributed to a student's 1555
school district of attendance, the department shall, on behalf 1556
of the student's parents, use the scholarship to make the 1557
tuition payments required by section 3327.06 of the Revised Code 1558
to the student's school district of attendance, except that, 1559
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 1560
Revised Code, the total payments in any school year shall not 1561
exceed the scholarship amount calculated for the student under 1562
division (A)(11)(a) of this section. 1563

(G) The department shall distribute to the parent of each 1564
student for whom an autism scholarship is awarded under section 1565
3310.41 of the Revised Code, from the funds paid to the autism 1566
scholarship unit under this section, a scholarship equal to the 1567

amount calculated for the student under division (A) (12) (a) of 1568
this section. The scholarship shall be distributed from time to 1569
time in partial payments. The scholarship amount shall be 1570
proportionately reduced in the case of any student who is not 1571
enrolled in the special education program for which a 1572
scholarship was awarded under section 3310.41 of the Revised 1573
Code for the entire school year. The department shall make no 1574
payments to the parent of a student while any administrative or 1575
judicial mediation or proceedings with respect to the content of 1576
the student's individualized education program are pending. 1577

(H) The department shall distribute to the parent of each 1578
student for whom a Jon Peterson special needs scholarship is 1579
awarded under sections 3310.51 to 3310.64 of the Revised Code, 1580
from the funds paid to the Jon Peterson special needs 1581
scholarship unit under this section, a scholarship equal to the 1582
amount calculated for the student under division (A) (13) (a) of 1583
this section. The scholarship shall be distributed in periodic 1584
payments, and the department shall proportionately reduce or 1585
terminate the payments for any student who is not enrolled in 1586
the special education program of an alternative public provider 1587
or a registered private provider, as those terms are defined in 1588
section 3310.51 of the Revised Code, for the entire school year. 1589

(I) For fiscal years 2022 and 2023, a school district 1590
shall spend the funds it receives under division (A) (5) of this 1591
section only for services for English learners. 1592

(J) For fiscal years 2022 and 2023, a school district 1593
shall spend the funds it receives under division (A) (6) of this 1594
section only for the identification of gifted students, gifted 1595
coordinator services, gifted intervention specialist services, 1596
other service providers approved by the department of education, 1597

and gifted professional development. For fiscal years 2022 and 1598
2023, if the department determines that a district is not in 1599
compliance with this division, it shall reduce the district's 1600
payments for that fiscal year under this chapter by an amount 1601
equal to the amount paid to the district for that fiscal year 1602
under division (A) (6) of this section that was not spent in 1603
accordance with this division. 1604

(I) The department shall transfer to each educational 1605
savings account established for a student by the treasurer of 1606
state under sections 3310.21 to 3310.27 of the Revised Code, 1607
from the funds paid to the backpack scholarship unit under this 1608
section, an amount of funds equal to the amount calculated for 1609
the student under division (A) (14) (a) of this section. The 1610
department shall distribute those funds in two equal payments, 1611
the first on the fifteenth day of July of the school year for 1612
which an account is established and the second on the fifteenth 1613
day of January of that school year. 1614

Sec. 3317.03. (A) The superintendent of each city, local, 1615
and exempted village school district shall report to the state 1616
board of education as of the last day of October, March, and 1617
June of each year the enrollment of students receiving services 1618
from schools under the superintendent's supervision, and the 1619
numbers of other students entitled to attend school in the 1620
district under section 3313.64 or 3313.65 of the Revised Code 1621
the superintendent is required to report under this section, so 1622
that the department of education can calculate the district's 1623
enrolled ADM, formula ADM, total ADM, category one through five 1624
career-technical education ADM, category one through three 1625
English learner ADM, category one through six special education 1626
ADM, transportation ADM, and, for purposes of provisions of law 1627
outside of Chapter 3317. of the Revised Code, average daily 1628

membership. 1629

(1) The enrollment reported by the superintendent during 1630
the reporting period shall consist of the number of students in 1631
grades kindergarten through twelve receiving any educational 1632
services from the district, except that the following categories 1633
of students shall not be included in the determination: 1634

(a) Students enrolled in adult education classes; 1635

(b) Adjacent or other district students enrolled in the 1636
district under an open enrollment policy pursuant to section 1637
3313.98 of the Revised Code; 1638

(c) Students receiving services in the district pursuant 1639
to a compact, cooperative education agreement, or a contract, 1640
but who are entitled to attend school in another district 1641
pursuant to section 3313.64 or 3313.65 of the Revised Code; 1642

(d) Students for whom tuition is payable pursuant to 1643
sections 3317.081 and 3323.141 of the Revised Code; 1644

(e) Students receiving services in the district through a 1645
scholarship awarded under either section 3310.41 or sections 1646
3310.51 to 3310.64 of the Revised Code. 1647

When reporting students under division (A)(1) of this 1648
section, the superintendent also shall report the district where 1649
each student is entitled to attend school pursuant to sections 1650
3313.64 and 3313.65 of the Revised Code. 1651

(2) The department of education shall compile a list of 1652
all students reported to be enrolled in a district under 1653
division (A)(1) of this section and of the students entitled to 1654
attend school in the district pursuant to section 3313.64 or 1655
3313.65 of the Revised Code on an FTE basis but receiving 1656

educational services in grades kindergarten through twelve from 1657
one or more of the following entities: 1658

(a) A community school pursuant to Chapter 3314. of the 1659
Revised Code, including any participation in a college pursuant 1660
to Chapter 3365. of the Revised Code while enrolled in such 1661
community school; 1662

(b) Division (A) (2) (b) of this section does not apply on 1663
or after July 1, 2023. 1664

An alternative school pursuant to sections 3313.974 to 1665
3313.979 of the Revised Code. 1666

(c) A college pursuant to Chapter 3365. of the Revised 1667
Code, except when the student is enrolled in the college while 1668
also enrolled in a community school pursuant to Chapter 3314., a 1669
science, technology, engineering, and mathematics school 1670
established under Chapter 3326., or a college-preparatory 1671
boarding school established under Chapter 3328. of the Revised 1672
Code; 1673

(d) An adjacent or other school district under an open 1674
enrollment policy adopted pursuant to section 3313.98 of the 1675
Revised Code; 1676

(e) An educational service center or cooperative education 1677
district; 1678

(f) Another school district under a cooperative education 1679
agreement, compact, or contract; 1680

(g) Division (A) (2) (g) of this section does not apply on 1681
or after July 1, 2023. 1682

A chartered nonpublic school with a scholarship paid under 1683
section 3317.022 of the Revised Code, if the students qualified 1684

for the scholarship under section 3310.03 or 3310.032 of the Revised Code~~+~~. 1685
1686

(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code. 1687
1688
1689

As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable. 1690
1691
1692

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school; 1693
1694
1695
1696

(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school; 1697
1698
1699
1700

(k) A chartered nonpublic school if the students have educational savings accounts established under sections 3310.21 to 3310.27 of the Revised Code. 1701
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1703

(3) The department also shall compile a list of the students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a joint vocational school district or under a career-technical education compact, excluding any students so entitled to attend school in the district who are enrolled in another school district through an open enrollment policy as reported under division (A) (2) (d) of this section and then enroll in a joint vocational school district or under a career-technical education compact. 1704
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The department shall provide each city, local, and 1714
exempted village school district with an opportunity to review 1715
the list of students compiled under divisions (A) (2) and (3) of 1716
this section to ensure that the students reported accurately 1717
reflect the enrollment of students in the district. 1718

(B) To enable the department of education to obtain the 1719
data needed to complete the calculation of payments pursuant to 1720
this chapter, each superintendent shall certify from the reports 1721
provided by the department under division (A) of this section 1722
all of the following: 1723

(1) The total student enrollment in regular learning day 1724
classes included in the report under division (A) (1) or (2), 1725
including any student described in division (A) (1) (b) of this 1726
section and excluding any student reported under divisions (A) 1727
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1728
section, of this section for each of the individual grades 1729
kindergarten through twelve in schools under the 1730
superintendent's supervision; 1731

(2) The unduplicated count of the number of preschool 1732
children with disabilities enrolled in the district for whom the 1733
district is eligible to receive funding under section 3317.0213 1734
of the Revised Code adjusted for the portion of the year each 1735
child is so enrolled, in accordance with the disability 1736
categories prescribed in section 3317.013 of the Revised Code; 1737

(3) The number of children entitled to attend school in 1738
the district pursuant to section 3313.64 or 3313.65 of the 1739
Revised Code who are: 1740

(a) Enrolled in a college under Chapter 3365. of the 1741
Revised Code, except when the student is enrolled in the college 1742

while also enrolled in a community school pursuant to Chapter 1743
3314. of the Revised Code, a science, technology, engineering, 1744
and mathematics school established under Chapter 3326., or a 1745
college-preparatory boarding school established under Chapter 1746
3328. of the Revised Code; 1747

(b) Participating in a program operated by a county board 1748
of developmental disabilities or a state institution~~+~~. 1749

(4) The total enrollment of pupils in joint vocational 1750
schools; 1751

(5) The combined enrollment of children with disabilities 1752
reported under division (A)(1) or (2) of this section, including 1753
any student described in division (A)(1)(b) of this section and 1754
excluding any student reported under divisions (A)(2)(a), (b), 1755
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 1756
special education services for the category one disability 1757
described in division (A) of section 3317.013 of the Revised 1758
Code, including children attending a special education program 1759
operated by an alternative public provider or a registered 1760
private provider with a scholarship awarded under sections 1761
3310.51 to 3310.64 of the Revised Code; 1762

(6) The combined enrollment of children with disabilities 1763
reported under division (A)(1) or (2) of this section, including 1764
any student described in division (A)(1)(b) of this section and 1765
excluding any student reported under divisions (A)(2)(a), (b), 1766
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 1767
special education services for category two disabilities 1768
described in division (B) of section 3317.013 of the Revised 1769
Code, including children attending a special education program 1770
operated by an alternative public provider or a registered 1771
private provider with a scholarship awarded under sections 1772

3310.51 to 3310.64 of the Revised Code;	1773
(7) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) , <u>and (k)</u> of this section, receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	1774 1775 1776 1777 1778 1779 1780 1781 1782 1783 1784
(8) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) , <u>and (k)</u> of this section, receiving special education services for category four disabilities described in division (D) 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;	1785 1786 1787 1788 1789 1790 1791 1792 1793 1794 1795
(9) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) , <u>and (k)</u> of this section, receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised	1796 1797 1798 1799 1800 1801 1802

Code, including children attending a special education program 1803
operated by an alternative public provider or a registered 1804
private provider with a scholarship awarded under sections 1805
3310.51 to 3310.64 of the Revised Code; 1806

(10) The combined enrollment of children with disabilities 1807
reported under division (A)(1) or (2) of this section, including 1808
any student described in division (A)(1)(b) of this section and 1809
excluding any student reported under divisions (A)(2)(a), (b), 1810
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 1811
special education services for category six disabilities 1812
described in division (F) of section 3317.013 of the Revised 1813
Code, including children attending a special education program 1814
operated by an alternative public provider or a registered 1815
private provider with a scholarship awarded under either section 1816
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 1817

(11) The enrollment of pupils reported under division (A) 1818
(1) or (2) of this section on a full-time equivalency basis, 1819
including any student described in division (A)(1)(b) of this 1820
section and excluding any student reported under divisions (A) 1821
(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1822
section, in category one career-technical education programs or 1823
classes, described in division (A)(1) of section 3317.014 of the 1824
Revised Code, operated by the school district or by another 1825
district that is a member of the district's career-technical 1826
planning district, other than a joint vocational school 1827
district, or by an educational service center, notwithstanding 1828
division (M) of section 3317.02 of the Revised Code and division 1829
(C)(3) of this section; 1830

(12) The enrollment of pupils reported under division (A) 1831
(1) or (2) of this section on a full-time equivalency basis, 1832

including any student described in division (A) (1) (b) of this 1833
section and excluding any student reported under divisions (A) 1834
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1835
section, in category two career-technical education programs or 1836
services, described in division (A) (2) of section 3317.014 of 1837
the Revised Code, operated by the school district or another 1838
school district that is a member of the district's career- 1839
technical planning district, other than a joint vocational 1840
school district, or by an educational service center, 1841
notwithstanding division (M) of section 3317.02 of the Revised 1842
Code and division (C) (3) of this section; 1843

(13) The enrollment of pupils reported under division (A) 1844
(1) or (2) of this section on a full-time equivalency basis, 1845
including any student described in division (A) (1) (b) of this 1846
section and excluding any student reported under divisions (A) 1847
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1848
section, in category three career-technical education programs 1849
or services, described in division (A) (3) of section 3317.014 of 1850
the Revised Code, operated by the school district or another 1851
school district that is a member of the district's career- 1852
technical planning district, other than a joint vocational 1853
school district, or by an educational service center, 1854
notwithstanding division (M) of section 3317.02 of the Revised 1855
Code and division (C) (3) of this section; 1856

(14) The enrollment of pupils reported under division (A) 1857
(1) or (2) of this section on a full-time equivalency basis, 1858
including any student described in division (A) (1) (b) of this 1859
section and excluding any student reported under divisions (A) 1860
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1861
section, in category four career-technical education programs or 1862
services, described in division (A) (4) of section 3317.014 of 1863

the Revised Code, operated by the school district or another 1864
school district that is a member of the district's career- 1865
technical planning district, other than a joint vocational 1866
school district, or by an educational service center, 1867
notwithstanding division (M) of section 3317.02 of the Revised 1868
Code and division (C)(3) of this section; 1869

(15) The enrollment of pupils reported under division (A) 1870
(1) or (2) of this section on a full-time equivalency basis, 1871
including any student described in division (A)(1)(b) of this 1872
section and excluding any student reported under divisions (A) 1873
(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1874
section, in category five career-technical education programs or 1875
services, described in division (A)(5) of section 3317.014 of 1876
the Revised Code, operated by the school district or another 1877
school district that is a member of the district's career- 1878
technical planning district, other than a joint vocational 1879
school district, or by an educational service center, 1880
notwithstanding division (M) of section 3317.02 of the Revised 1881
Code and division (C)(3) of this section; 1882

(16) The enrollment of pupils reported under division (A) 1883
(1) or (2) of this section who are English learners described in 1884
division (A) of section 3317.016 of the Revised Code, including 1885
any student described in division (A)(1)(b) of this section and 1886
excluding any student reported under divisions (A)(2)(a), (b), 1887
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section; 1888

(17) The enrollment of pupils reported under division (A) 1889
(1) or (2) of this section who are English learners described in 1890
division (B) of section 3317.016 of the Revised Code, including 1891
any student described in division (A)(1)(b) of this section and 1892
excluding any student reported under divisions (A)(2)(a), (b), 1893

(d), (g), (h), (i), ~~and (j)~~, and (k) of this section; 1894

(18) The enrollment of pupils reported under division (A) 1895
(1) or (2) of this section who are English learners described in 1896
division (C) of section 3317.016 of the Revised Code, including 1897
any student described in division (A) (1) (b) of this section and 1898
excluding any student reported under divisions (A) (2) (a), (b), 1899
(d), (g), (h), (i), and (j) of this section; 1900

(19) The average number of children transported during the 1901
reporting period by the school district on board-owned or 1902
contractor-owned and -operated buses, reported in accordance 1903
with rules adopted by the department of education; 1904

(20) (a) The number of children, other than preschool 1905
children with disabilities, the district placed with a county 1906
board of developmental disabilities in fiscal year 1998. 1907
Division (B) (20) (a) of this section does not apply after fiscal 1908
year 2013. 1909

(b) The number of children with disabilities, other than 1910
preschool children with disabilities, placed with a county board 1911
of developmental disabilities in the current fiscal year to 1912
receive special education services for the category one 1913
disability described in division (A) of section 3317.013 of the 1914
Revised Code; 1915

(c) The number of children with disabilities, other than 1916
preschool children with disabilities, placed with a county board 1917
of developmental disabilities in the current fiscal year to 1918
receive special education services for category two disabilities 1919
described in division (B) of section 3317.013 of the Revised 1920
Code; 1921

(d) The number of children with disabilities, other than 1922

preschool children with disabilities, placed with a county board 1923
of developmental disabilities in the current fiscal year to 1924
receive special education services for category three 1925
disabilities described in division (C) of section 3317.013 of 1926
the Revised Code; 1927

(e) The number of children with disabilities, other than 1928
preschool children with disabilities, placed with a county board 1929
of developmental disabilities in the current fiscal year to 1930
receive special education services for category four 1931
disabilities described in division (D) of section 3317.013 of 1932
the Revised Code; 1933

(f) The number of children with disabilities, other than 1934
preschool children with disabilities, placed with a county board 1935
of developmental disabilities in the current fiscal year to 1936
receive special education services for the category five 1937
disabilities described in division (E) of section 3317.013 of 1938
the Revised Code; 1939

(g) The number of children with disabilities, other than 1940
preschool children with disabilities, placed with a county board 1941
of developmental disabilities in the current fiscal year to 1942
receive special education services for category six disabilities 1943
described in division (F) of section 3317.013 of the Revised 1944
Code. 1945

(21) The enrollment of students who are economically 1946
disadvantaged, as defined by the department, including any 1947
student described in divisions (A) (1) (b) of this section and 1948
excluding any student reported under divisions (A) (2) (a), (b), 1949
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section. A student 1950
shall not be categorically excluded from the number reported 1951
under division (B) (21) of this section based on anything other 1952

than family income. 1953

(22) The enrollment of students identified as gifted under 1954
division (A), (B), (C), or (D) of section 3324.03 of the Revised 1955
Code. 1956

(C) (1) The state board of education shall adopt rules 1957
necessary for implementing divisions (A), (B), and (D) of this 1958
section. 1959

(2) A student enrolled in a community school established 1960
under Chapter 3314., a science, technology, engineering, and 1961
mathematics school established under Chapter 3326., or a 1962
college-preparatory boarding school established under Chapter 1963
3328. of the Revised Code shall be counted in the formula ADM of 1964
the school district in which the student is entitled to attend 1965
school under section 3313.64 or 3313.65 of the Revised Code for 1966
the same proportion of the school year that the student is 1967
counted in the enrollment of the community school, the science, 1968
technology, engineering, and mathematics school, or the college- 1969
preparatory boarding school for purposes of section 3317.022 or 1970
3328.24 of the Revised Code. Notwithstanding the enrollment of 1971
students reported pursuant to division (A) (2) (a), (i), or (j) of 1972
this section, the department may adjust the formula ADM of a 1973
school district to account for students entitled to attend 1974
school in the district under section 3313.64 or 3313.65 of the 1975
Revised Code who are enrolled in a community school, a science, 1976
technology, engineering, and mathematics school, or a college- 1977
preparatory boarding school for only a portion of the school 1978
year. 1979

(3) No child shall be counted as more than a total of one 1980
child in the sum of the enrollment of students of a school 1981
district under division (A), divisions (B) (1) to (22), or 1982

division (D) of this section, except as follows:	1983
(a) (i) A child with a disability described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one, two, three, four, or five career-technical education ADM. As provided in division (M) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.	1984 1985 1986 1987 1988 1989 1990 1991 1992
(ii) A child with a disability described in section 3317.013 of the Revised Code may be counted both in enrolled ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one, two, three, four, or five career-technical education ADM. As provided in division (M) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in enrolled ADM.	1993 1994 1995 1996 1997 1998 1999 2000 2001
(b) (i) A child enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one, two, three, four, or five career-technical education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one, two, three, four, or five career-technical education ADM in the same proportion as the percentage of time that the child spends in the career-technical education programs or classes.	2002 2003 2004 2005 2006 2007 2008 2009 2010
(ii) A child enrolled in career-technical education programs or classes described in section 3317.014 of the Revised	2011 2012

Code may be counted both in enrolled ADM and category one, two, 2013
three, four, or five career-technical education ADM and, if 2014
applicable, in category one, two, three, four, five, or six 2015
special education ADM. Such a child shall be counted in category 2016
one, two, three, four, or five career-technical education ADM in 2017
the same proportion as the percentage of time that the child 2018
spends in the career-technical education programs or classes. 2019

(4) Based on the information reported under this section, 2020
the department of education shall determine the total student 2021
count, as defined in section 3301.011 of the Revised Code, for 2022
each school district. 2023

(D) (1) The superintendent of each joint vocational school 2024
district shall report and certify to the superintendent of 2025
public instruction as of the last day of October, March, and 2026
June of each year the enrollment of students receiving services 2027
from schools under the superintendent's supervision so that the 2028
department can calculate the district's enrolled ADM, formula 2029
ADM, total ADM, category one through five career-technical 2030
education ADM, category one through three English learner ADM, 2031
category one through six special education ADM, and for purposes 2032
of provisions of law outside of Chapter 3317. of the Revised 2033
Code, average daily membership. 2034

The enrollment reported and certified by the 2035
superintendent, except as otherwise provided in this division, 2036
shall consist of the number of students in grades six through 2037
twelve receiving any educational services from the district, 2038
except that the following categories of students shall not be 2039
included in the determination: 2040

(a) Students enrolled in adult education classes; 2041

(b) Adjacent or other district joint vocational students	2042
enrolled in the district under an open enrollment policy	2043
pursuant to section 3313.98 of the Revised Code;	2044
(c) Students receiving services in the district pursuant	2045
to a compact, cooperative education agreement, or a contract,	2046
but who are entitled to attend school in a city, local, or	2047
exempted village school district whose territory is not part of	2048
the territory of the joint vocational district;	2049
(d) Students for whom tuition is payable pursuant to	2050
sections 3317.081 and 3323.141 of the Revised Code.	2051
(2) To enable the department of education to obtain the	2052
data needed to complete the calculation of payments pursuant to	2053
this chapter, each superintendent shall certify from the report	2054
provided under division (D)(1) of this section the enrollment	2055
for each of the following categories of students:	2056
(a) Students enrolled in each individual grade included in	2057
the joint vocational district schools, including any student	2058
described in division (D)(1)(b) of this section;	2059
(b) Children with disabilities receiving special education	2060
services for the category one disability described in division	2061
(A) of section 3317.013 of the Revised Code, including any	2062
student described in division (D)(1)(b) of this section;	2063
(c) Children with disabilities receiving special education	2064
services for the category two disabilities described in division	2065
(B) of section 3317.013 of the Revised Code, including any	2066
student described in division (D)(1)(b) of this section;	2067
(d) Children with disabilities receiving special education	2068
services for category three disabilities described in division	2069
(C) of section 3317.013 of the Revised Code, including any	2070

student described in division (D) (1) (b) of this section;	2071
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	2072 2073 2074 2075
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	2076 2077 2078 2079
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	2080 2081 2082 2083
(h) Students receiving category one career-technical education services, described in division (A) (1) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	2084 2085 2086 2087
(i) Students receiving category two career-technical education services, described in division (A) (2) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	2088 2089 2090 2091
(j) Students receiving category three career-technical education services, described in division (A) (3) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	2092 2093 2094 2095
(k) Students receiving category four career-technical education services, described in division (A) (4) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	2096 2097 2098 2099

(l) Students receiving category five career-technical education services, described in division (A) (5) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;

(m) English learners described in division (A) of section 3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;

(n) English learners described in division (B) of section 3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;

(o) English learners described in division (C) of section 3317.016 of the Revised Code, including any student described in division (D) (1) (b) of this section;

(p) Students who are economically disadvantaged, as defined by the department, including any student described in division (D) (1) (b) of this section. 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.

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.

(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 session, the actual enrollment in regular day classes. For the

purpose of determining the enrollment of students, the 2129
enrollment figure of any school shall not include any pupils 2130
except those pupils described by division (A) or (D) of this 2131
section. The record of enrollment for each school shall be 2132
maintained in such manner that no pupil shall be counted as 2133
enrolled prior to the actual date of entry in the school and 2134
also in such manner that where for any cause a pupil permanently 2135
withdraws from the school that pupil shall not be counted as 2136
enrolled from and after the date of such withdrawal. There shall 2137
not be included in the enrollment of any school any of the 2138
following: 2139

(1) Any pupil who has graduated from the twelfth grade of 2140
a public or nonpublic high school; 2141

(2) Any pupil who is not a resident of the state; 2142

(3) Any pupil who was enrolled in the schools of the 2143
district during the previous school year when assessments were 2144
administered under section 3301.0711 of the Revised Code but did 2145
not take one or more of the assessments required by that section 2146
and was not excused pursuant to division (C) (1) or (3) of that 2147
section; 2148

(4) Any pupil who has attained the age of twenty-two 2149
years, except for veterans of the armed services whose 2150
attendance was interrupted before completing the recognized 2151
twelve-year course of the public schools by reason of induction 2152
or enlistment in the armed forces and who apply for reenrollment 2153
in the public school system of their residence not later than 2154
four years after termination of war or their honorable 2155
discharge; 2156

(5) Any pupil who has a certificate of high school 2157

equivalence as defined in section 5107.40 of the Revised Code. 2158

If, however, any veteran described by division (E) (4) of 2159
this section elects to enroll in special courses organized for 2160
veterans for whom tuition is paid under the provisions of 2161
federal laws, or otherwise, that veteran shall not be included 2162
in the enrollment of students determined under this section. 2163

Notwithstanding division (E) (3) of this section, the 2164
enrollment of any school may include a pupil who did not take an 2165
assessment required by section 3301.0711 of the Revised Code if 2166
the superintendent of public instruction grants a waiver from 2167
the requirement to take the assessment to the specific pupil and 2168
a parent is not paying tuition for the pupil pursuant to section 2169
3313.6410 of the Revised Code. The superintendent may grant such 2170
a waiver only for good cause in accordance with rules adopted by 2171
the state board of education. 2172

The enrolled ADM, formula ADM, total ADM, category one 2173
through five career-technical education ADM, category one 2174
through three English learner ADM, category one through six 2175
special education ADM, transportation ADM, and, for purposes of 2176
provisions of law outside of Chapter 3317. of the Revised Code, 2177
average daily membership of any school district shall be 2178
determined in accordance with rules adopted by the state board 2179
of education. 2180

(F) (1) If a student attending a community school under 2181
Chapter 3314., a science, technology, engineering, and 2182
mathematics school established under Chapter 3326., or a 2183
college-preparatory boarding school established under Chapter 2184
3328. of the Revised Code is not included in the formula ADM 2185
calculated for the school district in which the student is 2186
entitled to attend school under section 3313.64 or 3313.65 of 2187

the Revised Code, the department of education shall adjust the 2188
formula ADM of that school district to include the student in 2189
accordance with division (C)(2) of this section. 2190

(2) Division (F)(2) of this section does not apply on or 2191
after July 1, 2023. 2192

If a student awarded an educational choice scholarship is 2193
not included in the formula ADM of the school district in which 2194
the student resides, the department shall adjust the formula ADM 2195
of that school district to include the student. 2196

(3) If a student awarded a scholarship under the Jon 2197
Peterson special needs scholarship program is not included in 2198
the formula ADM of the school district in which the student 2199
resides, the department shall adjust the formula ADM of that 2200
school district to include the student. 2201

(G)(1)(a) The superintendent of an institution operating a 2202
special education program pursuant to section 3323.091 of the 2203
Revised Code shall, for the programs under such superintendent's 2204
supervision, certify to the state board of education, in the 2205
manner prescribed by the superintendent of public instruction, 2206
both of the following: 2207

(i) The unduplicated count of the number of all children 2208
with disabilities other than preschool children with 2209
disabilities receiving services at the institution for each 2210
category of disability described in divisions (A) to (F) of 2211
section 3317.013 of the Revised Code adjusted for the portion of 2212
the year each child is so enrolled; 2213

(ii) The unduplicated count of the number of all preschool 2214
children with disabilities in classes or programs for whom the 2215
district is eligible to receive funding under section 3317.0213 2216

of the Revised Code adjusted for the portion of the year each 2217
child is so enrolled, reported according to the categories 2218
prescribed in section 3317.013 of the Revised Code. 2219

(b) The superintendent of an institution with career- 2220
technical education units approved under section 3317.05 of the 2221
Revised Code shall, for the units under the superintendent's 2222
supervision, certify to the state board of education the 2223
enrollment in those units, in the manner prescribed by the 2224
superintendent of public instruction. 2225

(2) The superintendent of each county board of 2226
developmental disabilities that maintains special education 2227
classes under section 3317.20 of the Revised Code or provides 2228
services to preschool children with disabilities pursuant to an 2229
agreement between the county board and the appropriate school 2230
district shall do both of the following: 2231

(a) Certify to the state board, in the manner prescribed 2232
by the board, the enrollment in classes under section 3317.20 of 2233
the Revised Code for each school district that has placed 2234
children in the classes; 2235

(b) Certify to the state board, in the manner prescribed 2236
by the board, the unduplicated count of the number of all 2237
preschool children with disabilities enrolled in classes for 2238
which the board is eligible to receive funding under section 2239
3317.0213 of the Revised Code adjusted for the portion of the 2240
year each child is so enrolled, reported according to the 2241
categories prescribed in section 3317.013 of the Revised Code, 2242
and the number of those classes. 2243

(H) Except as provided in division (I) of this section, 2244
when any city, local, or exempted village school district 2245

provides instruction for a nonresident pupil whose attendance is 2246
unauthorized attendance as defined in section 3327.06 of the 2247
Revised Code, that pupil's enrollment shall not be included in 2248
that district's enrollment figure used in calculating the 2249
district's payments under this chapter. The reporting official 2250
shall report separately the enrollment of all pupils whose 2251
attendance in the district is unauthorized attendance, and the 2252
enrollment of each such pupil shall be credited to the school 2253
district in which the pupil is entitled to attend school under 2254
division (B) of section 3313.64 or section 3313.65 of the 2255
Revised Code as determined by the department of education. 2256

(I) This division shall not apply on or after ~~the~~ 2257
~~effective date of this amendment~~ September 30, 2021. 2258

(1) A city, local, exempted village, or joint vocational 2259
school district admitting a scholarship student of a pilot 2260
project district pursuant to division (C) of section 3313.976 of 2261
the Revised Code may count such student in its enrollment. 2262

(2) In any year for which funds are appropriated for pilot 2263
project scholarship programs, a school district implementing a 2264
state-sponsored pilot project scholarship program that year 2265
pursuant to sections 3313.974 to 3313.979 of the Revised Code 2266
may count in its enrollment: 2267

(a) All children residing in the district and utilizing a 2268
scholarship to attend kindergarten in any alternative school, as 2269
defined in section 3313.974 of the Revised Code; 2270

(b) All children who were enrolled in the district in the 2271
preceding year who are utilizing a scholarship to attend an 2272
alternative school. 2273

(J) The superintendent of each cooperative education 2274

school district shall certify to the superintendent of public 2275
instruction, in a manner prescribed by the state board of 2276
education, the applicable enrollments for all students in the 2277
cooperative education district, also indicating the city, local, 2278
or exempted village district where each pupil is entitled to 2279
attend school under section 3313.64 or 3313.65 of the Revised 2280
Code. 2281

(K) If the superintendent of public instruction determines 2282
that a component of the enrollment certified or reported by a 2283
district superintendent, or other reporting entity, is not 2284
correct, the superintendent of public instruction may order that 2285
the district's enrolled ADM, formula ADM, or both be adjusted in 2286
the amount of the error. 2287

Sec. 5747.70. (A) In computing Ohio adjusted gross income, 2288
a deduction from federal adjusted gross income is allowed to a 2289
contributor for the amount contributed during the taxable year 2290
to a variable college savings program account and to a purchaser 2291
of tuition units under the Ohio college savings program created 2292
by Chapter 3334. of the Revised Code to the extent that the 2293
amounts of such contributions and purchases were not deducted in 2294
determining the contributor's or purchaser's federal adjusted 2295
gross income for the taxable year. The combined amount of 2296
contributions and purchases deducted in any taxable year by a 2297
taxpayer or the taxpayer and the taxpayer's spouse, regardless 2298
of whether the taxpayer and the taxpayer's spouse file separate 2299
returns or a joint return, is limited to four thousand dollars 2300
for each beneficiary for whom contributions or purchases are 2301
made. If the combined annual contributions and purchases for a 2302
beneficiary exceed four thousand dollars, the excess may be 2303
carried forward and deducted in future taxable years until the 2304
contributions and purchases have been fully deducted. 2305

(B) In computing Ohio adjusted gross income, a deduction 2306
from federal adjusted gross income is allowed for: 2307

(1) Income related to tuition units and contributions that 2308
as of the end of the taxable year have not been refunded 2309
pursuant to the termination of a tuition payment contract or 2310
variable college savings program account under section 3334.10 2311
of the Revised Code, to the extent that such income is included 2312
in federal adjusted gross income. 2313

(2) The excess of the total purchase price of tuition 2314
units refunded during the taxable year pursuant to the 2315
termination of a tuition payment contract under section 3334.10 2316
of the Revised Code over the amount of the refund, to the extent 2317
the amount of the excess was not deducted in determining federal 2318
adjusted gross income. Division (B) (2) of this section applies 2319
only to units for which no deduction was allowable under 2320
division (A) of this section. 2321

(C) In computing Ohio adjusted gross income, there shall 2322
be added to federal adjusted gross income the amount of loss 2323
related to tuition units and contributions that as of the end of 2324
the taxable year have not been refunded pursuant to the 2325
termination of a tuition payment contract or variable college 2326
savings program account under section 3334.10 of the Revised 2327
Code, to the extent that such loss was deducted in determining 2328
federal adjusted gross income. 2329

(D) No deduction shall be allowed under this section for 2330
amounts contributed by the treasurer of state under section 2331
3310.24 of the Revised Code during the taxable year to a 2332
variable college savings program account under the Ohio college 2333
savings program created by Chapter 3334. of the Revised Code. 2334

(E) For taxable years in which distributions or refunds 2335
are made under a tuition payment or variable college savings 2336
program contract for any reason other than payment of higher 2337
education expenses, or the beneficiary's death, disability, or 2338
receipt of a scholarship as described in section 3334.10 of the 2339
Revised Code: 2340

(1) If the distribution or refund is paid to the purchaser 2341
or contributor or beneficiary, any portion of the distribution 2342
or refund not included in the recipient's federal adjusted gross 2343
income shall be added to the recipient's federal adjusted gross 2344
income in determining the recipient's Ohio adjusted gross 2345
income, except that the amount added shall not exceed amounts 2346
previously deducted under division (A) of this section less any 2347
amounts added under division (D) (1) of this section in a prior 2348
taxable year. 2349

(2) If amounts paid by a purchaser or contributor on or 2350
after January 1, 2000, are distributed or refunded to someone 2351
other than the purchaser or contributor or beneficiary, the 2352
amount of the payment not included in the recipient's federal 2353
adjusted gross income, less any amounts added under division (D) 2354
of this section in a prior taxable year, shall be added to the 2355
recipient's federal adjusted gross income in determining the 2356
recipient's Ohio adjusted gross income. 2357

Section 2. That existing sections 3317.02, 3317.022, 2358
3317.03, and 5747.70 of the Revised Code are hereby repealed. 2359

Section 3. That sections 125.04, 311.29, 3301.0711, 2360
3301.0714, 3301.163, 3302.036, 3302.04, 3302.10, 3310.51, 2361
3365.07, and 5703.21 of the Revised Code be amended to read as 2362
follows: 2363

Sec. 125.04. (A) Except for the requirements of division 2364
(B) of this section, section 125.092, and division (B) of 2365
section 125.11 of the Revised Code, sections 125.04 to 125.08 2366
and 125.09 to 125.15 of the Revised Code do not apply to or 2367
affect state institutions of higher education. 2368

(B) (1) As used in this division: 2369

(a) "Chartered nonpublic school" ~~has the same meaning as~~ 2370
~~in section 3310.01 of the Revised Code~~ means a nonpublic school 2371
that holds a valid charter issued by the state board of 2372
education under section 3301.16 of the Revised Code and meets 2373
the standards established for such schools in rules adopted by 2374
the state board. 2375

(b) "Emergency medical service organization" has the same 2376
meaning as in section 4765.01 of the Revised Code. 2377

(c) "Governmental agency" means a political subdivision or 2378
special district in this state or any other state established by 2379
or under law, or any combination of these entities; the United 2380
States or any department, division, or agency of the United 2381
States; one or more other states or groups of states; other 2382
purchasing consortia; and any agency, commission, or authority 2383
established under an interstate compact or agreement. 2384

(d) "Political subdivision" means any county, township, 2385
municipal corporation, school district, conservancy district, 2386
township park district, park district created under Chapter 2387
1545. of the Revised Code, regional transit authority, regional 2388
airport authority, regional water and sewer district, or port 2389
authority. "Political subdivision" also includes any other 2390
political subdivision described in the Revised Code that has 2391
been approved by the department of administrative services to 2392

participate in the department's contracts under this division. 2393

(e) "Private fire company" has the same meaning as in 2394
section 9.60 of the Revised Code. 2395

(f) "State institution of higher education" has the 2396
meaning defined in section 3345.011 of the Revised Code. 2397

(2) Subject to division (C) of this section, the 2398
department of administrative services may permit a state 2399
institution of higher education, governmental agency, political 2400
subdivision, private fire company, private, nonprofit emergency 2401
medical service organization, or chartered nonpublic school to 2402
participate in contracts into which the department has entered 2403
for the purchase of supplies and services. The department may 2404
charge the entity a reasonable fee to cover the administrative 2405
costs the department incurs as a result of participation by the 2406
entity in such a purchase contract. 2407

A political subdivision desiring to participate in such 2408
purchase contracts shall file with the department a certified 2409
copy of an ordinance or resolution of the legislative authority 2410
or governing board of the political subdivision. The resolution 2411
or ordinance shall request that the political subdivision be 2412
authorized to participate in such contracts and shall agree that 2413
the political subdivision will be bound by such terms and 2414
conditions as the department prescribes and that it will 2415
directly pay the vendor under each purchase contract. A private 2416
fire company, private, nonprofit emergency medical service 2417
organization, or chartered nonpublic school desiring to 2418
participate in such purchase contracts shall file with the 2419
department a written request for inclusion in the program signed 2420
by the chief officer of the company, organization, or chartered 2421
nonpublic school. A governmental agency desiring to participate 2422

in such purchase contracts shall file with the department a 2423
written request for inclusion in the program. A state 2424
institution of higher education desiring to participate in such 2425
purchase contracts shall file with the department a certified 2426
copy of resolution of the board of trustees or similar 2427
authorizing body. The resolution shall request that the state 2428
institution of higher education be authorized to participate in 2429
such contracts. 2430

A request for inclusion shall include an agreement to be 2431
bound by such terms and conditions as the department prescribes 2432
and to make direct payments to the vendor under each purchase 2433
contract. 2434

(3) The board of elections of a county that is authorized 2435
to participate in contracts under division (B)(2) of this 2436
section may participate in contracts under that division under 2437
the same terms and conditions that apply to the county. 2438

(4) The department shall include in its annual report, an 2439
estimate of the purchases made by state institutions of higher 2440
education, governmental agencies, political subdivisions, boards 2441
of elections, private fire companies, private, nonprofit 2442
emergency medical service organizations, and chartered nonpublic 2443
schools from contracts pursuant to this division. The department 2444
may require such entities to file a report with the department, 2445
as often as it finds necessary, stating how many such contracts 2446
the entities participated in within a specified period of time, 2447
and any other information the department requires. 2448

(5) Purchases made by a political subdivision or a board 2449
of elections under this division are exempt from any competitive 2450
selection procedures otherwise required by law. No political 2451
subdivision shall make any purchase under this division when 2452

bids have been received for such purchase by the subdivision, 2453
unless such purchase can be made upon the same terms, 2454
conditions, and specifications at a lower price under division 2455
(B) (2) of this section. 2456

(C) A political subdivision as defined in division (B) of 2457
this section or a board of elections may purchase supplies or 2458
services from another party, including a political subdivision, 2459
instead of through participation in contracts described in 2460
division (B) of this section if the political subdivision or 2461
board of elections can purchase those supplies or services from 2462
the other party upon equivalent terms, conditions, and 2463
specifications but at a lower price than it can through those 2464
contracts. Purchases that a political subdivision or board of 2465
elections makes under this division are exempt from any 2466
competitive selection procedures otherwise required by law. A 2467
political subdivision or board of elections that makes any 2468
purchase under this division shall maintain sufficient 2469
information regarding the purchase to verify that the political 2470
subdivision or board of elections satisfied the conditions for 2471
making a purchase under this division. Nothing in this division 2472
restricts any action taken by a county or township as authorized 2473
by division (B) (1) of section 9.48 of the Revised Code. 2474

(D) This section does not apply to supplies or services 2475
purchased by a state agency directly as provided in section 2476
125.05 of the Revised Code, or to purchases of supplies or 2477
services for the emergency management agency or other state 2478
agencies as provided in section 125.061 of the Revised Code. 2479

Sec. 311.29. (A) As used in this section: 2480

(1) "~~Chartered nonpublic school" has the same meaning~~ 2481
~~defined in section 3310.01 of the Revised Code means a nonpublic~~ 2482

school that holds a valid charter issued by the state board of 2483
education under section 3301.16 of the Revised Code and meets 2484
the standards established for such schools in rules adopted by 2485
the state board. 2486

(2) "Chautauqua assembly" has the same meaning as in 2487
section 4511.90 of the Revised Code. 2488

(3) "Community preventative education program" has the 2489
meaning defined in division (D) of section 2981.13 of the 2490
Revised Code. 2491

(4) "Community school" means a community school 2492
established under Chapter 3314. of the Revised Code. 2493

(B) The sheriff may, from time to time, enter into 2494
contracts with any municipal corporation, township, township 2495
police district, joint police district, metropolitan housing 2496
authority, port authority, water or sewer district, school 2497
district, community school governing authority, library 2498
district, health district, park district created pursuant to 2499
section 511.18 or 1545.01 of the Revised Code, soil and water 2500
conservation district, water conservancy district, or other 2501
taxing district or with the board of county commissioners of any 2502
contiguous county with the concurrence of the sheriff of the 2503
other county, and such subdivisions, authorities, and counties 2504
may enter into agreements with the sheriff pursuant to which the 2505
sheriff undertakes and is authorized by the contracting 2506
subdivision, authority, or county to perform any police 2507
function, exercise any police power, or render any police 2508
service in behalf of the contracting subdivision, authority, or 2509
county, or its legislative authority, that the subdivision, 2510
authority, or county, or its legislative authority, may perform, 2511
exercise, or render. 2512

Upon the execution of an agreement under this division and 2513
within the limitations prescribed by it, the sheriff may 2514
exercise the same powers as the contracting subdivision, 2515
authority, or county possesses with respect to such policing 2516
that by the agreement the sheriff undertakes to perform or 2517
render, and all powers necessary or incidental thereto, as amply 2518
as such powers are possessed and exercised by the contracting 2519
subdivision, authority, or county directly. 2520

Any agreement authorized by division (A), (B), or (C) of 2521
this section shall not suspend the possession by a contracting 2522
subdivision, authority, or county of any police power performed 2523
or exercised or police service rendered in pursuance to the 2524
agreement nor limit the authority of the sheriff. 2525

(C) The sheriff may enter into contracts with any 2526
Chautauqua assembly that has grounds located within the county, 2527
and the Chautauqua assembly may enter into agreements with the 2528
sheriff pursuant to which the sheriff undertakes to perform any 2529
police function, exercise any police power, or render any police 2530
service upon the grounds of the Chautauqua assembly that the 2531
sheriff is authorized by law to perform, exercise, or render in 2532
any other part of the county within the sheriff's territorial 2533
jurisdiction. Upon the execution of an agreement under this 2534
division, the sheriff may, within the limitations prescribed by 2535
the agreement, exercise such powers with respect to such 2536
policing upon the grounds of the Chautauqua assembly, provided 2537
that any limitation contained in the agreement shall not be 2538
construed to limit the authority of the sheriff. 2539

(D) Contracts entered into under division (A), (B), (C), 2540
or (F) of this section shall provide for the reimbursement of 2541
the county for the costs incurred by the sheriff for such 2542

policing including, but not limited to, the salaries of deputy 2543
sheriffs assigned to such policing, the current costs of funding 2544
retirement pensions and of providing workers' compensation, the 2545
cost of training, and the cost of equipment and supplies used in 2546
such policing, to the extent that such equipment and supplies 2547
are not directly furnished by the contracting subdivision, 2548
authority, county, or Chautauqua assembly. Each such contract 2549
shall provide for the ascertainment of such costs and shall be 2550
of any duration, not in excess of four years, and may contain 2551
any other terms that may be agreed upon. All payments pursuant 2552
to any such contract in reimbursement of the costs of such 2553
policing shall be made to the treasurer of the county to be 2554
credited to a special fund to be known as the "sheriff's 2555
policing revolving fund," hereby created. Any moneys coming into 2556
the fund shall be used for the purposes provided in divisions 2557
(A) to (D) and (F) of this section and paid out on vouchers by 2558
the county commissioners as other funds coming into their 2559
possession. Any moneys credited to the fund and not obligated at 2560
the termination of the contract shall be credited to the county 2561
general fund. 2562

The sheriff shall assign the number of deputies as may be 2563
provided for in any contract made pursuant to division (A), (B), 2564
(C), or (F) of this section. The number of deputies regularly 2565
assigned to such policing shall be in addition to and an 2566
enlargement of the sheriff's regular number of deputies. Nothing 2567
in divisions (A) to (D) or (F) of this section shall preclude 2568
the sheriff from temporarily increasing or decreasing the 2569
deputies so assigned as emergencies indicate a need for shifting 2570
assignments to the extent provided by the contracts. 2571

All such deputies shall have the same powers and duties, 2572
the same qualifications, and be appointed and paid and receive 2573

the same benefits and provisions and be governed by the same 2574
laws as all other deputy sheriffs. 2575

Contracts under division (A), (B), (C), or (F) of this 2576
section may be entered into jointly with the board of county 2577
commissioners, and sections 307.14 to 307.19 of the Revised Code 2578
apply to this section insofar as they may be applicable. 2579

(E) (1) As used in division (E) of this section: 2580

(a) "Ohio prisoner" has the same meaning as in section 2581
5120.64 of the Revised Code. 2582

(b) "Out-of-state prisoner" and "private contractor" have 2583
the same meanings as in section 9.07 of the Revised Code. 2584

(2) The sheriff may enter into a contract with a private 2585
person or entity for the return of Ohio prisoners who are the 2586
responsibility of the sheriff from outside of this state to a 2587
location in this state specified by the sheriff, if there are 2588
adequate funds appropriated by the board of county commissioners 2589
and there is a certification pursuant to division (D) of section 2590
5705.41 of the Revised Code that the funds are available for 2591
this purpose. A contract entered into under this division is 2592
within the coverage of section 325.07 of the Revised Code. If a 2593
sheriff enters into a contract as described in this division, 2594
subject to division (E) (3) of this section, the private person 2595
or entity in accordance with the contract may return Ohio 2596
prisoners from outside of this state to locations in this state 2597
specified by the sheriff. A contract entered into under this 2598
division shall include all of the following: 2599

(a) Specific provisions that assign the responsibility for 2600
costs related to medical care of prisoners while they are being 2601
returned that is not covered by insurance of the private person 2602

or entity; 2603

(b) Specific provisions that set forth the number of days, 2604
not exceeding ten, within which the private person or entity, 2605
after it receives the prisoner in the other state, must deliver 2606
the prisoner to the location in this state specified by the 2607
sheriff, subject to the exceptions adopted as described in 2608
division (E) (2) (c) of this section; 2609

(c) Any exceptions to the specified number of days for 2610
delivery specified as described in division (E) (2) (b) of this 2611
section; 2612

(d) A requirement that the private person or entity 2613
immediately report all escapes of prisoners who are being 2614
returned to this state, and the apprehension of all prisoners 2615
who are being returned and who have escaped, to the sheriff and 2616
to the local law enforcement agency of this state or another 2617
state that has jurisdiction over the place at which the escape 2618
occurs; 2619

(e) A schedule of fines that the sheriff shall impose upon 2620
the private person or entity if the private person or entity 2621
fails to perform its contractual duties, and a requirement that, 2622
if the private person or entity fails to perform its contractual 2623
duties, the sheriff shall impose a fine on the private person or 2624
entity from the schedule of fines and, in addition, may exercise 2625
any other rights the sheriff has under the contract. 2626

(f) If the contract is entered into on or after the 2627
effective date of the rules adopted by the department of 2628
rehabilitation and correction under section 5120.64 of the 2629
Revised Code, specific provisions that comport with all 2630
applicable standards that are contained in those rules. 2631

(3) If the private person or entity that enters into the contract fails to perform its contractual duties, the sheriff shall impose upon the private person or entity a fine from the schedule, the money paid in satisfaction of the fine shall be paid into the county treasury, and the sheriff may exercise any other rights the sheriff has under the contract. If a fine is imposed under this division, the sheriff may reduce the payment owed to the private person or entity pursuant to any invoice in the amount of the fine.

(4) Upon the effective date of the rules adopted by the department of rehabilitation and correction under section 5120.64 of the Revised Code, notwithstanding the existence of a contract entered into under division (E) (2) of this section, in no case shall the private person or entity that is a party to the contract return Ohio prisoners from outside of this state into this state for a sheriff unless the private person or entity complies with all applicable standards that are contained in the rules.

(5) Divisions (E) (1) to (4) of this section do not apply regarding any out-of-state prisoner who is brought into this state to be housed pursuant to section 9.07 of the Revised Code in a correctional facility in this state that is managed and operated by a private contractor.

(F) (1) A sheriff may enter into contracts with a chartered nonpublic school, located in the sheriff's territorial jurisdiction, to provide community preventive education programs.

(2) A sheriff may enter into contracts with a private institution of higher education, located in the sheriff's territorial jurisdiction, to provide police services.

Under these contracts, the sheriff may undertake to 2662
perform any police function, exercise any police power, or 2663
render any police service upon the grounds of the chartered 2664
nonpublic school or private institution of higher education that 2665
the sheriff is authorized by law to perform, exercise, or render 2666
in any other part of the county within the sheriff's territorial 2667
jurisdiction. Upon the execution of a contract under this 2668
division, the sheriff may, within the limitations prescribed by 2669
the contract, exercise such powers with respect to such policing 2670
provided that any limitation contained in the contract shall not 2671
be construed to limit the authority of the sheriff. 2672

(G) A sheriff may enter into contracts with a county court 2673
or a municipal court located in the sheriff's territorial 2674
jurisdiction for the transportation of persons between the 2675
county jail and a county court or municipal court. Each contract 2676
shall provide for the costs of providing transportation services 2677
from the county jail to the court and shall not apply to a 2678
period in excess of four years. 2679

Sec. 3301.0711. (A) The department of education shall: 2680

(1) Annually furnish to, grade, and score all assessments 2681
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 2682
the Revised Code to be administered by city, local, exempted 2683
village, and joint vocational school districts, except that each 2684
district shall score any assessment administered pursuant to 2685
division (B)(10) of this section. Each assessment so furnished 2686
shall include the data verification code of the student to whom 2687
the assessment will be administered, as assigned pursuant to 2688
division (D)(2) of section 3301.0714 of the Revised Code. In 2689
furnishing the practice versions of Ohio graduation tests 2690
prescribed by division (D) of section 3301.0710 of the Revised 2691

Code, the department shall make the tests available on its web 2692
site for reproduction by districts. In awarding contracts for 2693
grading assessments, the department shall give preference to 2694
Ohio-based entities employing Ohio residents. 2695

(2) Adopt rules for the ethical use of assessments and 2696
prescribing the manner in which the assessments prescribed by 2697
section 3301.0710 of the Revised Code shall be administered to 2698
students. 2699

(B) Except as provided in divisions (C) and (J) of this 2700
section, the board of education of each city, local, and 2701
exempted village school district shall, in accordance with rules 2702
adopted under division (A) of this section: 2703

(1) Administer the English language arts assessments 2704
prescribed under division (A) (1) (a) of section 3301.0710 of the 2705
Revised Code twice annually to all students in the third grade 2706
who have not attained the score designated for that assessment 2707
under division (A) (2) (c) of section 3301.0710 of the Revised 2708
Code. 2709

(2) Administer the mathematics assessment prescribed under 2710
division (A) (1) (a) of section 3301.0710 of the Revised Code at 2711
least once annually to all students in the third grade. 2712

(3) Administer the assessments prescribed under division 2713
(A) (1) (b) of section 3301.0710 of the Revised Code at least once 2714
annually to all students in the fourth grade. 2715

(4) Administer the assessments prescribed under division 2716
(A) (1) (c) of section 3301.0710 of the Revised Code at least once 2717
annually to all students in the fifth grade. 2718

(5) Administer the assessments prescribed under division 2719
(A) (1) (d) of section 3301.0710 of the Revised Code at least once 2720

annually to all students in the sixth grade.	2721
(6) Administer the assessments prescribed under division	2722
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	2723
annually to all students in the seventh grade.	2724
(7) Administer the assessments prescribed under division	2725
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	2726
annually to all students in the eighth grade.	2727
(8) Except as provided in division (B) (9) of this section,	2728
administer any assessment prescribed under division (B) (1) of	2729
section 3301.0710 of the Revised Code as follows:	2730
(a) At least once annually to all tenth grade students and	2731
at least twice annually to all students in eleventh or twelfth	2732
grade who have not yet attained the score on that assessment	2733
designated under that division;	2734
(b) To any person who has successfully completed the	2735
curriculum in any high school or the individualized education	2736
program developed for the person by any high school pursuant to	2737
section 3323.08 of the Revised Code but has not received a high	2738
school diploma and who requests to take such assessment, at any	2739
time such assessment is administered in the district.	2740
(9) In lieu of the board of education of any city, local,	2741
or exempted village school district in which the student is also	2742
enrolled, the board of a joint vocational school district shall	2743
administer any assessment prescribed under division (B) (1) of	2744
section 3301.0710 of the Revised Code at least twice annually to	2745
any student enrolled in the joint vocational school district who	2746
has not yet attained the score on that assessment designated	2747
under that division. A board of a joint vocational school	2748
district may also administer such an assessment to any student	2749

described in division (B) (8) (b) of this section. 2750

(10) If the district has a three-year average graduation 2751
rate of not more than seventy-five per cent, administer each 2752
assessment prescribed by division (D) of section 3301.0710 of 2753
the Revised Code in September to all ninth grade students who 2754
entered ninth grade prior to July 1, 2014. 2755

Except as provided in section 3313.614 of the Revised Code 2756
for administration of an assessment to a person who has 2757
fulfilled the curriculum requirement for a high school diploma 2758
but has not passed one or more of the required assessments, the 2759
assessments prescribed under division (B) (1) of section 2760
3301.0710 of the Revised Code shall not be administered after 2761
the date specified in the rules adopted by the state board of 2762
education under division (D) (1) of section 3301.0712 of the 2763
Revised Code. 2764

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 2765
of this section, administer the assessments prescribed by 2766
division (B) (2) of section 3301.0710 and section 3301.0712 of 2767
the Revised Code in accordance with the timeline and plan for 2768
implementation of those assessments prescribed by rule of the 2769
state board adopted under division (D) (1) of section 3301.0712 2770
of the Revised Code; 2771

(b) A student who has presented evidence to the district 2772
or school of having satisfied the condition prescribed by 2773
division (A) (1) of section 3313.618 of the Revised Code to 2774
qualify for a high school diploma prior to the date of the 2775
administration of the assessment prescribed under division (B) 2776
(1) of section 3301.0712 of the Revised Code shall not be 2777
required to take that assessment. However, no board shall 2778
prohibit a student who is not required to take such assessment 2779

from taking the assessment. 2780

(c) A student shall not be required to retake the Algebra 2781
I end-of-course examination or the English language arts II end- 2782
of-course examination prescribed under division (B) (2) of 2783
section 3301.0712 of the Revised Code in grades nine through 2784
twelve if the student demonstrates at least a proficient level 2785
of skill, as prescribed under division (B) (5) (a) of that 2786
section, or achieves a competency score, as prescribed under 2787
division (B) (10) of that section, in an administration of the 2788
examination prior to grade nine. 2789

(C) (1) (a) In the case of a student receiving special 2790
education services under Chapter 3323. of the Revised Code, the 2791
individualized education program developed for the student under 2792
that chapter shall specify the manner in which the student will 2793
participate in the assessments administered under this section, 2794
except that a student with significant cognitive disabilities to 2795
whom an alternate assessment is administered in accordance with 2796
division (C) (1) of this section and a student determined to have 2797
a disability that includes an intellectual disability as 2798
outlined in guidance issued by the department shall not be 2799
required to take the assessment prescribed under division (B) (1) 2800
of section 3301.0712 of the Revised Code. The individualized 2801
education program may excuse the student from taking any 2802
particular assessment required to be administered under this 2803
section if it instead specifies an alternate assessment method 2804
approved by the department of education as conforming to 2805
requirements of federal law for receipt of federal funds for 2806
disadvantaged pupils. To the extent possible, the individualized 2807
education program shall not excuse the student from taking an 2808
assessment unless no reasonable accommodation can be made to 2809
enable the student to take the assessment. No board shall 2810

prohibit a student who is not required to take an assessment 2811
under division (C) (1) of this section from taking the 2812
assessment. 2813

(b) Any alternate assessment approved by the department 2814
for a student under this division shall produce measurable 2815
results comparable to those produced by the assessment it 2816
replaces in order to allow for the student's results to be 2817
included in the data compiled for a school district or building 2818
under section 3302.03 of the Revised Code. 2819

(c) (i) Any student enrolled in a chartered nonpublic 2820
school who has been identified, based on an evaluation conducted 2821
in accordance with section 3323.03 of the Revised Code or 2822
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 2823
29 U.S.C.A. 794, as amended, as a child with a disability shall 2824
be excused from taking any particular assessment required to be 2825
administered under this section if either of the following 2826
apply: 2827

(I) A plan developed for the student pursuant to rules 2828
adopted by the state board excuses the student from taking that 2829
assessment. 2830

(II) The chartered nonpublic school develops a written 2831
plan in which the school, in consultation with the student's 2832
parents, determines that an assessment or alternative assessment 2833
with accommodations does not accurately assess the student's 2834
academic performance. The plan shall include an academic profile 2835
of the student's academic performance and shall be reviewed 2836
annually to determine if the student's needs continue to require 2837
excusal from taking the assessment. 2838

(ii) A student with significant cognitive disabilities to 2839

whom an alternate assessment is administered in accordance with 2840
division (C) (1) of this section and a student determined to have 2841
a disability that includes an intellectual disability as 2842
outlined in guidance issued by the department shall not be 2843
required to take the assessment prescribed under division (B) (1) 2844
of section 3301.0712 of the Revised Code. 2845

(iii) In the case of any student so excused from taking an 2846
assessment under division (C) (1) (c) of this section, the 2847
chartered nonpublic school shall not prohibit the student from 2848
taking the assessment. 2849

(2) A district board may, for medical reasons or other 2850
good cause, excuse a student from taking an assessment 2851
administered under this section on the date scheduled, but that 2852
assessment shall be administered to the excused student not 2853
later than nine days following the scheduled date. The district 2854
board shall annually report the number of students who have not 2855
taken one or more of the assessments required by this section to 2856
the state board not later than the thirtieth day of June. 2857

(3) As used in this division, "English learner" has the 2858
same meaning as in 20 U.S.C. 7801. 2859

No school district board shall excuse any English learner 2860
from taking any particular assessment required to be 2861
administered under this section, except as follows: 2862

(a) Any English learner who has been enrolled in United 2863
States schools for less than two years and for whom no 2864
appropriate accommodations are available based on guidance 2865
issued by the department shall not be required to take the 2866
assessment prescribed under division (B) (1) of section 3301.0712 2867
of the Revised Code. 2868

(b) Any English learner who has been enrolled in United States schools for less than one full school year shall not be required to take any reading, writing, or English language arts assessment.

However, no board shall prohibit an English learner who is not required to take an assessment under division (C) (3) of this section from taking the assessment. A board may permit any English learner to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each English learner, 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 an English learner from taking any assessment administered under this section.

(b) No governing authority shall require an English learner 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 an English learner 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 2898
student, the board of education of any school district in which 2899
the student is enrolled in that year shall provide to the 2900
student intervention services commensurate with the student's 2901
performance, including any intensive intervention required under 2902
section 3313.608 of the Revised Code, in any skill in which the 2903
student failed to demonstrate at least a score at the proficient 2904
level on the assessment. 2905

(2) Following any administration of the assessments 2906
prescribed by division (D) of section 3301.0710 of the Revised 2907
Code to ninth grade students, each school district that has a 2908
three-year average graduation rate of not more than seventy-five 2909
per cent shall determine for each high school in the district 2910
whether the school shall be required to provide intervention 2911
services to any students who took the assessments. In 2912
determining which high schools shall provide intervention 2913
services based on the resources available, the district shall 2914
consider each school's graduation rate and scores on the 2915
practice assessments. The district also shall consider the 2916
scores received by ninth grade students on the English language 2917
arts and mathematics assessments prescribed under division (A) 2918
(1) (f) of section 3301.0710 of the Revised Code in the eighth 2919
grade in determining which high schools shall provide 2920
intervention services. 2921

Each high school selected to provide intervention services 2922
under this division shall provide intervention services to any 2923
student whose results indicate that the student is failing to 2924
make satisfactory progress toward being able to attain scores at 2925
the proficient level on the Ohio graduation tests. Intervention 2926
services shall be provided in any skill in which a student 2927
demonstrates unsatisfactory progress and shall be commensurate 2928

with the student's performance. Schools shall provide the 2929
intervention services prior to the end of the school year, 2930
during the summer following the ninth grade, in the next 2931
succeeding school year, or at any combination of those times. 2932

(E) Except as provided in section 3313.608 of the Revised 2933
Code and division (N) of this section, no school district board 2934
of education shall utilize any student's failure to attain a 2935
specified score on an assessment administered under this section 2936
as a factor in any decision to deny the student promotion to a 2937
higher grade level. However, a district board may choose not to 2938
promote to the next grade level any student who does not take an 2939
assessment administered under this section or make up an 2940
assessment as provided by division (C) (2) of this section and 2941
who is not exempt from the requirement to take the assessment 2942
under division (C) (3) of this section. 2943

(F) No person shall be charged a fee for taking any 2944
assessment administered under this section. 2945

(G) (1) Each school district board shall designate one 2946
location for the collection of assessments administered in the 2947
spring under division (B) (1) of this section and those 2948
administered under divisions (B) (2) to (7) of this section. Each 2949
district board shall submit the assessments to the entity with 2950
which the department contracts for the scoring of the 2951
assessments as follows: 2952

(a) If the district's total enrollment in grades 2953
kindergarten through twelve during the first full school week of 2954
October was less than two thousand five hundred, not later than 2955
the Friday after all of the assessments have been administered; 2956

(b) If the district's total enrollment in grades 2957

kindergarten through twelve during the first full school week of 2958
October was two thousand five hundred or more, but less than 2959
seven thousand, not later than the Monday after all of the 2960
assessments have been administered; 2961

(c) If the district's total enrollment in grades 2962
kindergarten through twelve during the first full school week of 2963
October was seven thousand or more, not later than the Tuesday 2964
after all of the assessments have been administered. 2965

However, any assessment that a student takes during the 2966
make-up period described in division (C) (2) of this section 2967
shall be submitted not later than the Friday following the day 2968
the student takes the assessment. 2969

(2) The department or an entity with which the department 2970
contracts for the scoring of the assessment shall send to each 2971
school district board a list of the individual scores of all 2972
persons taking a state achievement assessment as follows: 2973

(a) Except as provided in division (G) (2) (b) or (c) of 2974
this section, within forty-five days after the administration of 2975
the assessments prescribed by sections 3301.0710 and 3301.0712 2976
of the Revised Code, but in no case shall the scores be returned 2977
later than the thirtieth day of June following the 2978
administration; 2979

(b) In the case of the third-grade English language arts 2980
assessment, within forty-five days after the administration of 2981
that assessment, but in no case shall the scores be returned 2982
later than the fifteenth day of June following the 2983
administration; 2984

(c) In the case of the writing component of an assessment 2985
or end-of-course examination in the area of English language 2986

arts, except for the third-grade English language arts 2987
assessment, the results may be sent after forty-five days of the 2988
administration of the writing component, but in no case shall 2989
the scores be returned later than the thirtieth day of June 2990
following the administration. 2991

(3) For assessments administered under this section by a 2992
joint vocational school district, the department or entity shall 2993
also send to each city, local, or exempted village school 2994
district a list of the individual scores of any students of such 2995
city, local, or exempted village school district who are 2996
attending school in the joint vocational school district. 2997

(4) Beginning with the 2019-2020 school year, a school 2998
district, other public school, or chartered nonpublic school may 2999
administer the third-grade English language arts or mathematics 3000
assessment, or both, in a paper format in any school year for 3001
which the district board of education or school governing body 3002
adopts a resolution indicating that the district or school 3003
chooses to administer the assessment in a paper format. The 3004
board or governing body shall submit a copy of the resolution to 3005
the department of education not later than the first day of May 3006
prior to the school year for which it will apply. If the 3007
resolution is submitted, the district or school shall administer 3008
the assessment in a paper format to all students in the third 3009
grade, except that any student whose individualized education 3010
program or plan developed under section 504 of the 3011
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 3012
amended, specifies that taking the assessment in an online 3013
format is an appropriate accommodation for the student may take 3014
the assessment in an online format. 3015

(H) Individual scores on any assessments administered 3016

under this section shall be released by a district board only in 3017
accordance with section 3319.321 of the Revised Code and the 3018
rules adopted under division (A) of this section. No district 3019
board or its employees shall utilize individual or aggregate 3020
results in any manner that conflicts with rules for the ethical 3021
use of assessments adopted pursuant to division (A) of this 3022
section. 3023

(I) Except as provided in division (G) of this section, 3024
the department or an entity with which the department contracts 3025
for the scoring of the assessment shall not release any 3026
individual scores on any assessment administered under this 3027
section. The state board shall adopt rules to ensure the 3028
protection of student confidentiality at all times. The rules 3029
may require the use of the data verification codes assigned to 3030
students pursuant to division (D)(2) of section 3301.0714 of the 3031
Revised Code to protect the confidentiality of student scores. 3032

(J) Notwithstanding division (D) of section 3311.52 of the 3033
Revised Code, this section does not apply to the board of 3034
education of any cooperative education school district except as 3035
provided under rules adopted pursuant to this division. 3036

(1) In accordance with rules that the state board shall 3037
adopt, the board of education of any city, exempted village, or 3038
local school district with territory in a cooperative education 3039
school district established pursuant to divisions (A) to (C) of 3040
section 3311.52 of the Revised Code may enter into an agreement 3041
with the board of education of the cooperative education school 3042
district for administering any assessment prescribed under this 3043
section to students of the city, exempted village, or local 3044
school district who are attending school in the cooperative 3045
education school district. 3046

(2) In accordance with rules that the state board shall 3047
adopt, the board of education of any city, exempted village, or 3048
local school district with territory in a cooperative education 3049
school district established pursuant to section 3311.521 of the 3050
Revised Code shall enter into an agreement with the cooperative 3051
district that provides for the administration of any assessment 3052
prescribed under this section to both of the following: 3053

(a) Students who are attending school in the cooperative 3054
district and who, if the cooperative district were not 3055
established, would be entitled to attend school in the city, 3056
local, or exempted village school district pursuant to section 3057
3313.64 or 3313.65 of the Revised Code; 3058

(b) Persons described in division (B) (8) (b) of this 3059
section. 3060

Any assessment of students pursuant to such an agreement 3061
shall be in lieu of any assessment of such students or persons 3062
pursuant to this section. 3063

(K) (1) (a) Except as otherwise provided in division (K) (1) 3064
or (2) of this section, each chartered nonpublic school for 3065
which at least sixty-five per cent of its total enrollment is 3066
made up of students who are participating in state scholarship 3067
programs shall administer the assessments prescribed by division 3068
(A) of section 3301.0710 of the Revised Code or an alternative 3069
standardized assessment determined by the department. In 3070
accordance with procedures and deadlines prescribed by the 3071
department, the parent or guardian of a student enrolled in the 3072
school who is not participating in a state scholarship program 3073
may submit notice to the chief administrative officer of the 3074
school that the parent or guardian does not wish to have the 3075
student take the assessments prescribed for the student's grade 3076

level under division (A) of section 3301.0710 of the Revised Code. If a parent or guardian submits an opt-out notice, the school shall not administer the assessments to that student. This option does not apply to any assessment required for a high school diploma under section 3313.612 of the Revised Code.

(b) Any chartered nonpublic school that enrolls students who are participating in state scholarship programs may administer an alternative standardized assessment determined by the department instead of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

Each chartered nonpublic school subject to division (K) (1) (a) or (b) of this section shall report the results of each assessment administered under those divisions to the department.

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

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

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a

condition that impairs academic performance, such as dyslexia, 3106
dyscalculia, attention deficit hyperactivity disorder, or 3107
Asperger's syndrome. 3108

(b) The school has solely served a student population 3109
described in division (K) (1) (a) of this section for at least ten 3110
years. 3111

(c) The school provides to the department at least five 3112
years of records of internal testing conducted by the school 3113
that affords the department data required for accountability 3114
purposes, including diagnostic assessments and nationally 3115
standardized norm-referenced achievement assessments that 3116
measure reading and math skills. 3117

(3) Any chartered nonpublic school that is not subject to 3118
division (K) (1) of this section may participate in the 3119
assessment program by administering any of the assessments 3120
prescribed by division (A) of section 3301.0710 of the Revised 3121
Code. The chief administrator of the school shall specify which 3122
assessments the school will administer. Such specification shall 3123
be made in writing to the superintendent of public instruction 3124
prior to the first day of August of any school year in which 3125
assessments are administered and shall include a pledge that the 3126
nonpublic school will administer the specified assessments in 3127
the same manner as public schools are required to do under this 3128
section and rules adopted by the department. 3129

(4) The department of education shall furnish the 3130
assessments prescribed by section 3301.0710 of the Revised Code 3131
to each chartered nonpublic school that is subject to division 3132
(K) (1) of this section or participates under division (K) (3) of 3133
this section. 3134

(L) If a chartered nonpublic school is educating students 3135
in grades nine through twelve, the following shall apply: 3136

(1) Except as provided in division (L)(4) of this section, 3137
for a student who is enrolled in a chartered nonpublic school 3138
that is accredited through the independent schools association 3139
of the central states and who is attending the school under a 3140
state scholarship program, the student shall either take all of 3141
the assessments prescribed by division (B) of section 3301.0712 3142
of the Revised Code or take an alternative assessment approved 3143
by the department under section 3313.619 of the Revised Code. 3144
However, a student who is excused from taking an assessment 3145
under division (C) of this section or has presented evidence to 3146
the chartered nonpublic school of having satisfied the condition 3147
prescribed by division (A)(1) of section 3313.618 of the Revised 3148
Code to qualify for a high school diploma prior to the date of 3149
the administration of the assessment prescribed under division 3150
(B)(1) of section 3301.0712 of the Revised Code shall not be 3151
required to take that assessment. No governing authority of a 3152
chartered nonpublic school shall prohibit a student who is not 3153
required to take such assessment from taking the assessment. 3154

(2) For a student who is enrolled in a chartered nonpublic 3155
school that is accredited through the independent schools 3156
association of the central states, and who is not attending the 3157
school under a state scholarship program, the student shall not 3158
be required to take any assessment prescribed under section 3159
3301.0712 or 3313.619 of the Revised Code. 3160

(3)(a) Except as provided in divisions (L)(3)(b) and (4) 3161
of this section, for a student who is enrolled in a chartered 3162
nonpublic school that is not accredited through the independent 3163
schools association of the central states, regardless of whether 3164

the student is attending or is not attending the school under a 3165
state scholarship program, the student shall do one of the 3166
following: 3167

(i) Take all of the assessments prescribed by division (B) 3168
of section 3301.0712 of the Revised Code; 3169

(ii) Take only the assessment prescribed by division (B) 3170
(1) of section 3301.0712 of the Revised Code, provided that the 3171
student's school publishes the results of that assessment for 3172
each graduating class. The published results of that assessment 3173
shall include the overall composite scores, mean scores, twenty- 3174
fifth percentile scores, and seventy-fifth percentile scores for 3175
each subject area of the assessment. 3176

(iii) Take an alternative assessment approved by the 3177
department under section 3313.619 of the Revised Code. 3178

(b) A student who is excused from taking an assessment 3179
under division (C) of this section or has presented evidence to 3180
the chartered nonpublic school of having satisfied the condition 3181
prescribed by division (A) (1) of section 3313.618 of the Revised 3182
Code to qualify for a high school diploma prior to the date of 3183
the administration of the assessment prescribed under division 3184
(B) (1) of section 3301.0712 of the Revised Code shall not be 3185
required to take that assessment. No governing authority of a 3186
chartered nonpublic school shall prohibit a student who is not 3187
required to take such assessment from taking the assessment. 3188

(4) The assessments prescribed by sections 3301.0712 and 3189
3313.619 of the Revised Code shall not be administered to any 3190
student attending the school, if the school meets all of the 3191
following conditions: 3192

(a) At least ninety-five per cent of the students enrolled 3193

in the school are children with disabilities, as defined under 3194
section 3323.01 of the Revised Code, or have received a 3195
diagnosis by a school district or from a physician, including a 3196
neuropsychologist or psychiatrist, or a psychologist who is 3197
authorized to practice in this or another state as having a 3198
condition that impairs academic performance, such as dyslexia, 3199
dyscalculia, attention deficit hyperactivity disorder, or 3200
Asperger's syndrome. 3201

(b) The school has solely served a student population 3202
described in division (L) (4) (a) of this section for at least ten 3203
years. 3204

(c) The school makes available to the department at least 3205
five years of records of internal testing conducted by the 3206
school that affords the department data required for 3207
accountability purposes, including growth in student achievement 3208
in reading or mathematics, or both, as measured by nationally 3209
norm-referenced assessments that have developed appropriate 3210
standards for students. 3211

Division (L) (4) of this section applies to any student 3212
attending such school regardless of whether the student receives 3213
special education or related services and regardless of whether 3214
the student is attending the school under a state scholarship 3215
program. 3216

(M) (1) The superintendent of the state school for the 3217
blind and the superintendent of the state school for the deaf 3218
shall administer the assessments described by sections 3301.0710 3219
and 3301.0712 of the Revised Code. Each superintendent shall 3220
administer the assessments in the same manner as district boards 3221
are required to do under this section and rules adopted by the 3222
department of education and in conformity with division (C) (1) 3223

(a) of this section. 3224

(2) The department of education shall furnish the 3225
assessments described by sections 3301.0710 and 3301.0712 of the 3226
Revised Code to each superintendent. 3227

(N) Notwithstanding division (E) of this section, a school 3228
district may use a student's failure to attain a score in at 3229
least the proficient range on the mathematics assessment 3230
described by division (A) (1) (a) of section 3301.0710 of the 3231
Revised Code or on an assessment described by division (A) (1) 3232
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 3233
Code as a factor in retaining that student in the current grade 3234
level. 3235

(O) (1) In the manner specified in divisions (O) (3), (4), 3236
(6), and (7) of this section, the assessments required by 3237
division (A) (1) of section 3301.0710 of the Revised Code shall 3238
become public records pursuant to section 149.43 of the Revised 3239
Code on the thirty-first day of July following the school year 3240
that the assessments were administered. 3241

(2) The department may field test proposed questions with 3242
samples of students to determine the validity, reliability, or 3243
appropriateness of questions for possible inclusion in a future 3244
year's assessment. The department also may use anchor questions 3245
on assessments to ensure that different versions of the same 3246
assessment are of comparable difficulty. 3247

Field test questions and anchor questions shall not be 3248
considered in computing scores for individual students. Field 3249
test questions and anchor questions may be included as part of 3250
the administration of any assessment required by division (A) (1) 3251
or (B) of section 3301.0710 and division (B) of section 3252

3301.0712 of the Revised Code. 3253

(3) Any field test question or anchor question 3254
administered under division (O)(2) of this section shall not be 3255
a public record. Such field test questions and anchor questions 3256
shall be redacted from any assessments which are released as a 3257
public record pursuant to division (O)(1) of this section. 3258

(4) This division applies to the assessments prescribed by 3259
division (A) of section 3301.0710 of the Revised Code. 3260

(a) The first administration of each assessment, as 3261
specified in former section 3301.0712 of the Revised Code, shall 3262
be a public record. 3263

(b) For subsequent administrations of each assessment 3264
prior to the 2011-2012 school year, not less than forty per cent 3265
of the questions on the assessment that are used to compute a 3266
student's score shall be a public record. The department shall 3267
determine which questions will be needed for reuse on a future 3268
assessment and those questions shall not be public records and 3269
shall be redacted from the assessment prior to its release as a 3270
public record. However, for each redacted question, the 3271
department shall inform each city, local, and exempted village 3272
school district of the statewide academic standard adopted by 3273
the state board under section 3301.079 of the Revised Code and 3274
the corresponding benchmark to which the question relates. The 3275
preceding sentence does not apply to field test questions that 3276
are redacted under division (O)(3) of this section. 3277

(c) The administrations of each assessment in the 2011- 3278
2012, 2012-2013, and 2013-2014 school years shall not be a 3279
public record. 3280

(5) Each assessment prescribed by division (B)(1) of 3281

section 3301.0710 of the Revised Code shall not be a public record. 3282
3283

(6) (a) Except as provided in division (O) (6) (b) of this section, for the administrations in the 2014-2015, 2015-2016, and 2016-2017 school years, questions on the assessments prescribed under division (A) of section 3301.0710 and division (B) (2) of section 3301.0712 of the Revised Code and the corresponding preferred answers that are used to compute a student's score shall become a public record as follows: 3284
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(i) Forty per cent of the questions and preferred answers on the assessments on the thirty-first day of July following the administration of the assessment; 3291
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(ii) Twenty per cent of the questions and preferred answers on the assessment on the thirty-first day of July one year after the administration of the assessment; 3294
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(iii) The remaining forty per cent of the questions and preferred answers on the assessment on the thirty-first day of July two years after the administration of the assessment. 3297
3298
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The entire content of an assessment shall become a public record within three years of its administration. 3300
3301

The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division. 3302
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(b) No questions and corresponding preferred answers shall become a public record under division (O) (6) of this section after July 31, 2017. 3307
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(7) Division (O) (7) of this section applies to the 3310
assessments prescribed by division (A) of section 3301.0710 and 3311
division (B) (2) of section 3301.0712 of the Revised Code. 3312

Beginning with the assessments administered in the spring 3313
of the 2017-2018 school year, not less than forty per cent of 3314
the questions on each assessment that are used to compute a 3315
student's score shall be a public record. The department shall 3316
determine which questions will be needed for reuse on a future 3317
assessment and those questions shall not be public records and 3318
shall be redacted from the assessment prior to its release as a 3319
public record. However, for each redacted question, the 3320
department shall inform each city, local, and exempted village 3321
school district of the corresponding statewide academic standard 3322
adopted by the state board under section 3301.079 of the Revised 3323
Code and the corresponding benchmark to which the question 3324
relates. The department is not required to provide corresponding 3325
standards and benchmarks to field test questions that are 3326
redacted under division (O) (3) of this section. 3327

(P) As used in this section: 3328

(1) "Three-year average" means the average of the most 3329
recent consecutive three school years of data. 3330

(2) "Dropout" means a student who withdraws from school 3331
before completing course requirements for graduation and who is 3332
not enrolled in an education program approved by the state board 3333
of education or an education program outside the state. 3334
"Dropout" does not include a student who has departed the 3335
country. 3336

(3) "Graduation rate" means the ratio of students 3337
receiving a diploma to the number of students who entered ninth 3338

grade four years earlier. Students who transfer into the 3339
district are added to the calculation. Students who transfer out 3340
of the district for reasons other than dropout are subtracted 3341
from the calculation. If a student who was a dropout in any 3342
previous year returns to the same school district, that student 3343
shall be entered into the calculation as if the student had 3344
entered ninth grade four years before the graduation year of the 3345
graduating class that the student joins. 3346

(4) ~~"State~~ For purposes of division (L) of this section, 3347
"state scholarship programs" means the educational choice- 3348
~~scholarship pilot program established under sections 3310.01 to~~ 3349
~~3310.17 of the Revised Code,~~ the autism scholarship program 3350
established under section 3310.41 of the Revised Code, and the 3351
Jon Peterson special needs scholarship program established under 3352
sections 3310.51 to 3310.64 of the Revised Code, ~~and the pilot-~~ 3353
~~project scholarship program established under sections 3313.974-~~ 3354
~~to 3313.979 of the Revised Code.~~ For purposes of division (K) of 3355
this section, "state scholarship programs" means the autism 3356
scholarship program established under section 3310.41 of the 3357
Revised Code, the Jon Peterson special needs scholarship program 3358
established under sections 3310.51 to 3310.64 of the Revised 3359
Code, and the backpack scholarship program established under 3360
sections 3310.21 to 3310.27 of the Revised Code. 3361

(5) "Other public school" means a community school 3362
established under Chapter 3314., a STEM school established under 3363
Chapter 3326., or a college-preparatory boarding school 3364
established under Chapter 3328. of the Revised Code. 3365

Sec. 3301.0714. (A) The state board of education shall 3366
adopt rules for a statewide education management information 3367
system. The rules shall require the state board to establish 3368

guidelines for the establishment and maintenance of the system 3369
in accordance with this section and the rules adopted under this 3370
section. The guidelines shall include: 3371

(1) Standards identifying and defining the types of data 3372
in the system in accordance with divisions (B) and (C) of this 3373
section; 3374

(2) Procedures for annually collecting and reporting the 3375
data to the state board in accordance with division (D) of this 3376
section; 3377

(3) Procedures for annually compiling the data in 3378
accordance with division (G) of this section; 3379

(4) Procedures for annually reporting the data to the 3380
public in accordance with division (H) of this section; 3381

(5) Standards to provide strict safeguards to protect the 3382
confidentiality of personally identifiable student data. 3383

(B) The guidelines adopted under this section shall 3384
require the data maintained in the education management 3385
information system to include at least the following: 3386

(1) Student participation and performance data, for each 3387
grade in each school district as a whole and for each grade in 3388
each school building in each school district, that includes: 3389

(a) The numbers of students receiving each category of 3390
instructional service offered by the school district, such as 3391
regular education instruction, vocational education instruction, 3392
specialized instruction programs or enrichment instruction that 3393
is part of the educational curriculum, instruction for gifted 3394
students, instruction for students with disabilities, and 3395
remedial instruction. The guidelines shall require instructional 3396

services under this division to be divided into discrete 3397
categories if an instructional service is limited to a specific 3398
subject, a specific type of student, or both, such as regular 3399
instructional services in mathematics, remedial reading 3400
instructional services, instructional services specifically for 3401
students gifted in mathematics or some other subject area, or 3402
instructional services for students with a specific type of 3403
disability. The categories of instructional services required by 3404
the guidelines under this division shall be the same as the 3405
categories of instructional services used in determining cost 3406
units pursuant to division (C) (3) of this section. 3407

(b) The numbers of students receiving support or 3408
extracurricular services for each of the support services or 3409
extracurricular programs offered by the school district, such as 3410
counseling services, health services, and extracurricular sports 3411
and fine arts programs. The categories of services required by 3412
the guidelines under this division shall be the same as the 3413
categories of services used in determining cost units pursuant 3414
to division (C) (4) (a) of this section. 3415

(c) Average student grades in each subject in grades nine 3416
through twelve; 3417

(d) Academic achievement levels as assessed under sections 3418
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 3419

(e) The number of students designated as having a 3420
disabling condition pursuant to division (C) (1) of section 3421
3301.0711 of the Revised Code; 3422

(f) The numbers of students reported to the state board 3423
pursuant to division (C) (2) of section 3301.0711 of the Revised 3424
Code; 3425

(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.	3426 3427 3428 3429
(h) Expulsion rates;	3430
(i) Suspension rates;	3431
(j) Dropout rates;	3432
(k) Rates of retention in grade;	3433
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	3434 3435 3436
(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;	3437 3438 3439 3440 3441
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	3442 3443 3444 3445 3446 3447 3448 3449 3450
(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B) (8) of this section, districts and schools also shall include an	3451 3452 3453

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.

(p) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;

(q) The number of students demonstrating competency for graduation using each option described in divisions (B) (1) (a) to (d) of section 3313.618 of the Revised Code;

(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B) (1) (b) of section 3313.618 of the Revised Code;

(s) The number of students enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code.

(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 3483
this section shall require these categories of data to be 3484
maintained for the school district as a whole and, wherever 3485
applicable, for each grade in the school district as a whole, 3486
for each school building as a whole, and for each grade in each 3487
school building. 3488

(b) The total number of employees and the number of full- 3489
time equivalent employees providing each category of service 3490
used pursuant to divisions (C) (4) (a) and (b) of this section, 3491
and the total numbers of licensed employees and nonlicensed 3492
employees and the numbers of full-time equivalent licensed 3493
employees and nonlicensed employees providing each category used 3494
pursuant to division (C) (4) (c) of this section. The guidelines 3495
adopted under this section shall require these categories of 3496
data to be maintained for the school district as a whole and, 3497
wherever applicable, for each grade in the school district as a 3498
whole, for each school building as a whole, and for each grade 3499
in each school building. 3500

(c) The total number of regular classroom teachers 3501
teaching classes of regular education and the average number of 3502
pupils enrolled in each such class, in each of grades 3503
kindergarten through five in the district as a whole and in each 3504
school building in the school district. 3505

(d) The number of lead teachers employed by each school 3506
district and each school building. 3507

(3) (a) Student demographic data for each school district, 3508
including information regarding the gender ratio of the school 3509
district's pupils, the racial make-up of the school district's 3510
pupils, the number of English learners in the district, and an 3511
appropriate measure of the number of the school district's 3512

pupils who reside in economically disadvantaged households. The 3513
demographic data shall be collected in a manner to allow 3514
correlation with data collected under division (B) (1) of this 3515
section. Categories for data collected pursuant to division (B) 3516
(3) of this section shall conform, where appropriate, to 3517
standard practices of agencies of the federal government. 3518

(b) With respect to each student entering kindergarten, 3519
whether the student previously participated in a public 3520
preschool program, a private preschool program, or a head start 3521
program, and the number of years the student participated in 3522
each of these programs. 3523

(4) For fiscal years 2022 and 2023, the annual reports 3524
submitted by each school district under section 3317.25 of the 3525
Revised Code describing the initiative or initiatives on which 3526
the district's disadvantaged pupil impact aid were spent; 3527

(5) For fiscal years 2022 and 2023, the average number of 3528
students riding on school buses routed to community schools 3529
established under Chapter 3314. of the Revised Code in 3530
accordance with section 3327.01 of the Revised Code; 3531

(6) For fiscal years 2022 and 2023, the average number of 3532
students riding on school buses routed to STEM schools 3533
established under Chapter 3326. of the Revised Code in 3534
accordance with section 3327.01 of the Revised Code; 3535

(7) For fiscal years 2022 and 2023, the average number of 3536
students riding on school buses routed to nonpublic schools in 3537
accordance with section 3327.01 of the Revised Code; 3538

(8) Any data required to be collected pursuant to federal 3539
law. 3540

(C) The education management information system shall 3541

include cost accounting data for each district as a whole and 3542
for each school building in each school district. The guidelines 3543
adopted under this section shall require the cost data for each 3544
school district to be maintained in a system of mutually 3545
exclusive cost units and shall require all of the costs of each 3546
school district to be divided among the cost units. The 3547
guidelines shall require the system of mutually exclusive cost 3548
units to include at least the following: 3549

(1) Administrative costs for the school district as a 3550
whole. The guidelines shall require the cost units under this 3551
division (C) (1) to be designed so that each of them may be 3552
compiled and reported in terms of average expenditure per pupil 3553
in enrolled ADM in the school district, as determined pursuant 3554
to section 3317.03 of the Revised Code. 3555

(2) Administrative costs for each school building in the 3556
school district. The guidelines shall require the cost units 3557
under this division (C) (2) to be designed so that each of them 3558
may be compiled and reported in terms of average expenditure per 3559
full-time equivalent pupil receiving instructional or support 3560
services in each building. 3561

(3) Instructional services costs for each category of 3562
instructional service provided directly to students and required 3563
by guidelines adopted pursuant to division (B) (1) (a) of this 3564
section. The guidelines shall require the cost units under 3565
division (C) (3) of this section to be designed so that each of 3566
them may be compiled and reported in terms of average 3567
expenditure per pupil receiving the service in the school 3568
district as a whole and average expenditure per pupil receiving 3569
the service in each building in the school district and in terms 3570
of a total cost for each category of service and, as a breakdown 3571

of the total cost, a cost for each of the following components:	3572
(a) The cost of each instructional services category	3573
required by guidelines adopted under division (B) (1) (a) of this	3574
section that is provided directly to students by a classroom	3575
teacher;	3576
(b) The cost of the instructional support services, such	3577
as services provided by a speech-language pathologist, classroom	3578
aide, multimedia aide, or librarian, provided directly to	3579
students in conjunction with each instructional services	3580
category;	3581
(c) The cost of the administrative support services	3582
related to each instructional services category, such as the	3583
cost of personnel that develop the curriculum for the	3584
instructional services category and the cost of personnel	3585
supervising or coordinating the delivery of the instructional	3586
services category.	3587
(4) Support or extracurricular services costs for each	3588
category of service directly provided to students and required	3589
by guidelines adopted pursuant to division (B) (1) (b) of this	3590
section. The guidelines shall require the cost units under	3591
division (C) (4) of this section to be designed so that each of	3592
them may be compiled and reported in terms of average	3593
expenditure per pupil receiving the service in the school	3594
district as a whole and average expenditure per pupil receiving	3595
the service in each building in the school district and in terms	3596
of a total cost for each category of service and, as a breakdown	3597
of the total cost, a cost for each of the following components:	3598
(a) The cost of each support or extracurricular services	3599
category required by guidelines adopted under division (B) (1) (b)	3600

of this section that is provided directly to students by a 3601
licensed employee, such as services provided by a guidance 3602
counselor or any services provided by a licensed employee under 3603
a supplemental contract; 3604

(b) The cost of each such services category provided 3605
directly to students by a nonlicensed employee, such as 3606
janitorial services, cafeteria services, or services of a sports 3607
trainer; 3608

(c) The cost of the administrative services related to 3609
each services category in division (C) (4) (a) or (b) of this 3610
section, such as the cost of any licensed or nonlicensed 3611
employees that develop, supervise, coordinate, or otherwise are 3612
involved in administering or aiding the delivery of each 3613
services category. 3614

(D) (1) The guidelines adopted under this section shall 3615
require school districts to collect information about individual 3616
students, staff members, or both in connection with any data 3617
required by division (B) or (C) of this section or other 3618
reporting requirements established in the Revised Code. The 3619
guidelines may also require school districts to report 3620
information about individual staff members in connection with 3621
any data required by division (B) or (C) of this section or 3622
other reporting requirements established in the Revised Code. 3623
The guidelines shall not authorize school districts to request 3624
social security numbers of individual students. The guidelines 3625
shall prohibit the reporting under this section of a student's 3626
name, address, and social security number to the state board of 3627
education or the department of education. The guidelines shall 3628
also prohibit the reporting under this section of any personally 3629
identifiable information about any student, except for the 3630

purpose of assigning the data verification code required by 3631
division (D) (2) of this section, to any other person unless such 3632
person is employed by the school district or the information 3633
technology center operated under section 3301.075 of the Revised 3634
Code and is authorized by the district or technology center to 3635
have access to such information or is employed by an entity with 3636
which the department contracts for the scoring or the 3637
development of state assessments. The guidelines may require 3638
school districts to provide the social security numbers of 3639
individual staff members and the county of residence for a 3640
student. Nothing in this section prohibits the state board of 3641
education or department of education from providing a student's 3642
county of residence to the department of taxation to facilitate 3643
the distribution of tax revenue. 3644

(2) (a) The guidelines shall provide for each school 3645
district or community school to assign a data verification code 3646
that is unique on a statewide basis over time to each student 3647
whose initial Ohio enrollment is in that district or school and 3648
to report all required individual student data for that student 3649
utilizing such code. The guidelines shall also provide for 3650
assigning data verification codes to all students enrolled in 3651
districts or community schools on the effective date of the 3652
guidelines established under this section. The assignment of 3653
data verification codes for other entities, as described in 3654
division (D) (2) (d) of this section, the use of those codes, and 3655
the reporting and use of associated individual student data 3656
shall be coordinated by the department in accordance with state 3657
and federal law. 3658

School districts shall report individual student data to 3659
the department through the information technology centers 3660
utilizing the code. The entities described in division (D) (2) (d) 3661

of this section shall report individual student data to the 3662
department in the manner prescribed by the department. 3663

(b) (i) Except as provided in sections 3301.941, ~~3310.11,~~ 3664
3310.42, 3310.63, ~~3313.978,~~ and 3317.20 of the Revised Code, 3665
division (C) (2) of section 3365.07 of the Revised Code, and in 3666
division (D) (2) (b) (ii) of this section, at no time shall the 3667
state board or the department have access to information that 3668
would enable any data verification code to be matched to 3669
personally identifiable student data. 3670

(ii) For the purpose of making per-pupil payments to 3671
community schools under section 3317.022 of the Revised Code, 3672
the department shall have access to information that would 3673
enable any data verification code to be matched to personally 3674
identifiable student data. 3675

(c) Each school district and community school shall ensure 3676
that the data verification code is included in the student's 3677
records reported to any subsequent school district, community 3678
school, or state institution of higher education, as defined in 3679
section 3345.011 of the Revised Code, in which the student 3680
enrolls. Any such subsequent district or school shall utilize 3681
the same identifier in its reporting of data under this section. 3682

(d) The director of any state agency that administers a 3683
publicly funded program providing services to children who are 3684
younger than compulsory school age, as defined in section 3685
3321.01 of the Revised Code, including the directors of health, 3686
job and family services, mental health and addiction services, 3687
and developmental disabilities, shall request and receive, 3688
pursuant to sections 3301.0723 and 5123.0423 of the Revised 3689
Code, a data verification code for a child who is receiving 3690
those services. 3691

(E) The guidelines adopted under this section may require 3692
school districts to collect and report data, information, or 3693
reports other than that described in divisions (A), (B), and (C) 3694
of this section for the purpose of complying with other 3695
reporting requirements established in the Revised Code. The 3696
other data, information, or reports may be maintained in the 3697
education management information system but are not required to 3698
be compiled as part of the profile formats required under 3699
division (G) of this section or the annual statewide report 3700
required under division (H) of this section. 3701

(F) Beginning with the school year that begins July 1, 3702
1991, the board of education of each school district shall 3703
annually collect and report to the state board, in accordance 3704
with the guidelines established by the board, the data required 3705
pursuant to this section. A school district may collect and 3706
report these data notwithstanding section 2151.357 or 3319.321 3707
of the Revised Code. 3708

(G) The state board shall, in accordance with the 3709
procedures it adopts, annually compile the data reported by each 3710
school district pursuant to division (D) of this section. The 3711
state board shall design formats for profiling each school 3712
district as a whole and each school building within each 3713
district and shall compile the data in accordance with these 3714
formats. These profile formats shall: 3715

(1) Include all of the data gathered under this section in 3716
a manner that facilitates comparison among school districts and 3717
among school buildings within each school district; 3718

(2) Present the data on academic achievement levels as 3719
assessed by the testing of student achievement maintained 3720
pursuant to division (B)(1)(d) of this section. 3721

(H) (1) The state board shall, in accordance with the 3722
procedures it adopts, annually prepare a statewide report for 3723
all school districts and the general public that includes the 3724
profile of each of the school districts developed pursuant to 3725
division (G) of this section. Copies of the report shall be sent 3726
to each school district. 3727

(2) The state board shall, in accordance with the 3728
procedures it adopts, annually prepare an individual report for 3729
each school district and the general public that includes the 3730
profiles of each of the school buildings in that school district 3731
developed pursuant to division (G) of this section. Copies of 3732
the report shall be sent to the superintendent of the district 3733
and to each member of the district board of education. 3734

(3) Copies of the reports received from the state board 3735
under divisions (H) (1) and (2) of this section shall be made 3736
available to the general public at each school district's 3737
offices. Each district board of education shall make copies of 3738
each report available to any person upon request and payment of 3739
a reasonable fee for the cost of reproducing the report. The 3740
board shall annually publish in a newspaper of general 3741
circulation in the school district, at least twice during the 3742
two weeks prior to the week in which the reports will first be 3743
available, a notice containing the address where the reports are 3744
available and the date on which the reports will be available. 3745

(I) Any data that is collected or maintained pursuant to 3746
this section and that identifies an individual pupil is not a 3747
public record for the purposes of section 149.43 of the Revised 3748
Code. 3749

(J) As used in this section: 3750

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

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

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

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

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

(a) Notify the district in writing that the department has

determined that data has not been reported as required under 3780
this section and require the district to review its data 3781
submission and submit corrected data by a deadline established 3782
by the department. The department also may require the district 3783
to develop a corrective action plan, which shall include 3784
provisions for the district to provide mandatory staff training 3785
on data reporting procedures. 3786

(b) Withhold up to ten per cent of the total amount of 3787
state funds due to the district for the current fiscal year and, 3788
if not previously required under division (L) (2) (a) of this 3789
section, require the district to develop a corrective action 3790
plan in accordance with that division; 3791

(c) Withhold an additional amount of up to twenty per cent 3792
of the total amount of state funds due to the district for the 3793
current fiscal year; 3794

(d) Direct department staff or an outside entity to 3795
investigate the district's data reporting practices and make 3796
recommendations for subsequent actions. The recommendations may 3797
include one or more of the following actions: 3798

(i) Arrange for an audit of the district's data reporting 3799
practices by department staff or an outside entity; 3800

(ii) Conduct a site visit and evaluation of the district; 3801

(iii) Withhold an additional amount of up to thirty per 3802
cent of the total amount of state funds due to the district for 3803
the current fiscal year; 3804

(iv) Continue monitoring the district's data reporting; 3805

(v) Assign department staff to supervise the district's 3806
data management system; 3807

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

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

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

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

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

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

department withheld funding under division (L) (2) (d) of this 3837
section, the department shall not release the funds withheld 3838
under division (L) (2) (b) or (c) of this section. 3839

(5) Notwithstanding anything in this section to the 3840
contrary, the department may use its own staff or an outside 3841
entity to conduct an audit of a school district's data reporting 3842
practices any time the department has reason to believe the 3843
district has not made a good faith effort to report data as 3844
required by this section. If any audit conducted by an outside 3845
entity under division (L) (2) (d) (i) or (5) of this section 3846
confirms that a district has not made a good faith effort to 3847
report data as required by this section, the district shall 3848
reimburse the department for the full cost of the audit. The 3849
department may withhold state funds due to the district for this 3850
purpose. 3851

(6) Prior to issuing a revised report card for a school 3852
district under division (L) (2) (d) (viii) of this section, the 3853
department may hold a hearing to provide the district with an 3854
opportunity to demonstrate that it made a good faith effort to 3855
report data as required by this section. The hearing shall be 3856
conducted by a referee appointed by the department. Based on the 3857
information provided in the hearing, the referee shall recommend 3858
whether the department should issue a revised report card for 3859
the district. If the referee affirms the department's contention 3860
that the district did not make a good faith effort to report 3861
data as required by this section, the district shall bear the 3862
full cost of conducting the hearing and of issuing any revised 3863
report card. 3864

(7) If the department determines that any inaccurate data 3865
reported under this section caused a school district to receive 3866

excess state funds in any fiscal year, the district shall 3867
reimburse the department an amount equal to the excess funds, in 3868
accordance with a payment schedule determined by the department. 3869
The department may withhold state funds due to the district for 3870
this purpose. 3871

(8) Any school district that has funds withheld under 3872
division (L)(2) of this section may appeal the withholding in 3873
accordance with Chapter 119. of the Revised Code. 3874

(9) In all cases of a disagreement between the department 3875
and a school district regarding the appropriateness of an action 3876
taken under division (L)(2) of this section, the burden of proof 3877
shall be on the district to demonstrate that it made a good 3878
faith effort to report data as required by this section. 3879

(10) The state board of education shall adopt rules under 3880
Chapter 119. of the Revised Code to implement division (L) of 3881
this section. 3882

(M) No information technology center or school district 3883
shall acquire, change, or update its student administration 3884
software package to manage and report data required to be 3885
reported to the department unless it converts to a student 3886
software package that is certified by the department. 3887

(N) The state board of education, in accordance with 3888
sections 3319.31 and 3319.311 of the Revised Code, may suspend 3889
or revoke a license as defined under division (A) of section 3890
3319.31 of the Revised Code that has been issued to any school 3891
district employee found to have willfully reported erroneous, 3892
inaccurate, or incomplete data to the education management 3893
information system. 3894

(O) No person shall release or maintain any information 3895

about any student in violation of this section. Whoever violates 3896
this division is guilty of a misdemeanor of the fourth degree. 3897

(P) The department shall disaggregate the data collected 3898
under division (B) (1) (n) of this section according to the race 3899
and socioeconomic status of the students assessed. 3900

(Q) If the department cannot compile any of the 3901
information required by division (I) of section 3302.03 of the 3902
Revised Code based upon the data collected under this section, 3903
the department shall develop a plan and a reasonable timeline 3904
for the collection of any data necessary to comply with that 3905
division. 3906

Sec. 3301.163. ~~(A) Beginning July 1, 2015, any third-grade 3907
student who attends a chartered nonpublic school with a 3908
scholarship awarded under either the educational choice 3909
scholarship pilot program, prescribed in sections 3310.01 to 3910
3310.17, or the pilot project scholarship program prescribed in 3911
sections 3313.974 to 3313.979 of the Revised Code, shall be 3912
subject to the third grade reading guarantee retention 3913
provisions under division (A) (2) of section 3313.608 of the 3914
Revised Code, including the exemptions prescribed by that 3915
division. For purposes of determining if a child with a 3916
disability is exempt from retention under this section, an 3917
individual services plan created for the child that has been 3918
reviewed by either the student's school district of residence or 3919
the school district in which the chartered nonpublic school is 3920
located and that specifies that the student is not subject to 3921
retention shall be considered in the same manner as an 3922
individualized education program or plan under section 504 of 3923
the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, 3924
as amended, as prescribed by division (A) (2) of section 3313.608 3925~~

~~of the Revised Code.~~ 3926

~~As used in this section, "child with a disability" and
"school district of residence" have the same meanings as in
section 3323.01 of the Revised Code.~~ 3927
3928
3929

~~(B) (1)~~ (A) (1) Each chartered nonpublic school that enrolls 3930
students in any of grades kindergarten through three and that 3931
accepts students under the ~~educational choice scholarship pilot~~ 3932
~~program or the pilot project~~ backpack scholarship program under 3933
sections 3310.21 to 3310.27 of the Revised Code shall adopt 3934
policies and procedures for the annual assessment of the reading 3935
skills of those students. Each school may use the diagnostic 3936
assessment to measure reading ability for the appropriate grade 3937
level prescribed in division (D) of section 3301.079 of the 3938
Revised Code. If the school uses such assessments, the 3939
department of education shall furnish them to the chartered 3940
nonpublic school. 3941

(2) For each student identified as having reading skills 3942
below grade level, the school shall do both of the following: 3943

(a) Provide to the student's parent or guardian, in 3944
writing, all of the following: 3945

(i) Notification that the student has been identified as 3946
having a substantial deficiency in reading; 3947

(ii) Notification that if the student attains a score in 3948
the range designated under division (A) (3) of section 3301.0710 3949
of the Revised Code on the assessment prescribed under that 3950
section to measure skill in English language arts expected at 3951
the end of third grade, the student shall be retained unless the 3952
student is exempt under division (A) (1) of section 3313.608 of 3953
the Revised Code. 3954

(b) Provide intensive reading instruction services, as 3955
determined appropriate by the school, to each student identified 3956
under this section. 3957

~~(C)~~ (B) Each chartered nonpublic school subject to this 3958
section annually shall report to the department the number of 3959
students identified as reading at grade level and the number of 3960
students identified as reading below grade level. 3961

Sec. 3302.036. (A) Notwithstanding anything in the Revised 3962
Code to the contrary, the department of education shall not 3963
assign an overall letter grade under division (C) (3) of section 3964
3302.03 of the Revised Code for any school district or building 3965
for the 2014-2015, 2015-2016, or 2016-2017 school years, may, at 3966
the discretion of the state board of education, not assign an 3967
individual grade to any component prescribed under division (C) 3968
(3) of section 3302.03 of the Revised Code, and shall not rank 3969
school districts, community schools established under Chapter 3970
3314. of the Revised Code, or STEM schools established under 3971
Chapter 3326. of the Revised Code under section 3302.21 of the 3972
Revised Code for those school years. The report card ratings 3973
issued for the 2014-2015, 2015-2016, or 2016-2017 school years 3974
shall not be considered in determining whether a school district 3975
or a school is subject to sanctions or penalties. However, the 3976
report card ratings of any previous or subsequent years shall be 3977
considered in determining whether a school district or building 3978
is subject to sanctions or penalties. Accordingly, the report 3979
card ratings for the 2014-2015, 2015-2016, or 2016-2017 school 3980
years shall have no effect in determining sanctions or 3981
penalties, but shall not create a new starting point for 3982
determinations that are based on ratings over multiple years. 3983

(B) The provisions from which a district or school is 3984

exempt under division (A) of this section shall be the 3985
following: 3986

(1) Any restructuring provisions established under this 3987
chapter, except as required under the "No Child Left Behind Act 3988
of 2001"; 3989

(2) Provisions for the Columbus city school pilot project 3990
under section 3302.042 of the Revised Code; 3991

(3) Provisions for academic distress commissions under 3992
former section 3302.10 of the Revised Code as it existed prior 3993
to October 15, 2015. The provisions of this section do not apply 3994
to academic distress commissions under the version of that 3995
section as it exists on or after October 15, 2015. 3996

(4) Provisions prescribing new buildings where students 3997
are eligible for the educational choice scholarships under 3998
former section 3310.03 of the Revised Code; 3999

(5) Provisions defining "challenged school districts" in 4000
which new start-up community schools were required to be 4001
located, as prescribed in section 3314.02 of the Revised Code as 4002
it existed prior to ~~the effective date of this amendment~~ 4003
September 30, 2021; 4004

(6) Provisions prescribing community school closure 4005
requirements under section 3314.35 or 3314.351 of the Revised 4006
Code. 4007

(C) Notwithstanding anything in the Revised Code to the 4008
contrary and except as provided in Section 3 of H.B. 7 of the 4009
131st general assembly, no school district, community school, or 4010
STEM school shall utilize at any time during a student's 4011
academic career a student's score on any assessment administered 4012
under division (A) of section 3301.0710 or division (B) (2) of 4013

section 3301.0712 of the Revised Code in the 2014-2015, 2015- 4014
2016, or 2016-2017 school years as a factor in any decision to 4015
promote or to deny the student promotion to a higher grade level 4016
or in any decision to grant course credit. No individual student 4017
score reports on such assessments administered in the 2014-2015, 4018
2015-2016, or 2016-2017 school years shall be released, except 4019
to a student's school district or school or to the student or 4020
the student's parent or guardian. 4021

Sec. 3302.04. As used in divisions (A), (C), and (D) of 4022
this section, for the 2014-2015 school year, and for each school 4023
year thereafter, when a provision refers to a school district or 4024
school building in a state of academic emergency, it shall mean 4025
a district or building rated "F"; when a provision refers to a 4026
school district or school building under an academic watch, it 4027
shall mean a district or building rated "D"; and when a 4028
provision refers to a school district or school building in need 4029
of continuous improvement, it shall mean a district or building 4030
rated "C" as those letter grade ratings for overall performance 4031
are assigned under division (C)(3) of section 3302.03 of the 4032
Revised Code, as it exists on or after March 22, 2013. 4033

(A) The department of education shall establish a system 4034
of intensive, ongoing support for the improvement of school 4035
districts and school buildings. In accordance with the model of 4036
differentiated accountability described in section 3302.041 of 4037
the Revised Code, the system shall give priority to the 4038
following: 4039

(1) For any school year prior to the 2012-2013 school 4040
year, districts and buildings that have been declared to be 4041
under an academic watch or in a state of academic emergency 4042
under section 3302.03 of the Revised Code; 4043

(2) For the 2012-2013 school year, and for each school year thereafter, districts and buildings in the manner prescribed by any agreement currently in force between the department and the United States department of education. The department shall endeavor to include schools and buildings that receive grades or performance ratings under section 3302.03 of the Revised Code that the department considers to be low performing.

The system shall include services provided to districts and buildings through regional service providers, such as educational service centers. The system may include the appointment of an improvement coordinator for any of the lowest performing districts, as determined by the department, to coordinate the district's academic improvement efforts and to build support among the community for those efforts.

(B) This division does not apply to any school district after June 30, 2008.

When a school district has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or a building within the district has failed to make adequate yearly progress for two consecutive school years, the district shall develop a three-year continuous improvement plan for the district or building containing each of the following:

(1) An analysis of the reasons for the failure of the district or building to meet any of the applicable performance indicators established under section 3302.02 of the Revised Code that it did not meet and an analysis of the reasons for its failure to make adequate yearly progress;

(2) Specific strategies that the district or building will

use to address the problems in academic achievement identified 4073
in division (B) (1) of this section; 4074

(3) Identification of the resources that the district will 4075
allocate toward improving the academic achievement of the 4076
district or building; 4077

(4) A description of any progress that the district or 4078
building made in the preceding year toward improving its 4079
academic achievement; 4080

(5) An analysis of how the district is utilizing the 4081
professional development standards adopted by the state board 4082
pursuant to section 3319.61 of the Revised Code; 4083

(6) Strategies that the district or building will use to 4084
improve the cultural competency, as defined pursuant to section 4085
3319.61 of the Revised Code, of teachers and other educators. 4086

No three-year continuous improvement plan shall be 4087
developed or adopted pursuant to this division unless at least 4088
one public hearing is held within the affected school district 4089
or building concerning the final draft of the plan. Notice of 4090
the hearing shall be given two weeks prior to the hearing by 4091
publication in one newspaper of general circulation within the 4092
territory of the affected school district or building. Copies of 4093
the plan shall be made available to the public. 4094

(C) (1) For any school year prior to the school year that 4095
begins on July 1, 2012, when a school district or building has 4096
been notified by the department pursuant to section 3302.03 of 4097
the Revised Code that the district or building is under an 4098
academic watch or in a state of academic emergency, the district 4099
or building shall be subject to any rules establishing 4100
intervention in academic watch or emergency school districts or 4101

buildings. 4102

(2) For the 2012-2013 school year, and for each school 4103
year thereafter, a district or building that meets the 4104
conditions for intervention prescribed by the agreement 4105
described in division (A) (2) of this section shall be subject to 4106
any rules establishing such intervention. 4107

(D) (1) For any school year prior to the 2012-2013 school 4108
year, within one hundred twenty days after any school district 4109
or building is declared to be in a state of academic emergency 4110
under section 3302.03 of the Revised Code, the department may 4111
initiate a site evaluation of the building or school district. 4112

(2) For the 2012-2013 school year, and for each school 4113
year thereafter, the department may initiate a site evaluation 4114
of a building or school district that meets the conditions for a 4115
site evaluation prescribed by the agreement described in 4116
division (A) (2) of this section. 4117

(3) Division (D) (3) of this section does not apply to any 4118
school district after June 30, 2008. 4119

If any school district that is declared to be in a state 4120
of academic emergency or in a state of academic watch under 4121
section 3302.03 of the Revised Code or encompasses a building 4122
that is declared to be in a state of academic emergency or in a 4123
state of academic watch fails to demonstrate to the department 4124
satisfactory improvement of the district or applicable buildings 4125
or fails to submit to the department any information required 4126
under rules established by the state board of education, prior 4127
to approving a three-year continuous improvement plan under 4128
rules established by the state board of education, the 4129
department shall conduct a site evaluation of the school 4130

district or applicable buildings to determine whether the school 4131
district is in compliance with minimum standards established by 4132
law or rule. 4133

(4) Division (D)(4) of this section does not apply to any 4134
school district after June 30, 2008. Site evaluations conducted 4135
under divisions (D)(1), (2), and (3) of this section shall 4136
include, but not be limited to, the following: 4137

(a) Determining whether teachers are assigned to subject 4138
areas for which they are licensed or certified; 4139

(b) Determining pupil-teacher ratios; 4140

(c) Examination of compliance with minimum instruction 4141
time requirements for each school day and for each school year; 4142

(d) Determining whether materials and equipment necessary 4143
to implement the curriculum approved by the school district 4144
board are available; 4145

(e) Examination of whether the teacher and principal 4146
evaluation systems comply with sections 3311.80, 3311.84, 4147
3319.02, and 3319.111 of the Revised Code; 4148

(f) Examination of the adequacy of efforts to improve the 4149
cultural competency, as defined pursuant to section 3319.61 of 4150
the Revised Code, of teachers and other educators. 4151

(E) This division applies only to school districts that 4152
operate a school building that fails to make adequate yearly 4153
progress for two or more consecutive school years. It does not 4154
apply to any such district after June 30, 2008, except as 4155
provided in division (D)(2) of section 3313.97 of the Revised 4156
Code. 4157

(1) For any school building that fails to make adequate 4158

yearly progress for two consecutive school years, the district 4159
shall do all of the following: 4160

(a) Provide written notification of the academic issues 4161
that resulted in the building's failure to make adequate yearly 4162
progress to the parent or guardian of each student enrolled in 4163
the building. The notification shall also describe the actions 4164
being taken by the district or building to improve the academic 4165
performance of the building and any progress achieved toward 4166
that goal in the immediately preceding school year. 4167

(b) If the building receives funds under Title I, Part A 4168
of the "Elementary and Secondary Education Act of 1965," 20 4169
U.S.C. 6311 to 6339, from the district, in accordance with 4170
section 3313.97 of the Revised Code, offer all students enrolled 4171
in the building the opportunity to enroll in an alternative 4172
building within the district that is not in school improvement 4173
status as defined by the "No Child Left Behind Act of 2001." 4174
Notwithstanding Chapter 3327. of the Revised Code, the district 4175
shall spend an amount equal to twenty per cent of the funds it 4176
receives under Title I, Part A of the "Elementary and Secondary 4177
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 4178
transportation for students who enroll in alternative buildings 4179
under this division, unless the district can satisfy all demand 4180
for transportation with a lesser amount. If an amount equal to 4181
twenty per cent of the funds the district receives under Title 4182
I, Part A of the "Elementary and Secondary Education Act of 4183
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 4184
demand for transportation, the district shall grant priority 4185
over all other students to the lowest achieving students among 4186
the subgroup described in division (B) (3) of section 3302.01 of 4187
the Revised Code in providing transportation. Any district that 4188
does not receive funds under Title I, Part A of the "Elementary 4189

and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 4190
shall not be required to provide transportation to any student 4191
who enrolls in an alternative building under this division. 4192

(2) For any school building that fails to make adequate 4193
yearly progress for three consecutive school years, the district 4194
shall do both of the following: 4195

(a) If the building receives funds under Title I, Part A 4196
of the "Elementary and Secondary Education Act of 1965," 20 4197
U.S.C. 6311 to 6339, from the district, in accordance with 4198
section 3313.97 of the Revised Code, provide all students 4199
enrolled in the building the opportunity to enroll in an 4200
alternative building within the district that is not in school 4201
improvement status as defined by the "No Child Left Behind Act 4202
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 4203
district shall provide transportation for students who enroll in 4204
alternative buildings under this division to the extent required 4205
under division (E) (2) of this section. 4206

(b) If the building receives funds under Title I, Part A 4207
of the "Elementary and Secondary Education Act of 1965," 20 4208
U.S.C. 6311 to 6339, from the district, offer supplemental 4209
educational services to students who are enrolled in the 4210
building and who are in the subgroup described in division (B) 4211
(3) of section 3302.01 of the Revised Code. 4212

The district shall spend a combined total of an amount 4213
equal to twenty per cent of the funds it receives under Title I, 4214
Part A of the "Elementary and Secondary Education Act of 1965," 4215
20 U.S.C. 6311 to 6339, to provide transportation for students 4216
who enroll in alternative buildings under division (E) (1) (b) or 4217
(E) (2) (a) of this section and to pay the costs of the 4218
supplemental educational services provided to students under 4219

division (E) (2) (b) of this section, unless the district can 4220
satisfy all demand for transportation and pay the costs of 4221
supplemental educational services for those students who request 4222
them with a lesser amount. In allocating funds between the 4223
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 4224
this section, the district shall spend at least an amount equal 4225
to five per cent of the funds it receives under Title I, Part A 4226
of the "Elementary and Secondary Education Act of 1965," 20 4227
U.S.C. 6311 to 6339, to provide transportation for students who 4228
enroll in alternative buildings under division (E) (1) (b) or (E) 4229
(2) (a) of this section, unless the district can satisfy all 4230
demand for transportation with a lesser amount, and at least an 4231
amount equal to five per cent of the funds it receives under 4232
Title I, Part A of the "Elementary and Secondary Education Act 4233
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 4234
supplemental educational services provided to students under 4235
division (E) (2) (b) of this section, unless the district can pay 4236
the costs of such services for all students requesting them with 4237
a lesser amount. If an amount equal to twenty per cent of the 4238
funds the district receives under Title I, Part A of the 4239
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 4240
to 6339, is insufficient to satisfy all demand for 4241
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 4242
section and to pay the costs of all of the supplemental 4243
educational services provided to students under division (E) (2) 4244
(b) of this section, the district shall grant priority over all 4245
other students in providing transportation and in paying the 4246
costs of supplemental educational services to the lowest 4247
achieving students among the subgroup described in division (B) 4248
(3) of section 3302.01 of the Revised Code. 4249

Any district that does not receive funds under Title I, 4250

Part A of the "Elementary and Secondary Education Act of 1965," 4251
20 U.S.C. 6311 to 6339, shall not be required to provide 4252
transportation to any student who enrolls in an alternative 4253
building under division (E) (2) (a) of this section or to pay the 4254
costs of supplemental educational services provided to any 4255
student under division (E) (2) (b) of this section. 4256

No student who enrolls in an alternative building under 4257
division (E) (2) (a) of this section shall be eligible for 4258
supplemental educational services under division (E) (2) (b) of 4259
this section. 4260

(3) For any school building that fails to make adequate 4261
yearly progress for four consecutive school years, the district 4262
shall continue to comply with division (E) (2) of this section 4263
and shall implement at least one of the following options with 4264
respect to the building: 4265

(a) Institute a new curriculum that is consistent with the 4266
statewide academic standards adopted pursuant to division (A) of 4267
section 3301.079 of the Revised Code; 4268

(b) Decrease the degree of authority the building has to 4269
manage its internal operations; 4270

(c) Appoint an outside expert to make recommendations for 4271
improving the academic performance of the building. The district 4272
may request the department to establish a state intervention 4273
team for this purpose pursuant to division (G) of this section. 4274

(d) Extend the length of the school day or year; 4275

(e) Replace the building principal or other key personnel; 4276

(f) Reorganize the administrative structure of the 4277
building. 4278

(4) For any school building that fails to make adequate 4279
yearly progress for five consecutive school years, the district 4280
shall continue to comply with division (E) (2) of this section 4281
and shall develop a plan during the next succeeding school year 4282
to improve the academic performance of the building, which shall 4283
include at least one of the following options: 4284

(a) Reopen the school as a community school under Chapter 4285
3314. of the Revised Code; 4286

(b) Replace personnel; 4287

(c) Contract with a nonprofit or for-profit entity to 4288
operate the building; 4289

(d) Turn operation of the building over to the department; 4290

(e) Other significant restructuring of the building's 4291
governance. 4292

(5) For any school building that fails to make adequate 4293
yearly progress for six consecutive school years, the district 4294
shall continue to comply with division (E) (2) of this section 4295
and shall implement the plan developed pursuant to division (E) 4296
(4) of this section. 4297

(6) A district shall continue to comply with division (E) 4298
(1) (b) or (E) (2) of this section, whichever was most recently 4299
applicable, with respect to any building formerly subject to one 4300
of those divisions until the building makes adequate yearly 4301
progress for two consecutive school years. 4302

(F) This division applies only to school districts that 4303
have been identified for improvement by the department pursuant 4304
to the "No Child Left Behind Act of 2001." It does not apply to 4305
any such district after June 30, 2008. 4306

(1) If a school district has been identified for 4307
improvement for one school year, the district shall provide a 4308
written description of the continuous improvement plan developed 4309
by the district pursuant to division (B) of this section to the 4310
parent or guardian of each student enrolled in the district. If 4311
the district does not have a continuous improvement plan, the 4312
district shall develop such a plan in accordance with division 4313
(B) of this section and provide a written description of the 4314
plan to the parent or guardian of each student enrolled in the 4315
district. 4316

(2) If a school district has been identified for 4317
improvement for two consecutive school years, the district shall 4318
continue to implement the continuous improvement plan developed 4319
by the district pursuant to division (B) or (F)(1) of this 4320
section. 4321

(3) If a school district has been identified for 4322
improvement for three consecutive school years, the department 4323
shall take at least one of the following corrective actions with 4324
respect to the district: 4325

(a) Withhold a portion of the funds the district is 4326
entitled to receive under Title I, Part A of the "Elementary and 4327
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 4328

(b) Direct the district to replace key district personnel; 4329

(c) Institute a new curriculum that is consistent with the 4330
statewide academic standards adopted pursuant to division (A) of 4331
section 3301.079 of the Revised Code; 4332

(d) Establish alternative forms of governance for 4333
individual school buildings within the district; 4334

(e) Appoint a trustee to manage the district in place of 4335

the district superintendent and board of education. 4336

The department shall conduct individual audits of a 4337
sampling of districts subject to this division to determine 4338
compliance with the corrective actions taken by the department. 4339

(4) If a school district has been identified for 4340
improvement for four consecutive school years, the department 4341
shall continue to monitor implementation of the corrective 4342
action taken under division (F) (3) of this section with respect 4343
to the district. 4344

(5) If a school district has been identified for 4345
improvement for five consecutive school years, the department 4346
shall take at least one of the corrective actions identified in 4347
division (F) (3) of this section with respect to the district, 4348
provided that the corrective action the department takes is 4349
different from the corrective action previously taken under 4350
division (F) (3) of this section with respect to the district. 4351

(G) The department may establish a state intervention team 4352
to evaluate all aspects of a school district or building, 4353
including management, curriculum, instructional methods, 4354
resource allocation, and scheduling. Any such intervention team 4355
shall be appointed by the department and shall include teachers 4356
and administrators recognized as outstanding in their fields. 4357
The intervention team shall make recommendations regarding 4358
methods for improving the performance of the district or 4359
building. 4360

The department shall not approve a district's request for 4361
an intervention team under division (E) (3) of this section if 4362
the department cannot adequately fund the work of the team, 4363
unless the district agrees to pay for the expenses of the team. 4364

(H) The department shall conduct individual audits of a 4365
sampling of community schools established under Chapter 3314. of 4366
the Revised Code to determine compliance with this section. 4367

~~(I) A school district in which the pilot project 4368
scholarship program is operating under sections 3313.974 to 4369
3313.979 of the Revised Code shall report the use of funding for 4370
tutorial assistance grants under that program in the district's 4371
three year continuous improvement plan under this section in a 4372
manner approved by the department. 4373~~

~~(J) The state board shall adopt rules for implementing 4374
this section. 4375~~

Sec. 3302.10. (A) The superintendent of public instruction 4376
shall establish an academic distress commission for any school 4377
district that meets one of the following conditions: 4378

(1) The district has for three consecutive years received 4379
either of the following: 4380

(a) An overall grade of "F" under division (C) (3) of 4381
section 3302.03 of the Revised Code; 4382

(b) An overall performance rating of less than two stars 4383
under division (D) (3) of section 3302.03 of the Revised Code. 4384

(2) An academic distress commission established for the 4385
district under former section 3302.10 of the Revised Code was 4386
still in existence on October 15, 2015, and has been in 4387
existence for at least four years. 4388

(B) (1) The academic distress commission shall consist of 4389
five members as follows: 4390

(a) Three members appointed by the state superintendent, 4391
one of whom is a resident in the county in which a majority of 4392

the district's territory is located; 4393

(b) One member appointed by the president of the district 4394
board of education, who shall be a teacher employed by the 4395
district; 4396

(c) One member appointed by the mayor of the municipality 4397
in which a majority of the district's territory is located or, 4398
if no such municipality exists, by the mayor of a municipality 4399
selected by the state superintendent in which the district has 4400
territory. 4401

Appointments to the commission shall be made within thirty 4402
days after the district is notified that it is subject to this 4403
section. Members of the commission shall serve at the pleasure 4404
of their appointing authority. The state superintendent shall 4405
designate a chairperson for the commission from among the 4406
members appointed by the state superintendent. The chairperson 4407
shall call and conduct meetings, set meeting agendas, and serve 4408
as a liaison between the commission and the chief executive 4409
officer appointed under division (C) (1) of this section. 4410

(2) In the case of a school district that meets the 4411
condition in division (A) (2) of this section, the academic 4412
distress commission established for the district under former 4413
section 3302.10 of the Revised Code shall be abolished and a new 4414
academic distress commission shall be appointed for the district 4415
pursuant to division (B) (1) of this section. 4416

(C) (1) Within sixty days after the state superintendent 4417
has designated a chairperson for the academic distress 4418
commission, the commission shall appoint a chief executive 4419
officer for the district, who shall be paid by the department of 4420
education and shall serve at the pleasure of the commission. The 4421

individual appointed as chief executive officer shall have high- 4422
level management experience in the public or private sector. The 4423
chief executive officer shall exercise complete operational, 4424
managerial, and instructional control of the district, which 4425
shall include, but shall not be limited to, the following powers 4426
and duties, but the chief executive officer may delegate, in 4427
writing, specific powers or duties to the district board or 4428
district superintendent: 4429

(a) Replacing school administrators and central office 4430
staff; 4431

(b) Assigning employees to schools and approving 4432
transfers; 4433

(c) Hiring new employees; 4434

(d) Defining employee responsibilities and job 4435
descriptions; 4436

(e) Establishing employee compensation; 4437

(f) Allocating teacher class loads; 4438

(g) Conducting employee evaluations; 4439

(h) Making reductions in staff under section 3319.17, 4440
3319.171, or 3319.172 of the Revised Code; 4441

(i) Setting the school calendar; 4442

(j) Creating a budget for the district; 4443

(k) Contracting for services for the district; 4444

(l) Modifying policies and procedures established by the 4445
district board; 4446

(m) Establishing grade configurations of schools; 4447

(n) Determining the school curriculum;	4448
(o) Selecting instructional materials and assessments;	4449
(p) Setting class sizes;	4450
(q) Providing for staff professional development.	4451
(2) If an improvement coordinator was previously appointed	4452
for the district pursuant to division (A) of section 3302.04 of	4453
the Revised Code, that position shall be terminated. However,	4454
nothing in this section shall prohibit the chief executive	4455
officer from employing the same individual or other staff to	4456
perform duties or functions previously performed by the	4457
improvement coordinator.	4458
(D) The academic distress commission, in consultation with	4459
the state superintendent and the chief executive officer, shall	4460
be responsible for expanding high-quality school choice options	4461
in the district. The commission, in consultation with the state	4462
superintendent, may create an entity to act as a high-quality	4463
school accelerator for schools not operated by the district. The	4464
accelerator shall promote high-quality schools in the district,	4465
lead improvement efforts for underperforming schools, recruit	4466
high-quality sponsors for community schools, attract new high-	4467
quality schools to the district, and increase the overall	4468
capacity of schools to deliver a high-quality education for	4469
students. Any accelerator shall be an independent entity and the	4470
chief executive officer shall have no authority over the	4471
accelerator.	4472
(E) (1) Within thirty days after the chief executive	4473
officer is appointed, the chief executive officer shall convene	4474
a group of community stakeholders. The purpose of the group	4475
shall be to develop expectations for academic improvement in the	4476

district and to assist the district in building relationships 4477
with organizations in the community that can provide needed 4478
services to students. Members of the group shall include, but 4479
shall not be limited to, educators, civic and business leaders, 4480
and representatives of institutions of higher education and 4481
government service agencies. Within ninety days after the chief 4482
executive officer is appointed, the chief executive officer also 4483
shall convene a smaller group of community stakeholders for each 4484
school operated by the district to develop expectations for 4485
academic improvement in that school. The group convened for each 4486
school shall have teachers employed in the school and parents of 4487
students enrolled in the school among its members. 4488

(2) The chief executive officer shall create a plan to 4489
improve the district's academic performance. In creating the 4490
plan, the chief executive officer shall consult with the groups 4491
convened under division (E)(1) of this section. The chief 4492
executive officer also shall consider the availability of 4493
funding to ensure sustainability of the plan. The plan shall 4494
establish clear, measurable performance goals for the district 4495
and for each school operated by the district. The performance 4496
goals shall include, but not be limited to, the performance 4497
measures prescribed for report cards issued under section 4498
3302.03 of the Revised Code. Within ninety days after the chief 4499
executive officer is appointed, the chief executive officer 4500
shall submit the plan to the academic distress commission for 4501
approval. Within thirty days after the submission of the plan, 4502
the commission shall approve the plan or suggest modifications 4503
to the plan that will render it acceptable. If the commission 4504
suggests modifications, the chief executive officer may revise 4505
the plan before resubmitting it to the commission. The chief 4506
executive officer shall resubmit the plan, whether revised or 4507

not, within fifteen days after the commission suggests 4508
modifications. The commission shall approve the plan within 4509
thirty days after the plan is resubmitted. Upon approval of the 4510
plan by the commission, the chief executive officer shall 4511
implement the plan. 4512

(F) Notwithstanding any provision to the contrary in 4513
Chapter 4117. of the Revised Code, if the district board has 4514
entered into, modified, renewed, or extended a collective 4515
bargaining agreement on or after October 15, 2015, that contains 4516
provisions relinquishing one or more of the rights or 4517
responsibilities listed in division (C) of section 4117.08 of 4518
the Revised Code, those provisions are not enforceable and the 4519
chief executive officer and the district board shall resume 4520
holding those rights or responsibilities as if the district 4521
board had not relinquished them in that agreement until such 4522
time as both the academic distress commission ceases to exist 4523
and the district board agrees to relinquish those rights or 4524
responsibilities in a new collective bargaining agreement. For 4525
purposes of this section, "collective bargaining agreement" 4526
shall include any labor contract or agreement in effect with any 4527
applicable bargaining representative. The chief executive 4528
officer and the district board are not required to bargain on 4529
subjects reserved to the management and direction of the school 4530
district, including, but not limited to, the rights or 4531
responsibilities listed in division (C) of section 4117.08 of 4532
the Revised Code. The way in which these subjects and these 4533
rights or responsibilities may affect the wages, hours, terms 4534
and conditions of employment, or the continuation, modification, 4535
or deletion of an existing provision of a collective bargaining 4536
agreement is not subject to collective bargaining or effects 4537
bargaining under Chapter 4117. of the Revised Code. The 4538

provisions of this paragraph apply to a collective bargaining 4539
agreement entered into, modified, renewed, or extended on or 4540
after October 15, 2015, and those provisions are deemed to be 4541
part of that agreement regardless of whether the district 4542
satisfied the conditions prescribed in division (A) of this 4543
section at the time the district entered into that agreement. If 4544
the district board relinquished one or more of the rights or 4545
responsibilities listed in division (C) of section 4117.08 of 4546
the Revised Code in a collective bargaining agreement entered 4547
into prior to October 15, 2015, and had resumed holding those 4548
rights or responsibilities pursuant to division (K) of former 4549
section 3302.10 of the Revised Code, as it existed prior to that 4550
date, the district board shall continue to hold those rights or 4551
responsibilities until such time as both the new academic 4552
distress commission appointed under this section ceases to exist 4553
upon completion of the transition period specified in division 4554
(N) (1) of this section and the district board agrees to 4555
relinquish those rights or responsibilities in a new collective 4556
bargaining agreement. 4557

(G) In each school year that the district is subject to 4558
this section, the following shall apply: 4559

(1) The chief executive officer shall implement the 4560
improvement plan approved under division (E) (2) of this section 4561
and shall review the plan annually to determine if changes are 4562
needed. The chief executive officer may modify the plan upon the 4563
approval of the modifications by the academic distress 4564
commission. 4565

(2) The chief executive officer may implement innovative 4566
education programs to do any of the following: 4567

(a) Address the physical and mental well-being of students 4568

- and their families; 4569
- (b) Provide mentoring; 4570
 - (c) Provide job resources; 4571
 - (d) Disseminate higher education information; 4572
 - (e) Offer recreational or cultural activities; 4573
 - (f) Provide any other services that will contribute to a
successful learning environment. 4574
4575

The chief executive officer shall establish a separate 4576
fund to support innovative education programs and shall deposit 4577
any moneys appropriated by the general assembly for the purposes 4578
of division (G) (2) of this section in the fund. The chief 4579
executive officer shall have sole authority to disburse moneys 4580
from the fund until the district is no longer subject to this 4581
section. All disbursements shall support the improvement plan 4582
approved under division (E) (2) of this section. 4583

(3) Beginning on July 1, 2023, division (G) (3) of this 4584
section no longer applies. 4585

If the district is not a school district in which the 4586
pilot project scholarship program is operating under sections 4587
3313.974 to 3313.979 of the Revised Code, each student who is 4588
entitled to attend school in the district under section 3313.64 4589
or 3313.65 of the Revised Code and is enrolled in a school 4590
operated by the district or in a community school, or will be 4591
both enrolling in any of grades kindergarten through twelve in 4592
this state for the first time and at least five years of age by 4593
the first day of January of the following school year, shall be 4594
eligible to participate in the educational choice scholarship 4595
pilot program established under sections 3310.01 to 3310.17 of 4596

the Revised Code and an application for the student may be 4597
submitted during the next application period. 4598

(4) Notwithstanding anything to the contrary in the 4599
Revised Code, the chief executive officer may limit, suspend, or 4600
alter any contract with an administrator that is entered into, 4601
modified, renewed, or extended by the district board on or after 4602
October 15, 2015, provided that the chief executive officer 4603
shall not reduce any salary or base hourly rate of pay unless 4604
such salary or base hourly rate reductions are part of a uniform 4605
plan affecting all district employees and shall not reduce any 4606
insurance benefits unless such insurance benefit reductions are 4607
also applicable generally to other employees of the district. 4608

(5) The chief executive officer shall represent the 4609
district board during any negotiations to modify, renew, or 4610
extend a collective bargaining agreement entered into by the 4611
board under Chapter 4117. of the Revised Code. 4612

(H) If the report card for the district has been issued 4613
under section 3302.03 of the Revised Code for the first school 4614
year that the district is subject to this section and the 4615
district does not meet the qualification in division (N) (1) of 4616
this section, the following shall apply: 4617

(1) The chief executive officer may reconstitute any 4618
school operated by the district. The chief executive officer 4619
shall present to the academic distress commission a plan that 4620
lists each school designated for reconstitution and explains how 4621
the chief executive officer plans to reconstitute the school. 4622
The chief executive officer may take any of the following 4623
actions to reconstitute a school: 4624

(a) Change the mission of the school or the focus of its 4625

curriculum; 4626

(b) Replace the school's principal and/or administrative 4627
staff; 4628

(c) Replace a majority of the school's staff, including 4629
teaching and nonteaching employees; 4630

(d) Contract with a nonprofit or for-profit entity to 4631
manage the operations of the school. The contract may provide 4632
for the entity to supply all or some of the staff for the 4633
school. 4634

(e) Reopen the school as a community school under Chapter 4635
3314. of the Revised Code or a science, technology, engineering, 4636
and mathematics school under Chapter 3326. of the Revised Code; 4637

(f) Permanently close the school. 4638

If the chief executive officer plans to reconstitute a 4639
school under division (H) (1) (e) or (f) of this section, the 4640
commission shall review the plan for that school and either 4641
approve or reject it by the thirtieth day of June of the school 4642
year. Upon approval of the plan by the commission, the chief 4643
executive officer shall reconstitute the school as outlined in 4644
the plan. 4645

(2) Notwithstanding any provision to the contrary in 4646
Chapter 4117. of the Revised Code, the chief executive officer, 4647
in consultation with the chairperson of the academic distress 4648
commission, may reopen any collective bargaining agreement 4649
entered into, modified, renewed, or extended on or after October 4650
15, 2015, for the purpose of renegotiating its terms. The chief 4651
executive officer shall have the sole discretion to designate 4652
any provisions of a collective bargaining agreement as subject 4653
to reopening by providing written notice to the bargaining 4654

representative. Any provisions designated for reopening by the 4655
chief executive officer shall be subject to collective 4656
bargaining as set forth in Chapter 4117. of the Revised Code. 4657
Any changes to the provisions subject to reopening shall take 4658
effect on the following first day of July or another date agreed 4659
to by the parties. The chief executive officer may reopen a 4660
collective bargaining agreement under division (H) (2) of this 4661
section as necessary to reconstitute a school under division (H) 4662
(1) of this section. 4663

(I) If the report card for the district has been issued 4664
under section 3302.03 of the Revised Code for the second school 4665
year that the district is subject to this section and the 4666
district does not meet the qualification in division (N) (1) of 4667
this section, the following shall apply: 4668

(1) The chief executive officer may exercise any of the 4669
powers authorized under division (H) of this section. 4670

(2) Notwithstanding any provision to the contrary in 4671
Chapter 4117. of the Revised Code, the chief executive officer 4672
may limit, suspend, or alter any provision of a collective 4673
bargaining agreement entered into, modified, renewed, or 4674
extended on or after October 15, 2015, provided that the chief 4675
executive officer shall not reduce any base hourly rate of pay 4676
and shall not reduce any insurance benefits. The decision to 4677
limit, suspend, or alter any provision of a collective 4678
bargaining agreement under this division is not subject to 4679
bargaining under Chapter 4117. of the Revised Code; however, the 4680
chief executive officer shall have the discretion to engage in 4681
effects bargaining on the way any such decision may affect 4682
wages, hours, or terms and conditions of employment. The chief 4683
executive officer may limit, suspend, or alter a provision of a 4684

collective bargaining agreement under division (I) (2) of this 4685
section as necessary to reconstitute a school under division (H) 4686
(1) of this section. 4687

(J) If the report card for the district has been issued 4688
under section 3302.03 of the Revised Code for the third school 4689
year that the district is subject to this section and the 4690
district does not meet the qualification in division (N) (1) of 4691
this section, the following shall apply: 4692

(1) The chief executive officer may exercise any of the 4693
powers authorized under division (H) or (I) of this section. 4694

(2) The chief executive officer may continue in effect a 4695
limitation, suspension, or alteration of a provision of a 4696
collective bargaining agreement issued under division (I) (2) of 4697
this section. Any such continuation shall be subject to the 4698
requirements and restrictions of that division. 4699

(K) If the report card for the district has been issued 4700
under section 3302.03 of the Revised Code for the fourth school 4701
year that the district is subject to this section and the 4702
district does not meet the qualification in division (N) (1) of 4703
this section, the following shall apply: 4704

(1) The chief executive officer may exercise any of the 4705
powers authorized under division (H), (I), or (J) of this 4706
section. 4707

(2) A new board of education shall be appointed for the 4708
district in accordance with section 3302.11 of the Revised Code. 4709
However, the chief executive officer shall retain complete 4710
operational, managerial, and instructional control of the 4711
district until the chief executive officer relinquishes that 4712
control to the district board under division (N) (1) of this 4713

section. 4714

(L) If the report card for the district has been issued 4715
under section 3302.03 of the Revised Code for the fifth school 4716
year, or any subsequent school year, that the district is 4717
subject to this section and the district does not meet the 4718
qualification in division (N) (1) of this section, the chief 4719
executive officer may exercise any of the powers authorized 4720
under division (H), (I), (J), or (K) (1) of this section. 4721

(M) If division (I), (J), (K), or (L) of this section 4722
applies to a district, community schools, STEM schools, 4723
chartered nonpublic schools, and other school districts that 4724
enroll students residing in the district and meet academic 4725
accountability standards shall be eligible to be paid an 4726
academic performance bonus in each fiscal year for which the 4727
general assembly appropriates funds for that purpose. The 4728
academic performance bonus is intended to give students residing 4729
in the district access to a high-quality education by 4730
encouraging high-quality schools to enroll those students. 4731

(N) (1) When a district subject to this section receives 4732
either an overall grade of "C" or higher under division (C) (3) 4733
of section 3302.03 of the Revised Code or an overall performance 4734
rating of three stars or higher under division (D) (3) of section 4735
3302.03 of the Revised Code, the district shall begin its 4736
transition out of being subject to this section. Except as 4737
provided in division (N) (2) of this section, the transition 4738
period shall last until the district has received either an 4739
overall grade higher than "F" under division (C) (3) of section 4740
3302.03 of the Revised Code or an overall performance rating of 4741
two stars or higher under division (D) (3) of section 3302.03 of 4742
the Revised Code for two consecutive school years after the 4743

transition period begins. The overall grade of "C" or higher or 4744
overall performance rating of three stars or higher that qualify 4745
the district to begin the transition period shall not count as 4746
one of the two consecutive school years. During the transition 4747
period, the conditions described in divisions (F) to (L) of this 4748
section for the school year prior to the school year in which 4749
the transition period begins shall continue to apply and the 4750
chief executive officer shall work closely with the district 4751
board and district superintendent to increase their ability to 4752
resume control of the district and sustain the district's 4753
academic improvement over time. Upon completion of the 4754
transition period, the chief executive officer shall relinquish 4755
all operational, managerial, and instructional control of the 4756
district to the district board and district superintendent and 4757
the academic distress commission shall cease to exist. 4758

(2) If the district receives either an overall grade of 4759
"F" under division (C) (3) of section 3302.03 of the Revised Code 4760
or an overall performance rating of less than two stars under 4761
division (D) (3) of section 3302.03 of the Revised Code at any 4762
time during the transition period, the transition period shall 4763
end and the district shall be fully subject to this section 4764
again. The district shall resume being fully subject to this 4765
section at the point it began its transition out of being 4766
subject to this section and the division in divisions (H) to (L) 4767
of this section that would have applied to the district had the 4768
district not qualified to begin its transition under division 4769
(N) (1) of this section shall apply to the district. 4770

(O) If at any time there are no longer any schools 4771
operated by the district due to reconstitution or other closure 4772
of the district's schools under this section, the academic 4773
distress commission shall cease to exist and the chief executive 4774

officer shall cease to exercise any powers with respect to the 4775
district. 4776

(P) Beginning on October 15, 2015, each collective 4777
bargaining agreement entered into by a school district board of 4778
education under Chapter 4117. of the Revised Code shall 4779
incorporate the provisions of this section. 4780

(Q) The chief executive officer, the members of the 4781
academic distress commission, the state superintendent, and any 4782
person authorized to act on behalf of or assist them shall not 4783
be personally liable or subject to any suit, judgment, or claim 4784
for damages resulting from the exercise of or failure to 4785
exercise the powers, duties, and functions granted to them in 4786
regard to their functioning under this section, but the chief 4787
executive officer, commission, state superintendent, and such 4788
other persons shall be subject to mandamus proceedings to compel 4789
performance of their duties under this section. 4790

(R) The state superintendent shall not exempt any district 4791
from this section by approving an application for an innovative 4792
education pilot program submitted by the district under section 4793
3302.07 of the Revised Code. 4794

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 4795
the Revised Code: 4796

(A) "Alternative public provider" means either of the 4797
following providers that agrees to enroll a child in the 4798
provider's special education program to implement the child's 4799
individualized education program and to which the eligible 4800
applicant owes fees for the services provided to the child: 4801

(1) A school district that is not the school district in 4802
which the child is entitled to attend school or the child's 4803

school district of residence, if different; 4804

(2) A public entity other than a school district. 4805

(B) "Child with a disability" and "individualized 4806
education program" have the same meanings as in section 3323.01 4807
of the Revised Code. 4808

(C) "Eligible applicant" means any of the following: 4809

(1) Either of the natural or adoptive parents of a 4810
qualified special education child, except as otherwise specified 4811
in this division. When the marriage of the natural or adoptive 4812
parents of the student has been terminated by a divorce, 4813
dissolution of marriage, or annulment, or when the natural or 4814
adoptive parents of the student are living separate and apart 4815
under a legal separation decree, and a court has issued an order 4816
allocating the parental rights and responsibilities with respect 4817
to the child, "eligible applicant" means the residential parent 4818
as designated by the court. If the court issues a shared 4819
parenting decree, "eligible applicant" means either parent. 4820
"Eligible applicant" does not mean a parent whose custodial 4821
rights have been terminated. 4822

(2) The custodian of a qualified special education child, 4823
when a court has granted temporary, legal, or permanent custody 4824
of the child to an individual other than either of the natural 4825
or adoptive parents of the child or to a government agency; 4826

(3) The guardian of a qualified special education child, 4827
when a court has appointed a guardian for the child; 4828

(4) The grandparent of a qualified special education 4829
child, when the grandparent is the child's attorney in fact 4830
under a power of attorney executed under sections 3109.51 to 4831
3109.62 of the Revised Code or when the grandparent has executed 4832

a caretaker authorization affidavit under sections 3109.65 to 4833
3109.73 of the Revised Code; 4834

(5) The surrogate parent appointed for a qualified special 4835
education child pursuant to division (B) of section 3323.05 and 4836
section 3323.051 of the Revised Code; 4837

(6) A qualified special education child, if the child does 4838
not have a custodian or guardian and the child is at least 4839
eighteen years of age. 4840

(D) "Entitled to attend school" means entitled to attend 4841
school in a school district under sections 3313.64 and 3313.65 4842
of the Revised Code. 4843

(E) "Formula ADM" has the same meaning as in section 4844
3317.02 of the Revised Code. 4845

(F) "Qualified special education child" is a child for 4846
whom all of the following conditions apply: 4847

(1) The child is at least five years of age and less than 4848
twenty-two years of age. 4849

(2) The school district in which the child is entitled to 4850
attend school, or the child's school district of residence if 4851
different, has identified the child as a child with a 4852
disability. 4853

(3) The school district in which the child is entitled to 4854
attend school, or the child's school district of residence if 4855
different, has developed an individualized education program 4856
under Chapter 3323. of the Revised Code for the child. 4857

(4) The child either: 4858

(a) Was enrolled in the schools of the school district in 4859

which the child is entitled to attend school in any grade from 4860
kindergarten through twelve in the school year prior to the 4861
school year in which a scholarship is first sought for the 4862
child; 4863

(b) Is eligible to enter school in any grade kindergarten 4864
through twelve in the school district in which the child is 4865
entitled to attend school in the school year in which a 4866
scholarship is first sought for the child. 4867

(5) The department of education has not approved a 4868
scholarship for the child under ~~the educational choice~~ 4869
~~scholarship pilot program, under sections 3310.01 to 3310.17 of~~ 4870
~~the Revised Code,~~ the autism scholarship program, under section 4871
3310.41 of the Revised Code, ~~or the pilot project scholarship~~ 4872
~~program, under sections 3313.974 to 3313.979 of the Revised Code~~ 4873
for the same school year in which a scholarship under the Jon 4874
Peterson special needs scholarship program is sought. 4875

(6) The child and the child's parents are in compliance 4876
with the state compulsory attendance law under Chapter 3321. of 4877
the Revised Code. 4878

(G) "Registered private provider" means a nonpublic school 4879
or other nonpublic entity that has been registered by the 4880
superintendent of public instruction under section 3310.58 of 4881
the Revised Code. 4882

(H) "Scholarship" means a scholarship awarded under the 4883
Jon Peterson special needs scholarship program pursuant to 4884
sections 3310.51 to 3310.64 of the Revised Code. 4885

(I) "School district of residence" has the same meaning as 4886
in section 3323.01 of the Revised Code. A community school 4887
established under Chapter 3314. of the Revised Code is not a 4888

"school district of residence" for purposes of sections 3310.51 4889
to 3310.64 of the Revised Code. 4890

(J) "School year" has the same meaning as in section 4891
3313.62 of the Revised Code. 4892

(K) "Special education program" means a school or facility 4893
that provides special education and related services to children 4894
with disabilities. 4895

Sec. 3365.07. The department of education shall calculate 4896
and pay state funds to colleges for participants in the college 4897
credit plus program under division (B) of section 3365.06 of the 4898
Revised Code pursuant to this section. For a nonpublic secondary 4899
school participant, a nonchartered nonpublic secondary school 4900
participant, or a home-instructed participant, the department 4901
shall pay state funds pursuant to this section only if that 4902
participant is awarded funding according to rules adopted by the 4903
chancellor of higher education, in consultation with the 4904
superintendent of public instruction, pursuant to section 4905
3365.071 of the Revised Code. The program shall be the sole 4906
mechanism by which state funds are paid to colleges for students 4907
to earn transcribed credit for college courses while enrolled 4908
in both a secondary school and a college, with the exception of 4909
state funds paid to colleges according to an agreement described 4910
in division (A) (1) of section 3365.02 of the Revised Code. 4911

(A) For each public or nonpublic secondary school 4912
participant enrolled in a public college: 4913

(1) If no agreement has been entered into under division 4914
(A) (2) of this section, both of the following shall apply: 4915

(a) The department shall pay to the college the applicable 4916
amount as follows: 4917

(i) For a participant enrolled in a college course 4918
delivered on the college campus, at another location operated by 4919
the college, or online, the lesser of the default ceiling amount 4920
or the college's standard rate; 4921

(ii) For a participant enrolled in a college course 4922
delivered at the participant's secondary school but taught by 4923
college faculty, the lesser of fifty per cent of the default 4924
ceiling amount or the college's standard rate; 4925

(iii) For a participant enrolled in a college course 4926
delivered at the participant's secondary school and taught by a 4927
high school teacher who has met the credential requirements 4928
established for purposes of the program in rules adopted by the 4929
chancellor, the default floor amount. 4930

(b) The participant's secondary school shall pay for 4931
textbooks, and the college shall waive payment of all other fees 4932
related to participation in the program. 4933

(2) The governing entity of a participant's secondary 4934
school and the college may enter into an agreement to establish 4935
an alternative payment structure for tuition, textbooks, and 4936
fees. Under such an agreement, payments for each participant 4937
made by the department shall be not less than the default floor 4938
amount, unless approved by the chancellor, and not more than 4939
either the default ceiling amount or the college's standard 4940
rate, whichever is less. The chancellor may approve an agreement 4941
that includes a payment below the default floor amount, as long 4942
as the provisions of the agreement comply with all other 4943
requirements of this chapter to ensure program quality. If no 4944
agreement is entered into under division (A)(2) of this section, 4945
both of the following shall apply: 4946

(a) The department shall pay to the college the applicable 4947
default amounts prescribed by division (A) (1) (a) of this 4948
section, depending upon the method of delivery and instruction. 4949

(b) In accordance with division (A) (1) (b) of this section, 4950
the participant's secondary school shall pay for textbooks, and 4951
the college shall waive payment of all other fees related to 4952
participation in the program. 4953

(3) No participant that is enrolled in a public college 4954
shall be charged for any tuition, textbooks, or other fees 4955
related to participation in the program. 4956

(B) For each public secondary school participant enrolled 4957
in a private college: 4958

(1) If no agreement has been entered into under division 4959
(B) (2) of this section, the department shall pay to the college 4960
the applicable amount calculated in the same manner as in 4961
division (A) (1) (a) of this section. 4962

(2) The governing entity of a participant's secondary 4963
school and the college may enter into an agreement to establish 4964
an alternative payment structure for tuition, textbooks, and 4965
fees. Under such an agreement, payments shall be not less than 4966
the default floor amount, unless approved by the chancellor, and 4967
not more than either the default ceiling amount or the college's 4968
standard rate, whichever is less. 4969

If an agreement is entered into under division (B) (2) of 4970
this section, both of the following shall apply: 4971

(a) The department shall make a payment to the college for 4972
each participant that is equal to the default floor amount, 4973
unless approved by the chancellor to pay an amount below the 4974
default floor amount. The chancellor may approve an agreement 4975

that includes a payment below the default floor amount, as long 4976
as the provisions of the agreement comply with all other 4977
requirements of this chapter to ensure program quality. 4978

(b) Payment for costs for the participant that exceed the 4979
amount paid by the department pursuant to division (B)(2)(a) of 4980
this section shall be negotiated by the school and the college. 4981
The agreement may include a stipulation permitting the charging 4982
of a participant. 4983

However, under no circumstances shall: 4984

(i) Payments for a participant made by the department 4985
under division (B)(2) of this section exceed the lesser of the 4986
default ceiling amount or the college's standard rate; 4987

(ii) The amount charged to a participant under division 4988
(B)(2) of this section exceed the difference between the maximum 4989
per participant charge amount and the default floor amount; 4990

(iii) The sum of the payments made by the department for a 4991
participant and the amount charged to that participant under 4992
division (B)(2) of this section exceed the following amounts, as 4993
applicable: 4994

(I) For a participant enrolled in a college course 4995
delivered on the college campus, at another location operated by 4996
the college, or online, the maximum per participant charge 4997
amount; 4998

(II) For a participant enrolled in a college course 4999
delivered at the participant's secondary school but taught by 5000
college faculty, one hundred twenty-five dollars; 5001

(III) For a participant enrolled in a college course 5002
delivered at the participant's secondary school and taught by a 5003

high school teacher who has met the credential requirements 5004
established for purposes of the program in rules adopted by the 5005
chancellor, one hundred dollars. 5006

(iv) A participant that is identified as economically 5007
disadvantaged according to rules adopted by the department be 5008
charged under division (B) (2) of this section for any tuition, 5009
textbooks, or other fees related to participation in the 5010
program. 5011

(C) For each nonpublic secondary school participant 5012
enrolled in a private or eligible out-of-state college, the 5013
department shall pay to the college the applicable amount 5014
calculated in the same manner as in division (A) (1) (a) of this 5015
section. Payment for costs for the participant that exceed the 5016
amount paid by the department shall be negotiated by the 5017
governing body of the nonpublic secondary school and the 5018
college. 5019

However, under no circumstances shall: 5020

(1) The payments for a participant made by the department 5021
under this division exceed the lesser of the default ceiling 5022
amount or the college's standard rate. 5023

(2) Any nonpublic secondary school participant, who is 5024
enrolled in that secondary school with a scholarship awarded 5025
~~under either the educational choice scholarship pilot backpack~~ 5026
~~scholarship program, as prescribed by sections 3310.01 3310.21~~ 5027
~~to 3310.17 3310.27 of the Revised Code, or the pilot project~~ 5028
~~scholarship program, as prescribed by sections 3313.974 to~~ 5029
~~3313.979 of the Revised Code, and who qualifies as a low income~~ 5030
~~student under either of those programs whose family income is at~~ 5031
~~or below two hundred fifty per cent of the federal poverty~~ 5032

guidelines, as defined in section 5101.46 of the Revised Code, 5033
be charged for any tuition, textbooks, or other fees related to 5034
participation in the college credit plus program. 5035

(D) For each nonchartered nonpublic secondary school 5036
participant and each home-instructed participant enrolled in a 5037
public, private, or eligible out-of-state college, the 5038
department shall pay to the college the lesser of the default 5039
ceiling amount or the college's standard rate, if that 5040
participant is enrolled in a college course delivered on the 5041
college campus, at another location operated by the college, or 5042
online. 5043

(E) Not later than thirty days after the end of each term, 5044
each college expecting to receive payment for the costs of a 5045
participant under this section shall notify the department of 5046
the number of enrolled credit hours for each participant. 5047

(F) The department shall make the applicable payments 5048
under this section to each college, which provided proper 5049
notification to the department under division (E) of this 5050
section, for the number of enrolled credit hours for 5051
participants enrolled in the college under division (B) of 5052
section 3365.06 of the Revised Code. Except in cases involving 5053
incomplete participant information or a dispute of participant 5054
information, payments shall be made by the last day of January 5055
for participants who were enrolled during the fall term and by 5056
the last day of July for participants who were enrolled during 5057
the spring term. The department shall not make any payments to a 5058
college under this section if a participant withdrew from a 5059
course prior to the date on which a withdrawal from the course 5060
would have negatively affected the participant's transcribed 5061
grade, as prescribed by the college's established withdrawal 5062

policy. 5063

(1) Payments made for public secondary school participants 5064
under this section shall be deducted as follows: 5065

(a) For a participant enrolled in a school district, from 5066
the school foundation payments made to the participant's school 5067
district. If the participant is enrolled in a joint vocational 5068
school district, a portion of the amount shall be deducted from 5069
the payments to the joint vocational school district and a 5070
portion shall be deducted from the payments to the participant's 5071
city, local, or exempted village school district in accordance 5072
with the full-time equivalency of the student's enrollment in 5073
each district. 5074

(b) For a participant enrolled in a community school 5075
established under Chapter 3314. of the Revised Code, from the 5076
payments made to that school under section 3317.022 of the 5077
Revised Code; 5078

(c) For a participant enrolled in a STEM school, from the 5079
payments made to that school under section 3317.022 of the 5080
Revised Code; 5081

(d) For a participant enrolled in a college-preparatory 5082
boarding school, from the payments made to that school under 5083
section 3328.34 of the Revised Code; 5084

(e) For a participant enrolled in the state school for the 5085
deaf or the state school for the blind, from the amount paid to 5086
that school with funds appropriated by the general assembly for 5087
support of that school; 5088

(f) For a participant enrolled in an institution operated 5089
by the department of youth services, from the amount paid to 5090
that institution with funds appropriated by the general assembly 5091

for support of that institution. 5092

Amounts deducted under divisions (F) (1) (a) to (f) of this 5093
section shall be calculated in accordance with rules adopted by 5094
the chancellor, in consultation with the state superintendent, 5095
pursuant to division (B) of section 3365.071 of the Revised Code 5096

(2) Payments made for nonpublic secondary school 5097
participants, nonchartered nonpublic secondary school 5098
participants, and home-instructed participants under this 5099
section shall be deducted from moneys appropriated by the 5100
general assembly for such purpose. Payments shall be allocated 5101
and distributed in accordance with rules adopted by the 5102
chancellor, in consultation with the state superintendent, 5103
pursuant to division (A) of section 3365.071 of the Revised 5104
Code. 5105

(G) Any public college that enrolls a student under 5106
division (B) of section 3365.06 of the Revised Code may include 5107
that student in the calculation used to determine its state 5108
share of instruction funds appropriated to the department of 5109
higher education by the general assembly. 5110

Sec. 5703.21. (A) Except as provided in divisions (B) and 5111
(C) of this section, no agent of the department of taxation, 5112
except in the agent's report to the department or when called on 5113
to testify in any court or proceeding, shall divulge any 5114
information acquired by the agent as to the transactions, 5115
property, or business of any person while acting or claiming to 5116
act under orders of the department. Whoever violates this 5117
provision shall thereafter be disqualified from acting as an 5118
officer or employee or in any other capacity under appointment 5119
or employment of the department. 5120

(B) (1) For purposes of an audit pursuant to section 117.15 5121
of the Revised Code, or an audit of the department pursuant to 5122
Chapter 117. of the Revised Code, or an audit, pursuant to that 5123
chapter, the objective of which is to express an opinion on a 5124
financial report or statement prepared or issued pursuant to 5125
division (A) (7) or (9) of section 126.21 of the Revised Code, 5126
the officers and employees of the auditor of state charged with 5127
conducting the audit shall have access to and the right to 5128
examine any state tax returns and state tax return information 5129
in the possession of the department to the extent that the 5130
access and examination are necessary for purposes of the audit. 5131
Any information acquired as the result of that access and 5132
examination shall not be divulged for any purpose other than as 5133
required for the audit or unless the officers and employees are 5134
required to testify in a court or proceeding under compulsion of 5135
legal process. Whoever violates this provision shall thereafter 5136
be disqualified from acting as an officer or employee or in any 5137
other capacity under appointment or employment of the auditor of 5138
state. 5139

(2) For purposes of an internal audit pursuant to section 5140
126.45 of the Revised Code, the officers and employees of the 5141
office of internal audit in the office of budget and management 5142
charged with directing the internal audit shall have access to 5143
and the right to examine any state tax returns and state tax 5144
return information in the possession of the department to the 5145
extent that the access and examination are necessary for 5146
purposes of the internal audit. Any information acquired as the 5147
result of that access and examination shall not be divulged for 5148
any purpose other than as required for the internal audit or 5149
unless the officers and employees are required to testify in a 5150
court or proceeding under compulsion of legal process. Whoever 5151

violates this provision shall thereafter be disqualified from 5152
acting as an officer or employee or in any other capacity under 5153
appointment or employment of the office of internal audit. 5154

(3) As provided by section 6103(d)(2) of the Internal 5155
Revenue Code, any federal tax returns or federal tax information 5156
that the department has acquired from the internal revenue 5157
service, through federal and state statutory authority, may be 5158
disclosed to the auditor of state or the office of internal 5159
audit solely for purposes of an audit of the department. 5160

(4) For purposes of Chapter 3739. of the Revised Code, an 5161
agent of the department of taxation may share information with 5162
the division of state fire marshal that the agent finds during 5163
the course of an investigation. 5164

(C) Division (A) of this section does not prohibit any of 5165
the following: 5166

(1) Divulging information contained in applications, 5167
complaints, and related documents filed with the department 5168
under section 5715.27 of the Revised Code or in applications 5169
filed with the department under section 5715.39 of the Revised 5170
Code; 5171

(2) Providing information to the office of child support 5172
within the department of job and family services pursuant to 5173
section 3125.43 of the Revised Code; 5174

(3) Disclosing to the motor vehicle repair board any 5175
information in the possession of the department that is 5176
necessary for the board to verify the existence of an 5177
applicant's valid vendor's license and current state tax 5178
identification number under section 4775.07 of the Revised Code; 5179

(4) Providing information to the administrator of workers' 5180

compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code; 5181
5182

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code; 5183
5184
5185

(6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code; 5186
5187
5188
5189

(7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account; 5190
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(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section; 5199
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5201

(9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents; 5202
5203
5204
5205
5206

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code; 5207
5208

(11) Subject to section 4301.441 of the Revised Code, 5209

disclosing to the appropriate state agency information in the 5210
possession of the department of taxation that is necessary to 5211
verify a permit holder's gallonage or noncompliance with taxes 5212
levied under Chapter 4301. or 4305. of the Revised Code; 5213

(12) Disclosing to the department of natural resources 5214
information in the possession of the department of taxation that 5215
is necessary for the department of taxation to verify the 5216
taxpayer's compliance with section 5749.02 of the Revised Code 5217
or to allow the department of natural resources to enforce 5218
Chapter 1509. of the Revised Code; 5219

(13) Disclosing to the department of job and family 5220
services, industrial commission, and bureau of workers' 5221
compensation information in the possession of the department of 5222
taxation solely for the purpose of identifying employers that 5223
misclassify employees as independent contractors or that fail to 5224
properly report and pay employer tax liabilities. The department 5225
of taxation shall disclose only such information that is 5226
necessary to verify employer compliance with law administered by 5227
those agencies. 5228

(14) Disclosing to the Ohio casino control commission 5229
information in the possession of the department of taxation that 5230
is necessary to verify a casino operator's compliance with 5231
section 5747.063 or 5753.02 of the Revised Code and sections 5232
related thereto; 5233

(15) Disclosing to the state lottery commission 5234
information in the possession of the department of taxation that 5235
is necessary to verify a lottery sales agent's compliance with 5236
section 5747.064 of the Revised Code. 5237

(16) Disclosing to the department of development 5238

information in the possession of the department of taxation that 5239
is necessary to ensure compliance with the laws of this state 5240
governing taxation and to verify information reported to the 5241
department of development for the purpose of evaluating 5242
potential tax credits, tax deductions, grants, or loans. Such 5243
information shall not include information received from the 5244
internal revenue service the disclosure of which is prohibited 5245
by section 6103 of the Internal Revenue Code. No officer, 5246
employee, or agent of the department of development shall 5247
disclose any information provided to the department of 5248
development by the department of taxation under division (C) (16) 5249
of this section except when disclosure of the information is 5250
necessary for, and made solely for the purpose of facilitating, 5251
the evaluation of potential tax credits, tax deductions, grants, 5252
or loans. 5253

(17) Disclosing to the department of insurance information 5254
in the possession of the department of taxation that is 5255
necessary to ensure a taxpayer's compliance with the 5256
requirements with any tax credit administered by the department 5257
of development and claimed by the taxpayer against any tax 5258
administered by the superintendent of insurance. No officer, 5259
employee, or agent of the department of insurance shall disclose 5260
any information provided to the department of insurance by the 5261
department of taxation under division (C) (17) of this section. 5262

(18) Disclosing to the division of liquor control 5263
information in the possession of the department of taxation that 5264
is necessary for the division and department to comply with the 5265
requirements of sections 4303.26 and 4303.271 of the Revised 5266
Code. 5267

~~(19) Disclosing to the department of education, upon that~~ 5268

~~department's request, information in the possession of the 5269
department of taxation that is necessary only to verify whether 5270
the family income of a student applying for or receiving a 5271
scholarship under the educational choice scholarship pilot 5272
program is equal to, less than, or greater than the income 5273
thresholds prescribed by section 3310.032 of the Revised Code. 5274
The department of education shall provide sufficient information 5275
about the student and the student's family to enable the 5276
department of taxation to make the verification. 5277~~

~~(20)~~ Disclosing to the Ohio rail development commission 5278
information in the possession of the department of taxation that 5279
is necessary to ensure compliance with the laws of this state 5280
governing taxation and to verify information reported to the 5281
commission for the purpose of evaluating potential grants or 5282
loans. Such information shall not include information received 5283
from the internal revenue service the disclosure of which is 5284
prohibited by section 6103 of the Internal Revenue Code. No 5285
member, officer, employee, or agent of the Ohio rail development 5286
commission shall disclose any information provided to the 5287
commission by the department of taxation under division ~~(C) (20)~~ 5288
(C) (19) of this section except when disclosure of the 5289
information is necessary for, and made solely for the purpose of 5290
facilitating, the evaluation of potential grants or loans. 5291

~~(21)~~ (20) Disclosing to the state racing commission 5292
information in the possession of the department of taxation that 5293
is necessary for verification of compliance with and for 5294
enforcement and administration of the taxes levied by Chapter 5295
3769. of the Revised Code. Such information shall include 5296
information that is necessary for the state racing commission to 5297
verify compliance with Chapter 3769. of the Revised Code for the 5298
purposes of issuance, denial, suspension, or revocation of a 5299

permit pursuant to section 3769.03 or 3769.06 of the Revised Code and related sections. Unless disclosure is otherwise authorized by law, information provided to the state racing commission under this section remains confidential and is not subject to public disclosure pursuant to section 3769.041 of the Revised Code.

Section 4. That existing sections 125.04, 311.29, 3301.0711, 3301.0714, 3301.163, 3302.036, 3302.04, 3302.10, 3310.51, 3365.07, and 5703.21 of the Revised Code are hereby repealed.

Section 5. That sections 3310.01, 3310.02, 3310.03, 3310.031, 3310.032, 3310.033, 3310.034, 3310.035, 3310.036, 3310.04, 3310.05, 3310.06, 3310.07, 3310.10, 3310.11, 3310.12, 3310.13, 3310.14, 3310.15, 3310.16, 3310.17, 3313.974, 3313.975, 3313.976, 3313.977, 3313.978, and 3313.979 of the Revised Code are hereby repealed.

Section 6. Sections 3, 4, and 5 of this act take effect July 1, 2023.

Section 7. All items in this section are hereby appropriated as designated out of any moneys in the state treasury to the credit of the designated fund. For all appropriations made in this act, those in the first column are for fiscal year 2022 and those in the second column are for fiscal year 2023. The appropriations made in this act are in addition to any other appropriations made for the FY 2022-FY 2023 biennium.

5326

A	TOS TREASURER OF STATE			
B	General Revenue Fund Group			
C	GRF	090408	Backpack Scholarship Program	\$0 \$5,000,000
D	TOTAL General Revenue Fund Group			\$0 \$5,000,000
E	TOTAL ALL FUND GROUPS			\$0 \$5,000,000

BACKPACK SCHOLARSHIP PROGRAM 5327

The foregoing appropriation item, 090408, Backpack
Scholarship Program, shall be used by the Treasurer of State to
pay the administrative costs associated with the Backpack
Scholarship Program under sections 3310.21 to 3310.27 of the
Revised Code for the 2022-2023 academic year, including any
labor and supplies necessary to fulfill the requirements of the
program.

Section 8. Within the limits set forth in this act, the
Director of Budget and Management shall establish accounts
indicating the source and amount of funds for each appropriation
made in this act, and shall determine the form and manner in
which appropriation accounts shall be maintained. Expenditures
from appropriations contained in this act shall be accounted for
as though made in H.B. 110 of the 134th General Assembly. The
appropriations made in this act are subject to all provisions of
H.B. 110 of the 134th General Assembly that are generally
applicable to such appropriations.

Section 9. The General Assembly, applying the principle
stated in division (B) of section 1.52 of the Revised Code that

amendments are to be harmonized if reasonably capable of 5347
simultaneous operation, finds that the following sections, 5348
presented in this act as composites of the sections as amended 5349
by the acts indicated, are the resulting versions of the 5350
sections in effect prior to the effective date of the sections 5351
as presented in this act: 5352

Section 3301.0714 of the Revised Code as amended by both 5353
H.B. 82 and H.B. 110 of the 134th General Assembly. 5354

Section 3302.04 of the Revised Code as amended by both 5355
H.B. 82 and H.B. 110 of the 134th General Assembly. 5356