

I_134_1204-2

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 20
5747.70 be amended and sections 3310.21, 3310.22, 3310.23, 21
3310.24, 3310.25, 3310.26, and 3310.27 of the Revised Code be 22
enacted to read as follows: 23

Sec. 3310.21. As used in this section and sections 3310.22 24
to 3310.27 of the Revised Code: 25

(A) "Chartered nonpublic school" means a nonpublic school 26
that holds a valid charter issued by the state board of 27
education under section 3301.16 of the Revised Code and meets 28
the standards established for such schools in rules adopted by 29
the state board. 30

(B) "Community school" means a community school 31
established under Chapter 3314. of the Revised Code. 32

(C) "Eligible student" means a student to whom either of 33
the following apply: 34

(1) The student is enrolled in any of the following: 35

(a) A school district; 36

(b) A community school; 37

(c) A STEM school; 38

(d) A chartered nonpublic school; 39

(e) A nonchartered nonpublic school. 40

(2) The student is excused from compulsory school 41
attendance for the purpose of home instruction under section 42
3321.04 of the Revised Code. 43

(D) "Parent" has the same meaning as in section 3313.98 of 44
the Revised Code. 45

(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 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) Establish a web site that includes information 83
regarding the program and participating schools. The treasurer 84
of state shall update the web site at least annually. The 85
department of education shall provide a link to the web site on 86
the department's web site; 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

(G) Collaborate with stakeholders and state agencies 95
determined appropriate by the treasurer of state to promote the 96
program to the parents of eligible students. 97

Sec. 3310.23. (A) Not later than March 1, 2023, the 98
treasurer of state shall develop an application procedure for 99
the backpack scholarship program. Under the procedure, the 100
treasurer of state shall open an application period for a school 101
year on the first day of March immediately prior to the first 102
day of July of that school year. The parent of an eligible 103

student may submit an application to participate in the program 104
during that application period. The application shall require 105
the parent to provide the student's and parent's names and 106
address, and other information determined necessary by the 107
treasurer of state. The treasurer of state shall accept and 108
process each application that is submitted. 109

(B) For an educational savings account sought for the 110
2023-2024 school year, and for each school year thereafter, the 111
treasurer of state shall approve a completed application 112
submitted on behalf of an eligible student, and establish an 113
educational savings account for that student, if either of the 114
following apply to the student for the school year for which an 115
account is sought: 116

(1) The student is enrolling in any of grades kindergarten 117
through twelve in a participating school. 118

(2) The student is excused from compulsory school 119
attendance for the purpose of home instruction under section 120
3321.04 of the Revised Code for the equivalent of any of grades 121
kindergarten through twelve. 122

(C) A student for whom an educational savings account is 123
established under this section for a school year shall be 124
required to reapply under this section to have an account 125
established for a subsequent school year. 126

(D) An eligible student who receives a scholarship under 127
the autism scholarship program established under section 3310.41 128
of the Revised Code or the Jon Peterson special needs 129
scholarship program established under sections 3310.51 to 130
3310.64 of the Revised Code also may apply to have an 131
educational savings account established under this section. 132

(E) An eligible student who received a scholarship under 133
the educational choice scholarship pilot program established 134
under sections 3310.01 to 3310.17 of the Revised Code, as those 135
sections existed prior to July 1, 2023, or the pilot project 136
scholarship program established under sections 3313.974 to 137
3313.979 of the Revised Code, as those sections existed prior to 138
that date, may apply for an educational savings account in 139
accordance with this section. However, the student's entitlement 140
to scholarship under either the educational choice scholarship 141
pilot program or the pilot project scholarship program shall 142
cease on July 1, 2023. 143

Sec. 3310.24. (A) Funds transferred by the department of 144
education under section 3317.022 of the Revised Code to a 145
scholarship account established for a student shall be used by 146
the student's parent for any of the following purposes: 147

(1) Tuition and fees at a participating school; 148

(2) Tuition and fees for a nonpublic online learning 149
program; 150

(3) Tutoring or intervention services by an individual or 151
educational facility, provided that the services are not 152
provided by an immediate family member of the student; 153

(4) Fees for nationally standardized assessments, advanced 154
placement examinations, and any examinations related to college 155
or university admission, as well as tuition or fees for 156
preparatory courses for those examinations; 157

(5) Tuition and fees for programs of study or the 158
curriculum of courses that lead to an industry-recognized 159
credential that satisfies a workforce need; 160

(6) Educational services including occupational, 161

<u>behavioral, physical, speech-language, and audiology therapies;</u>	162
<u>(7) Curriculum, textbooks, instructional materials, and supplies;</u>	163 164
<u>(8) Fees for after-school and summer educational programs.</u>	165
<u>(B) Upon request of the parent of a student for whom a scholarship account is established, the treasurer of state shall disburse funds from that account by either of the following methods as selected by the parent:</u>	166 167 168 169
<u>(1) The treasurer of state shall disburse funds directly to an approved vendor who provides educational goods or services described in division (A) of this section to the student. The treasurer of state shall establish a process to solicit and approve vendors for the purposes of this section. Under that process, a participating school that complies with the requirements prescribed under section 3310.25 of the Revised Code shall be considered an approved vendor.</u>	170 171 172 173 174 175 176 177
<u>(2) The treasurer of state shall disburse funds to reimburse the student's parent for any costs incurred by the parent for educational goods or services described in division (A) of this section for that student. Prior to disbursing funds to reimburse a parent, the treasurer of state shall require that the parent provide appropriate documentation, as determined by the treasurer of state, that the costs incurred by the parent are in accordance with division (A) of this section.</u>	178 179 180 181 182 183 184 185
<u>(C) Any refund or other repayment of funds by a participating school or other educational provider shall be returned to the student's scholarship account. Such a refund or repayment shall not be made directly to the student or the student's parent.</u>	186 187 188 189 190

(D) If a student for whom a scholarship account has been 191
established for a school year enrolls in a school district, 192
community school, or STEM school during that school year, the 193
treasurer of state shall transfer the balance of any funds in 194
the student's account, including any prorated refund from a 195
participating school, to the department of education, and the 196
department shall distribute those funds to the school district, 197
community school, or STEM school in which the student enrolls. 198

(E) If the parent of a student for whom a scholarship 199
account is established for a school year reapplies to have an 200
account established for the immediately subsequent school year, 201
the treasurer of state shall, on the thirtieth day of June of 202
the school year for which the account is established, transfer 203
to the student's new account fifty per cent of the balance of 204
funds in the student's old account. The treasurer of state shall 205
transfer any other funds remaining in the old account to the 206
general revenue fund. 207

(F) Except as provided for in division (G) of this 208
section, if the parent of a student for whom a scholarship 209
account is established for a school year does not reapply to 210
have a new account established for the immediately subsequent 211
school year, the treasurer of state shall, on the thirtieth day 212
of June of the school year for which the account is established, 213
transfer the balance of any funds in the student's old account 214
to the department. The department shall distribute those funds 215
to the school district, community school, or STEM school in 216
which the students enrolls in the subsequent school year. If the 217
student does not enroll in a school district, community school, 218
or STEM school in the subsequent school year, the department 219
shall distribute those funds to the student's resident district. 220

(G) (1) If the student for whom a scholarship account is 221
established for a school year completes grade twelve, or the 222
equivalent, in that school year, the student's parent may 223
request that the treasurer of state do either of the following 224
with regard to an amount equal to fifty per cent of the balance 225
of any funds remaining in the account: 226

(a) Transfer that amount to a scholarship account 227
established for the student's sibling for the immediately 228
subsequent school year; 229

(b) Use that amount to make a contribution to a qualified 230
education savings account established for the student pursuant 231
to 26 U.S.C. 529. 232

(2) In that event the student's parent submits a request 233
under division (G) (1) of this section, the treasurer of state 234
shall, on the thirtieth day of June of the school year for which 235
the student's account is established, do either of the 236
following: 237

(a) Transfer fifty per cent of the balance of any funds in 238
the student's account to the scholarship account established for 239
the student's sibling; 240

(b) Use fifty per cent of the balance of any funds in the 241
student's account to make a contribution to the student's 242
education savings account under 26 U.S.C. 529. 243

For any other funds remaining in the student's backpack 244
scholarship account after the transfer or contribution, the 245
treasurer of state shall transfer those funds to the general 246
revenue fund. 247

(3) If the parent of a student described in division (F) 248
(1) of this section does not submit a request under that 249

division, the treasurer of state shall transfer the balance of 250
any funds in the student's account to the general revenue fund. 251

(H) Nothing in this section prohibits the parent of a 252
student for whom a backpack scholarship account is established 253
from making payments for the costs of educational goods and 254
services not covered by the funds in that account. However, the 255
parent of a student shall not deposit funds in the student's 256
backpack scholarship account. 257

Sec. 3310.25. (A) Not later than February 15, 2023, a 258
chartered nonpublic or nonchartered nonpublic school that elects 259
to participate in the backpack scholarship program for the 2023- 260
2024 school year shall notify the treasurer of state of that 261
fact. Thereafter, a chartered nonpublic or nonchartered 262
nonpublic school that elects to participate in the program for a 263
school year shall notify the treasurer of state of that fact not 264
later than the fifteenth day of February immediately prior to 265
the first day of July of that school year. 266

(B) Each chartered nonpublic or nonchartered nonpublic 267
school that elects to participate in the program shall do all of 268
the following: 269

(1) Administer to all students enrolled in any of grades 270
one through eight nationally recognized measures of achievement, 271
as determined by the school, in the subject areas or reading, 272
mathematics, and history at least every other year; 273

(2) For students enrolled in any of grades nine through 274
twelve in a chartered nonpublic school, annually administer to 275
those students the assessments prescribed by sections 3301.0712 276
or 3313.619 of the Revised Code, as applicable, in accordance 277
with section 3301.0711 of the Revised Code; 278

(3) Report to the treasurer of state the aggregate results 279
of the measures and assessments administered under division (B) 280
of this section. The treasurer of state shall publish the 281
aggregate results and provide them to the parent of an eligible 282
student upon that parent's request. 283

(C) No chartered nonpublic or nonchartered nonpublic 284
school that elects to participate in the program shall charge 285
any student whose family income is at or below two hundred per 286
cent of the federal poverty guidelines, as defined in section 287
5101.46 of the Revised Code, a tuition that is greater than the 288
amount described for that student under (A) (14) (a) of section 289
3317.022 of the Revised Code. 290

(D) Each chartered nonpublic or nonchartered nonpublic 291
school that elects to participate in the program shall comply 292
with the requirements prescribed under this section. However, 293
such schools are autonomous and not an agent of the state or 294
federal governments. Therefore, all of the following shall 295
apply: 296

(1) The treasurer of state shall not regulate the 297
educational or instructional program of a chartered nonpublic or 298
nonchartered nonpublic school or other educational provider that 299
accepts funds under the program. 300

(2) The backpack scholarship program does not expand the 301
authority of the treasurer of state to impose on chartered 302
nonpublic or nonchartered nonpublic schools any additional 303
requirements beyond those prescribed under this section. 304

(3) Chartered nonpublic and nonchartered nonpublic schools 305
that elect to participate in the program shall be given maximum 306
freedom to provide for the educational needs of their students. 307

(E) The treasurer of state may remove a chartered 308
nonpublic or nonchartered nonpublic school from the list of 309
schools participating in the program if the treasurer determines 310
the school has routinely failed to comply with the requirements 311
prescribed under this section. 312

(F) Nothing in this section affects the state board of 313
education's authority to adopted minimum education standards or 314
minimum operating standards under division (D) of section 315
3301.07 of the Revised Code or issue charters pursuant to 316
section 3301.16 of the Revised Code. 317

Sec. 3310.26. (A) Only for the purpose of administering 318
the backpack scholarship program, the department of education 319
may request from any of the following entities the data 320
verification code assigned under division (D) (2) of section 321
3301.0714 of the Revised Code to any student who is seeking a 322
scholarship account under the program: 323

(1) The student's resident district; 324

(2) If applicable, the community school in which that 325
student is enrolled; 326

(3) The independent contractor engaged to create and 327
maintain student data verification codes. 328

(B) Upon a request by the department under division (A) of 329
this section for the data verification code of a student seeking 330
a scholarship or a request by the student's parent for that 331
code, the school district or community school shall submit that 332
code to the department or parent in the manner specified by the 333
department. If the student has not been assigned a code, because 334
the student will be entering kindergarten during the school year 335
for which the scholarship is sought, the district shall assign a 336

code to that student and submit the code to the department or 337
parent by a date specified by the department. If the district 338
does not assign a code to the student by the specified date, the 339
department shall assign a code to that student. 340

The department annually shall submit to each school 341
district the name and data verification code of each student 342
residing in the district who is entering kindergarten, for whom 343
a scholarship account is established under the program, and for 344
whom the department has assigned a code under this division. 345

(C) For the purpose of administering the applicable 346
assessments prescribed under section 3301.0712 of the Revised 347
Code, as required by section 3310.25 of the Revised Code, the 348
department shall provide to each chartered nonpublic school that 349
enrolls a student for whom a scholarship account has been 350
established the data verification code for that student. 351

(D) The department and each chartered nonpublic school 352
that receives a data verification code under this section shall 353
not release that code to any person except as provided by law. 354

Any document relative to this program that the department 355
holds in its files that contains both a student's name or other 356
personally identifiable information and the student's data 357
verification code is not a public record under section 149.43 of 358
the Revised Code. 359

Sec. 3310.27. The treasurer of state shall adopt rules in 360
accordance with Chapter 119. of the Revised Code for the 361
purposes of implementing sections 3310.21 to 3310.27 of the 362
Revised Code. 363

Sec. 3317.02. As used in this chapter: 364

(A) "Alternative school" has the same meaning as in 365

section 3313.974 of the Revised Code. 366

(B) "Autism scholarship unit" means a unit that consists 367
of all of the students for whom autism scholarships are awarded 368
under section 3310.41 of the Revised Code. 369

(C) For fiscal years 2022 and 2023, a district's "base 370
cost enrolled ADM" for a fiscal year means the greater of the 371
following: 372

(1) The district's enrolled ADM for the previous fiscal 373
year; 374

(2) The average of the district's enrolled ADM for the 375
previous three fiscal years. 376

(D) (1) "Base cost per pupil" means the following for a 377
city, local, or exempted village school district: 378

(a) For fiscal years 2022 and 2023, the aggregate base 379
cost calculated for that district for that fiscal year under 380
section 3317.011 of the Revised Code divided by the district's 381
base cost enrolled ADM for that fiscal year; 382

(b) For fiscal year 2024 and each fiscal year thereafter, 383
an amount calculated in a manner determined by the general 384
assembly. 385

(2) "Base cost per pupil" means the following for a joint 386
vocational school district: 387

(a) For fiscal years 2022 and 2023, the aggregate base 388
cost calculated for that district for that fiscal year under 389
section 3317.012 of the Revised Code divided by the district's 390
base cost enrolled ADM for that fiscal year; 391

(b) For fiscal year 2024 and each fiscal year thereafter, 392

an amount calculated in a manner determined by the general 393
assembly. 394

(E) (1) "Category one career-technical education ADM" means 395
the enrollment of students during the school year on a full-time 396
equivalency basis in career-technical education programs 397
described in division (A) (1) of section 3317.014 of the Revised 398
Code and, in the case of a funding unit that is a city, local, 399
exempted village, or joint vocational school district, certified 400
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 401
Revised Code or, in the case of the community and STEM school 402
unit, reported by all community and STEM schools statewide under 403
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 404
and division (D) of section 3326.32 of the Revised Code. 405

(2) "Category two career-technical education ADM" means 406
the enrollment of students during the school year on a full-time 407
equivalency basis in career-technical education programs 408
described in division (A) (2) of section 3317.014 of the Revised 409
Code and, in the case of a funding unit that is a city, local, 410
exempted village, or joint vocational school district, certified 411
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 412
Revised Code or, in the case of the community and STEM school 413
unit, reported by all community and STEM schools statewide under 414
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 415
and division (D) of section 3326.32 of the Revised Code. 416

(3) "Category three career-technical education ADM" means 417
the enrollment of students during the school year on a full-time 418
equivalency basis in career-technical education programs 419
described in division (A) (3) of section 3317.014 of the Revised 420
Code and, in the case of a funding unit that is a city, local, 421
exempted village, or joint vocational school district, certified 422

under division (B) (13) or (D) (2) (j) of section 3317.03 of the 423
Revised Code or, in the case of the community and STEM school 424
unit, reported by all community and STEM schools statewide under 425
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 426
and division (D) of section 3326.32 of the Revised Code. 427

(4) "Category four career-technical education ADM" means 428
the enrollment of students during the school year on a full-time 429
equivalency basis in career-technical education programs 430
described in division (A) (4) of section 3317.014 of the Revised 431
Code and, in the case of a funding unit that is a city, local, 432
exempted village, or joint vocational school district, certified 433
under division (B) (14) or (D) (2) (k) of section 3317.03 of the 434
Revised Code or, in the case of the community and STEM school 435
unit, reported by all community and STEM schools statewide under 436
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 437
and division (D) of section 3326.32 of the Revised Code. 438

(5) "Category five career-technical education ADM" means 439
the enrollment of students during the school year on a full-time 440
equivalency basis in career-technical education programs 441
described in division (A) (5) of section 3317.014 of the Revised 442
Code and, in the case of a funding unit that is a city, local, 443
exempted village, or joint vocational school district, certified 444
under division (B) (15) or (D) (2) (l) of section 3317.03 of the 445
Revised Code or, in the case of the community and STEM school 446
unit, reported by all community and STEM schools statewide under 447
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 448
and division (D) of section 3326.32 of the Revised Code. 449

(F) (1) "Category one English learner ADM" means the full- 450
time equivalent number of English learners described in division 451
(A) of section 3317.016 of the Revised Code and, in the case of 452

a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(16) or (D)(2)(m) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

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

(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(G)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability

specified in division (A) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (5) or (D) (2) (b) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

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

(3) "Category three special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (C) of section 3317.013 of the Revised Code, and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (7) or (D) (2) (d) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B) (3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

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

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

(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section

3314.08 of the Revised Code and division (C) of section 3326.32 544
of the Revised Code. 545

(H) "Community and STEM school unit" means a unit that 546
consists of all of the students enrolled in community schools 547
established under Chapter 3314. of the Revised Code and science, 548
technology, engineering, and mathematics schools established 549
under Chapter 3326. of the Revised Code. 550

(I)(1) "Economically disadvantaged index for a school 551
district" means the following: 552

(a) For fiscal years 2022 and 2023, the square of the 553
quotient of that district's percentage of students in its 554
enrolled ADM who are identified as economically disadvantaged as 555
defined by the department of education, divided by the 556
percentage of students in the statewide ADM identified as 557
economically disadvantaged. For purposes of this calculation: 558

(i) For a city, local, or exempted village school 559
district, the "statewide ADM" equals the sum of the following: 560

(I) The enrolled ADM for all city, local, and exempted 561
village school districts combined; 562

(II) The statewide enrollment of students in community 563
schools established under Chapter 3314. of the Revised Code; 564

(III) The statewide enrollment of students in science, 565
technology, engineering, and mathematics schools established 566
under Chapter 3326. of the Revised Code. 567

(ii) For a joint vocational school district, the 568
"statewide ADM" equals the sum of the enrolled ADM for all joint 569
vocational school districts combined. 570

(b) For fiscal year 2024 and each fiscal year thereafter, 571

an index calculated in a manner determined by the general assembly. 572
573

(2) "Economically disadvantaged index for a community or STEM school" means the following: 574
575

(a) For fiscal years 2022 and 2023, the square of the quotient of the percentage of students enrolled in the school who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation, the "statewide ADM" equals the "statewide ADM" for city, local, and exempted village school districts described in division (I) (1) (a) (i) of this section. 576
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(b) For fiscal year 2024 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly. 585
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587

(J) Division (J) of this section does not apply on or after July 1, 2023. 588
589

"Educational choice scholarship unit" means a unit that consists of all of the students for whom educational choice scholarships are awarded under sections 3310.03 and 3310.032 of the Revised Code. 590
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593

(K) "Enrolled ADM" means the following: 594

(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: 595
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600

(a) Add the students described in division (A) (1) (b) of section 3317.03 of the Revised Code; 601
602

(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; 603
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(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; 606
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608

(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. 609
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(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; 613
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(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 schools under division (A) of section 3326.32 of the Revised Code; 621
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626

(4) Division (K) (4) of this section does not apply on or after July 1, 2023. 627
628

For the educational choice scholarship unit, the number of 629

students for whom educational choice scholarships are awarded 630
under sections 3310.03 and 3310.032 of the Revised Code as 631
reported under division (A) (2) (g) of section 3317.03 of the 632
Revised Code; 633

(5) Division (K) (5) of this section does not apply on or 634
after July 1, 2023. 635

For the pilot project scholarship unit, the number of 636
students for whom pilot project scholarships are awarded under 637
sections 3313.974 to 3313.979 of the Revised Code as reported 638
under division (A) (2) (b) of section 3317.03 of the Revised Code; 639

(6) For the autism scholarship unit, the number of 640
students for whom autism scholarships are awarded under section 641
3310.41 of the Revised Code as reported under division (A) (2) (h) 642
of section 3317.03 of the Revised Code; 643

(7) For the Jon Peterson special needs scholarship unit, 644
the number of students for whom Jon Peterson special needs 645
scholarships are awarded under sections 3310.51 to 3310.64 of 646
the Revised Code as reported under division (A) (2) (h) of section 647
3317.03 of the Revised Code; 648

(8) For the backpack scholarship unit, the number of 649
students for whom educational savings accounts are established 650
under sections 3310.21 to 3310.27 of the Revised Code as 651
reported under division (A) (2) (k) of section 3317.03 of the 652
Revised Code. 653

(L) (1) "Formula ADM" means, for a city, local, or exempted 654
village school district, the enrollment reported under division 655
(A) of section 3317.03 of the Revised Code, as verified by the 656
superintendent of public instruction and adjusted if so ordered 657
under division (K) of that section, and as further adjusted by 658

the department of education, as follows: 659

(a) Count only twenty per cent of the number of joint 660
vocational school district students counted under division (A) 661
(3) of section 3317.03 of the Revised Code; 662

(b) Add twenty per cent of the number of students who are 663
entitled to attend school in the district under section 3313.64 664
or 3313.65 of the Revised Code and are enrolled in another 665
school district under a career-technical education compact. 666

(2) "Formula ADM" means, for a joint vocational school 667
district, the final number verified by the superintendent of 668
public instruction, based on the enrollment reported and 669
certified under division (D) of section 3317.03 of the Revised 670
Code, as adjusted, if so ordered, under division (K) of that 671
section. 672

(M) "FTE basis" means a count of students based on full- 673
time equivalency, in accordance with rules adopted by the 674
department of education pursuant to section 3317.03 of the 675
Revised Code. In adopting its rules under this division, the 676
department shall provide for counting any student in category 677
one, two, three, four, five, or six special education ADM or in 678
category one, two, three, four, or five career-technical 679
education ADM in the same proportion the student is counted in 680
enrolled ADM and formula ADM. 681

(N) For fiscal years 2022 and 2023, "funding base" means, 682
for a city, local, or exempted village school district, the sum 683
of the following as calculated by the department: 684

(1) The district's "general funding base," which equals 685
the amount calculated as follows: 686

(a) Compute the sum of the following: 687

(i) The amount calculated for the district for fiscal year 688
2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 689
133rd general assembly after any adjustments required under 690
Section 265.227 of H.B. 166 of the 133rd general assembly and 691
prior to any funding reductions authorized by Executive Order 692
2020-19D, "Implementing Additional Spending Controls to Balance 693
the State Budget" issued on May 7, 2020; 694

(ii) The district's payments for fiscal year 2020 under 695
divisions (C) (1), (2), (3), and (4) of section 3313.981 of the 696
Revised Code as those divisions existed prior to ~~the effective~~ 697
~~date of this amendment~~ September 30, 2021. 698

(b) Subtract from the amount calculated in division (J) (1) 699
of this section the sum of the following: 700

(i) The following difference: 701

(The amount paid to the district under division (A) (5) of 702
section 3317.022 of the Revised Code, as that division existed 703
prior to ~~the effective date of this amendment~~ September 30, 704
2021, for fiscal year 2019) - (the amounts deducted from the 705
district and paid to a community school under division (C) (1) (e) 706
of section 3314.08 of the Revised Code or a science, technology, 707
engineering, and mathematics school under division (E) of 708
section 3326.33 of the Revised Code as those divisions existed 709
prior to ~~the effective date of this amendment~~ September 30, 710
2021, for fiscal year 2020 in accordance with division (A) of 711
Section 265.235 of H.B. 166 of the 133rd general assembly) 712

(ii) The payments deducted from the district and paid to a 713
community school for fiscal year 2020 under divisions (C) (1) (a), 714
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the 715
Revised Code as those divisions existed prior to ~~the effective~~ 716

~~date of this amendment, September 30, 2021,~~ in accordance with 717
division (A) of Section 265.230 of H.B. 166 of the 133rd general 718
assembly; 719

(iii) The payments deducted from the district and paid to 720
a science, technology, engineering, and mathematics school for 721
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 722
and (G) of section 3326.33 of the Revised Code as those 723
divisions existed prior to ~~the effective date of this amendment~~ 724
September 30, 2021, in accordance with division (A) of Section 725
265.235 of H.B. 166 of the 133rd general assembly; 726

(iv) The payments deducted from the district under 727
division (C) of section 3310.08 of the Revised Code as that 728
division existed prior to ~~the effective date of this amendment,~~ 729
September 30, 2021, division (C) (2) of section 3310.41 of the 730
Revised Code as that division existed prior to ~~the effective~~ 731
~~date of this amendment, September 30, 2021,~~ and former section 732
3310.55 of the Revised Code for fiscal year 2020 and, in the 733
case of a pilot project school district as defined in section 734
3313.975 of the Revised Code, the funds deducted from the 735
district under Section 265.210 of H.B. 166 of the 133rd general 736
assembly to operate the pilot project scholarship program for 737
fiscal year 2020 under sections 3313.974 to 3313.979 of the 738
Revised Code; 739

(v) The payments subtracted from the district for fiscal 740
year 2020 under divisions (B) (1), (2), and (3) of section 741
3313.981 of the Revised Code as those divisions existed prior to 742
~~the effective date of this amendment, September 30, 2021.~~ 743

(2) The district's "disadvantaged pupil impact aid funding 744
base," which equals the following difference: 745

(The amount paid to the district under division (A) (5) of 746
section 3317.022 of the Revised Code, as that division existed 747
prior to ~~the effective date of this amendment~~ September 30, 748
2021, for fiscal year 2019) - (the amounts deducted from the 749
district and paid to a community school under division (C) (1) (e) 750
of section 3314.08 of the Revised Code or a science, technology, 751
engineering, and mathematics school under division (E) of 752
section 3326.33 of the Revised Code as those divisions existed 753
prior to ~~the effective date of this amendment~~ September 30, 754
2021, for fiscal year 2020 in accordance with division (A) of 755
Section 265.235 of H.B. 166 of the 133rd general assembly) 756

(O) For fiscal years 2022 and 2023, "funding base" means, 757
for a joint vocational school district, the sum of the following 758
as calculated by the department: 759

(1) The district's "general funding base," which equals 760
the amount calculated as follows: 761

(a) Compute the sum of the following: 762

(i) The district's payments for fiscal year 2020 under 763
Section 265.225 of H.B. 166 of the 133rd general assembly after 764
any adjustments required under Section 265.227 of H.B. 166 of 765
the 133rd general assembly; 766

(ii) The district's payments for fiscal year 2020 under 767
divisions (D) (1), (2), and (E) (3) of section 3313.981 of the 768
Revised Code as those divisions existed prior to ~~the effective~~ 769
~~date of this amendment~~ September 30, 2021. 770

(b) Subtract from the amount paid to the district under 771
division (A) (3) of section 3317.16 of the Revised Code, as that 772
division existed prior to ~~the effective date of this amendment~~ 773
September 30, 2021, for fiscal year 2019. 774

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

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

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

(2) For a community school that was in operation for part of fiscal year 2020, the amount that would have been paid to the school for that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to ~~the effective date of this amendment~~, September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly, if any, if the school had been in operation for the entirety of that fiscal year, as

calculated by the department; 805

(3) For a community school that was not in operation for 806
fiscal year 2020, the amount that would have been paid to the 807
school if it was in operation for that school year under 808
division (C)(1) of section 3314.08 of the Revised Code as that 809
division existed prior to ~~the effective date of this amendment~~ 810
September 30, 2021, in accordance with division (A) of Section 811
265.230 of H.B. 166 of the 133rd general assembly if the school 812
had been in operation for the entirety of that fiscal year, as 813
calculated by the department, and the amount that would have 814
been paid to the school for that fiscal year under section 815
3314.085 of the Revised Code in accordance with division (B) of 816
Section 265.230 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

(Q) For fiscal years 2022 and 2023, "funding base" for a 820
STEM school means the following: 821

(1) For a science, technology, engineering, and 822
mathematics school that was in operation for the entirety of 823
fiscal year 2020, the amount paid to the school for that fiscal 824
year under section 3326.33 of the Revised Code as that section 825
existed prior to ~~the effective date of this amendment~~ September 826
30, 2021, in accordance with division (A) of Section 265.235 of 827
H.B. 166 of the 133rd general assembly and the amount, if any, 828
paid to the school for that fiscal year under section 3326.41 of 829
the Revised Code in accordance with division (B) of Section 830
265.235 of H.B. 166 of the 133rd general assembly; 831

(2) For a science, technology, engineering, and 832
mathematics school that was in operation for part of fiscal year 833
2020, the amount that would have been paid to the school for 834

that fiscal year under section 3326.33 of the Revised Code as 835
that section existed prior to ~~the effective date of this~~ 836
~~amendment September 30, 2021,~~ in accordance with division (A) of 837
Section 265.235 of H.B. 166 of the 133rd general assembly if the 838
school had been in operation for the entirety of that fiscal 839
year, as calculated by the department, and the amount that would 840
have been paid to the school for that fiscal year under section 841
3326.41 of the Revised Code in accordance with division (B) of 842
Section 265.235 of H.B. 166 of the 133rd general assembly, if 843
any, if the school had been in operation for the entirety of 844
that fiscal year, as calculated by the department; 845

(3) For a science, technology, engineering, and 846
mathematics school that was not in operation for fiscal year 847
2020, the amount that would have been paid to the school if it 848
was in operation for that school year under section 3326.33 of 849
the Revised Code as that section existed prior to ~~the effective~~ 850
~~date of this amendment September 30, 2021,~~ in accordance with 851
division (A) of Section 265.235 of H.B. 166 of the 133rd general 852
assembly if the school had been in operation for the entirety of 853
that fiscal year, as calculated by the department, and the 854
amount that would have been paid to the school for that fiscal 855
year under section 3326.41 of the Revised Code in accordance 856
with division (B) of Section 265.235 of H.B. 166 of the 133rd 857
general assembly, if any, if the school had been in operation 858
for the entirety of that fiscal year, as calculated by the 859
department. 860

(R) "Funding unit" means any of the following: 861

(1) A city, local, exempted village, or joint vocational 862
school district; 863

(2) The community and STEM school unit; 864

(3) Division (R)(3) of this section does not apply on or after July 1, 2023. 865
866

The educational choice scholarship unit; 867

(4) Division (R)(4) of this section does not apply on or after July 1, 2023. 868
869

The pilot project scholarship unit; 870

(5) The autism scholarship unit; 871

(6) The Jon Peterson special needs scholarship unit; 872

(7) The backpack scholarship unit. 873

(S) "Jon Peterson special needs scholarship unit" means a 874
unit that consists of all of the students for whom Jon Peterson 875
scholarships are awarded under sections 3310.51 to 3310.64 of 876
the Revised Code. 877

(T) "Internet- or computer-based community school" has the 878
same meaning as in section 3314.02 of the Revised Code. 879

(U) "LRE student with a disability" means a child with a 880
disability who has an individualized education program providing 881
for the student to spend more than half of each school day in a 882
regular school setting with nondisabled students. For purposes 883
of this division, "individualized education program" and "child 884
with a disability" have the same meanings as in section 3323.01 885
of the Revised Code, and "LRE" is an abbreviation for "least 886
restrictive environment." 887

(V) "Medically fragile child" means a child to whom all of 888
the following apply: 889

(1) The child requires the services of a doctor of 890
medicine or osteopathic medicine at least once a week due to the 891

instability of the child's medical condition. 892

(2) The child requires the services of a registered nurse 893
on a daily basis. 894

(3) The child is at risk of institutionalization in a 895
hospital, skilled nursing facility, or intermediate care 896
facility for individuals with intellectual disabilities. 897

(W) (1) A child may be identified as having an "other 898
health impairment-major" if the child's condition meets the 899
definition of "other health impaired" established in rules 900
previously adopted by the state board of education and if either 901
of the following apply: 902

(a) The child is identified as having a medical condition 903
that is among those listed by the superintendent of public 904
instruction as conditions where a substantial majority of cases 905
fall within the definition of "medically fragile child." 906

(b) The child is determined by the superintendent of 907
public instruction to be a medically fragile child. A school 908
district superintendent may petition the superintendent of 909
public instruction for a determination that a child is a 910
medically fragile child. 911

(2) A child may be identified as having an "other health 912
impairment-minor" if the child's condition meets the definition 913
of "other health impaired" established in rules previously 914
adopted by the state board of education but the child's 915
condition does not meet either of the conditions specified in 916
division (W) (1) (a) or (b) of this section. 917

(X) (1) For fiscal years 2022 and 2023, a city, local, 918
exempted village, or joint vocational school district's, 919
community school's, or STEM school's "general phase-in 920

percentage" is equal to the percentage for that fiscal year that 921
is determined by the general assembly. 922

(2) For fiscal years 2022 and 2023, a city, local, 923
exempted village, or joint vocational school district's "phase- 924
in percentage for disadvantaged pupil impact aid" is equal to 925
the percentage for that fiscal year that is determined by the 926
general assembly. 927

(Y) Division (Y) of this section does not apply on or 928
after July 1, 2023. 929

"Pilot project scholarship unit" means a unit that 930
consists of all of the students for whom pilot project 931
scholarships are awarded under sections 3313.974 to 3313.979 of 932
the Revised Code. 933

(Z) "Preschool child with a disability" means a child with 934
a disability, as defined in section 3323.01 of the Revised Code, 935
who is at least age three but is not of compulsory school age, 936
as defined in section 3321.01 of the Revised Code, and who is 937
not currently enrolled in kindergarten. 938

(AA) "Related services" includes: 939

(1) Child study, special education supervisors and 940
coordinators, speech and hearing services, adaptive physical 941
development services, occupational or physical therapy, teacher 942
assistants for children with disabilities whose disabilities are 943
described in division (B) of section 3317.013 or division (G) (3) 944
of this section, behavioral intervention, interpreter services, 945
work study, nursing services, and specialized integrative 946
services as those terms are defined by the department; 947

(2) Speech and language services provided to any student 948
with a disability, including any student whose primary or only 949

disability is a speech and language disability;	950
(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	951 952 953
(4) Any service included in units funded under former division (0) (1) of section 3317.024 of the Revised Code;	954 955
(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.	956 957 958
(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts.	959 960
(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code.	961 962
(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	963 964
(EE) (1) "State share percentage" means the following for a city, local, or exempted village school district:	965 966
(a) For fiscal years 2022 and 2023, the state share percentage calculated under section 3317.017 of the Revised Code;	967 968 969
(b) For fiscal year 2024 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.	970 971 972
(2) "State share percentage" means the following for a joint vocational school district:	973 974
(a) For fiscal years 2022 and 2023, the percentage calculated in accordance with the following formula:	975 976

The amount computed for the district under division (A) (1) of 977
section 3317.16 of the Revised Code for that fiscal year/ the 978
aggregate base cost calculated for the district for that fiscal 979
year under section 3317.012 of the Revised Code 980

(b) For fiscal year 2024 and each fiscal year thereafter, 981
a percentage calculated in a manner determined by the general 982
assembly. 983

(FF) "Statewide average base cost per pupil" means the 984
following: 985

(1) For fiscal years 2022 and 2023, the statewide average 986
base cost per pupil calculated under division (A) of section 987
3317.018 of the Revised Code; 988

(2) For fiscal year 2024 and each fiscal year thereafter, 989
an amount calculated in a manner determined by the general 990
assembly. 991

(GG) "Statewide average career-technical base cost per 992
pupil" means the following: 993

(1) For fiscal years 2022 and 2023, the statewide average 994
career-technical base cost per pupil calculated under division 995
(B) of section 3317.018 of the Revised Code; 996

(2) For fiscal year 2024 and each fiscal year thereafter, 997
an amount calculated in a manner determined by the general 998
assembly. 999

(HH) "STEM school" means a science, technology, 1000
engineering, and mathematics school established under Chapter 1001
3326. of the Revised Code. 1002

(II) "Taxes charged and payable" means the taxes charged 1003
and payable against real and public utility property after 1004

making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

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

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

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

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

(NN) "Tuition discount" means any deduction from the base 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. 1034

(3) The student's parent is an employee of the school. 1035

(4) Some other qualification not based on the income of 1036
the student's family or the student's athletic or academic 1037
ability and for which all students in the school may qualify. 1038

(OO) "Backpack scholarship unit" means a unit that 1039
consists of all the students for whom educational savings 1040
accounts are established under sections 3310.21 to 3310.27 of 1041
the Revised Code. 1042

Sec. 3317.022. The department of education shall compute 1043
and distribute state core foundation funding to each eligible 1044
funding unit that is a city, local, or exempted village school 1045
district, the community and STEM school unit, the educational 1046
choice scholarship unit, the pilot project scholarship unit, the 1047
autism scholarship unit, ~~and~~ the Jon Peterson special needs 1048
scholarship unit, and the backpack scholarship unit for the 1049
fiscal year, using the information obtained under section 1050
3317.021 of the Revised Code in the calendar year in which the 1051
fiscal year begins in accordance with the following: 1052

For fiscal years 2022 and 2023, for a funding unit that is 1053
a city, local, or exempted village school district: 1054

The district's funding base + [(the district's state core 1055
foundation funding components for that fiscal year calculated 1056
under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this 1057
section - the district's general funding base calculated in 1058
accordance with division (N) (1) of section 3317.02 of the 1059
Revised Code) X the district's general phase-in percentage for 1060
that fiscal year] + [(the district's disadvantaged pupil impact 1061
aid for that fiscal year calculated under division (A) (4) of 1062

this section - the district's disadvantaged pupil impact aid 1063
funding base calculated in accordance with division (N) (2) of 1064
section 3317.02 of the Revised Code) X the district's phase-in 1065
percentage for disadvantaged pupil impact aid for that fiscal 1066
year] + the district's supplemental targeted assistance funds 1067
calculated under section 3317.0218 of the Revised Code 1068

For fiscal year 2024 and each fiscal year thereafter, for 1069
a funding unit that is a city, local, or exempted village school 1070
district, the sum of the district's state core foundation 1071
funding components for that fiscal year calculated under 1072
divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this 1073
section and the district's supplemental targeted assistance 1074
funds calculated under section 3317.0218 of the Revised Code, if 1075
the general assembly authorizes such payments to these funding 1076
units. 1077

For fiscal years 2022 and 2023, for the community and STEM 1078
school unit, an amount calculated in accordance with section 1079
3317.026 of the Revised Code. 1080

For fiscal years 2024 and each fiscal year thereafter, for 1081
the community and STEM school unit, an amount calculated in 1082
accordance with divisions (A) (1), (3), (4), (5), (7), (8), and 1083
(9) of this section, if the general assembly authorizes such 1084
payments to these funding units. 1085

For the educational choice scholarship unit, the amount 1086
calculated under division (A) (10) of this section. However, for 1087
fiscal year 2024 and each fiscal year thereafter, the department 1088
shall not compute and distribute state core foundation funding 1089
for the educational choice scholarship unit. 1090

For the pilot project scholarship unit, the amount 1091

calculated under division (A) (11) of this section. However, for 1092
fiscal year 2024 and each fiscal year thereafter, the department 1093
shall not compute and distribute state core foundation funding 1094
for the pilot project scholarship unit. 1095

For the autism scholarship unit, the amount calculated 1096
under division (A) (12) of this section. 1097

For the Jon Peterson special needs scholarship unit, the 1098
amount calculated under division (A) (13) of this section. 1099

For fiscal year 2024 and each year thereafter, for the 1100
backpack scholarship unit, the amount calculated under division 1101
(A) (14) of this section. 1102

(A) A funding unit's state core foundation funding 1103
components shall be the following: 1104

(1) (a) If the funding unit is a city, local, or exempted 1105
village school district, the district's state share, which is 1106
equal to the following: 1107

(i) For fiscal years 2022 and 2023, the amount calculated 1108
under division (B) of section 3317.017 of the Revised Code; 1109

(ii) For fiscal year 2024 and each fiscal year thereafter, 1110
an amount calculated in a manner determined by the general 1111
assembly. 1112

(b) If the funding unit is the community and STEM school 1113
unit, the aggregate base cost for all schools in that unit, 1114
which is equal to the following: 1115

(i) For fiscal years 2022 and 2023, the amount calculated 1116
under section 3317.0110 of the Revised Code; 1117

(ii) For fiscal year 2024 and each fiscal year thereafter, 1118

an amount calculated in a manner determined by the general assembly. 1119
1120

(2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following: 1121
1122
1123

(a) For fiscal years 2022 and 2023, an amount calculated under section 3317.0217 of the Revised Code; 1124
1125

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 1126
1127
1128

(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: 1129
1130
1131
1132
1133

(a) For fiscal years 2022 and 2023, the sum of the following: 1134
1135

(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; 1136
1137
1138
1139
1140
1141

(ii) The funding unit's category two special education ADM X the multiple specified in division (B) 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; 1142
1143
1144
1145
1146
1147

(iii) The funding unit's category three special education 1148
ADM X the multiple specified in division (C) of section 3317.013 1149
of the Revised Code X the statewide average base cost per pupil 1150
for that fiscal year X if the funding unit is a city, local, or 1151
exempted village school district, the district's state share 1152
percentage; 1153

(iv) The funding unit's category four special education 1154
ADM X the multiple specified in division (D) of section 3317.013 1155
of the Revised Code X the statewide average base cost per pupil 1156
for that fiscal year X if the funding unit is a city, local, or 1157
exempted village school district, the district's state share 1158
percentage; 1159

(v) The funding unit's category five special education ADM 1160
X the multiple specified in division (E) of section 3317.013 of 1161
the Revised Code X the statewide average base cost per pupil for 1162
that fiscal year X if the funding unit is a city, local, or 1163
exempted village school district, the district's state share 1164
percentage; 1165

(vi) The funding unit's category six special education ADM 1166
X the multiple specified in division (F) of section 3317.013 of 1167
the Revised Code X the statewide average base cost per pupil for 1168
that fiscal year X if the funding unit is a city, local, or 1169
exempted village school district, the district's state share 1170
percentage. 1171

(b) For fiscal year 2024 and each fiscal year thereafter, 1172
the sum of the following: 1173

(i) An amount calculated in a manner determined by the 1174
general assembly times the funding unit's category one special 1175
education ADM; 1176

(ii) An amount calculated in a manner determined by the 1177
general assembly times the funding unit's category two special 1178
education ADM; 1179

(iii) An amount calculated in a manner determined by the 1180
general assembly times the funding unit's category three special 1181
education ADM; 1182

(iv) An amount calculated in a manner determined by the 1183
general assembly times the funding unit's category four special 1184
education ADM; 1185

(v) An amount calculated in a manner determined by the 1186
general assembly times the funding unit's category five special 1187
education ADM; 1188

(vi) An amount calculated in a manner determined by the 1189
general assembly times the funding unit's category six special 1190
education ADM. 1191

(4) If the funding unit is a city, local, or exempted 1192
village school district or the community and STEM school unit, 1193
disadvantaged pupil impact aid calculated according to the 1194
following formula: 1195

(a) If the funding unit is a city, local, or exempted 1196
village school district, an amount equal to the following: 1197

(i) For fiscal years 2022 and 2023, the following product: 1198
\$422 X (the district's economically disadvantaged index) X the 1199
number of students who are economically disadvantaged as 1200
certified under division (B) (21) of section 3317.03 of the 1201
Revised Code 1202

(ii) For fiscal year 2024 and each fiscal year thereafter, 1203
an amount calculated in a manner determined by the general 1204

assembly.	1205
(b) If the funding unit is the community and STEM school unit, an amount equal to the following:	1206
(i) For fiscal years 2022 and 2023, an amount calculated as follows:	1208
(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, multiply \$422 by the economically disadvantaged index of the school in which the student is enrolled;	1210
(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A) (4) (b) (i) (I) of this section.	1215
(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated as follows:	1218
(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, calculate an amount in the manner determined by the general assembly;	1220
(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A) (4) (b) (ii) (I) of this section.	1224
(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:	1227
(a) For fiscal years 2022 and 2023, the sum of the following:	1230

(i) The funding unit's category one English learner ADM X 1232
the multiple specified in division (A) of section 3317.016 of 1233
the Revised Code X the statewide average base cost per pupil for 1234
that fiscal year X if the funding unit is a city, local, or 1235
exempted village school district, the district's state share 1236
percentage; 1237

(ii) The funding unit's category two English learner ADM X 1238
the multiple specified in division (B) of section 3317.016 of 1239
the Revised Code X the statewide average base cost per pupil for 1240
that fiscal year X if the funding unit is a city, local, or 1241
exempted village school district, the district's state share 1242
percentage; 1243

(iii) The funding unit's category three English learner 1244
ADM X the multiple specified in division (C) of section 3317.016 1245
of the Revised Code X the statewide average base cost per pupil 1246
for that fiscal year X if the funding unit is a city, local, or 1247
exempted village school district, the district's state share 1248
percentage. 1249

(b) For fiscal year 2024 and each fiscal year thereafter, 1250
the sum of the following: 1251

(i) An amount calculated in a manner determined by the 1252
general assembly times the funding unit's category one English 1253
learner ADM; 1254

(ii) An amount calculated in a manner determined by the 1255
general assembly times the funding unit's category two English 1256
learner ADM; 1257

(iii) An amount calculated in a manner determined by the 1258
general assembly times the funding unit's category three English 1259
learner ADM. 1260

(6) (a) For fiscal years 2022 and 2023, if the funding unit	1261
is a city, local, or exempted village school district, all of	1262
the following:	1263
(i) Gifted identification funds calculated according to	1264
the following formula:	1265
\$24 X the district's enrolled ADM for grades kindergarten	1266
through six X the district's state share percentage	1267
(ii) Gifted referral funds calculated according to the	1268
following formula:	1269
\$2.50 X the district's enrolled ADM X the district's state share	1270
percentage	1271
(iii) Gifted professional development funds calculated	1272
according to the following formula:	1273
(The greater of the number of gifted students enrolled in the	1274
district as certified under division (B) (22) of section 3317.03	1275
of the Revised Code and ten per cent of the district's enrolled	1276
ADM) X the district's state share percentage X \$7, for fiscal	1277
year 2022, or \$14, for fiscal year 2023	1278
(iv) Gifted unit funding calculated under section 3317.051	1279
of the Revised Code.	1280
(b) For fiscal year 2024 and each fiscal year thereafter,	1281
all of the following:	1282
(i) Gifted identification funds calculated in a manner	1283
determined by the general assembly;	1284
(ii) Gifted referral funds calculated in a manner	1285
determined by the general assembly, if the general assembly	1286
authorizes such a payment;	1287

(iii) Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment;	1288 1289 1290
(iv) Gifted unit funding calculated in an amount determined by the general assembly.	1291 1292
(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.	1293 1294 1295 1296
(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.	1297 1298 1299 1300
(9) If the funding unit is the community and STEM school unit, an amount calculated as follows:	1301 1302
(a) For fiscal years 2022 and 2023, an amount equal to the following:	1303 1304
[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) X.20]	1305 1306 1307 1308 1309 1310
(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	1311 1312 1313
(10) <u>Division (A)(10) of this section does not apply on or after July 1, 2023.</u>	1314 1315

If the funding unit is the educational choice scholarship unit, an amount calculated as follows: 1316
1317

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following: 1318
1319

(i) The base tuition of the chartered nonpublic school in which the student is enrolled minus the total amount of any applicable tuition discounts for which the student qualifies; 1320
1321
1322

(ii) \$5,500, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve. 1323
1324
1325

The amounts specified in division (A) (10) (a) (ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years. 1326
1327
1328
1329

(b) Compute the sum of the amounts calculated under division (A) (10) (a) of this section. 1330
1331

(11) Division (A) (11) of this section does not apply on or after July 1, 2023. 1332
1333

If the funding unit is the pilot project scholarship unit, an amount calculated as follows: 1334
1335

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following: 1336
1337

(i) The net tuition charges of the student's alternative school; 1338
1339

(ii) \$5,500, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve. 1340
1341
1342

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

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

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

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

(12) If the funding unit is the autism scholarship unit, an amount calculated as follows:

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

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

(ii) \$31,500, for fiscal year 2022, and \$32,445, for	1372
fiscal year 2023 and each fiscal year thereafter.	1373
(b) Compute the sum of the amounts calculated under	1374
division (A)(12)(a) of this section.	1375
(13) If the funding unit is the Jon Peterson special needs	1376
scholarship unit, an amount calculated as follows:	1377
(a) For each student in the funding unit's enrolled ADM,	1378
determine the least of the following:	1379
(i) The amount of fees charged for that school year by the	1380
student's alternative public provider or registered private	1381
provider, as those terms are defined in section 3310.51 of the	1382
Revised Code;	1383
(ii) \$6,217, for fiscal year 2022, and \$6,414, for fiscal	1384
year 2023, plus an amount determined as follows:	1385
(I) If the student is receiving special education services	1386
for a disability specified in division (A) of section 3317.013	1387
of the Revised Code, \$1,514, for fiscal year 2022, and \$1,562,	1388
for fiscal year 2023;	1389
(II) If the student is receiving special education	1390
services for a disability specified in division (B) of section	1391
3317.013 of the Revised Code, \$3,841, for fiscal year 2022, and	1392
\$3,963, for fiscal year 2023;	1393
(III) If the student is receiving special education	1394
services for a disability specified in division (C) of section	1395
3317.013 of the Revised Code, \$9,465, for fiscal year 2022, and	1396
\$9,522, for fiscal year 2023;	1397
(IV) If the student is receiving special education	1398
services for a disability specified in division (D) of section	1399

3317.013 of the Revised Code, \$12,644, for fiscal year 2022, and 1400
\$12,707, for fiscal year 2023; 1401

(V) If the student is receiving special education services 1402
for a disability specified in division (E) of section 3317.013 1403
of the Revised Code, \$17,193, for fiscal year 2022, and \$17,209, 1404
for fiscal year 2023; 1405

(VI) If the student is receiving special education 1406
services for a disability specified in division (F) of section 1407
3317.013 of the Revised Code, \$24,591, for fiscal year 2022, and 1408
\$25,370, for fiscal year 2023. 1409

(iii) \$27,000. 1410

The amount specified for fiscal year 2023 in division (A) 1411
(13)(a)(ii) of this section shall increase in future fiscal 1412
years by the same percentage that the statewide average base 1413
cost per pupil increases in future fiscal years. 1414

The amounts specified for fiscal year 2023 in divisions 1415
(A)(13)(a)(ii)(I) to (VI) of this section shall increase in 1416
future fiscal years by the same percentage that the amounts 1417
calculated by the general assembly for those categories of 1418
special education services under division (A)(3) of this section 1419
increase in future fiscal years. 1420

(b) Compute the sum of the amounts calculated under 1421
division (A)(13)(a) of this section. 1422

(14) If the funding unit is the backpack scholarship unit, 1423
an amount calculated as follows: 1424

(a) For each student in the funding unit's enrolled ADM, 1425
\$5,500, if the student is in grades kindergarten through eight 1426
or the equivalent, or \$7,500, if the student is in grades nine 1427

through twelve or the equivalent. 1428

The amounts specified in division (A) (14) (a) of this 1429
section apply for the 2023-2024 school year. Those amounts shall 1430
increase in future fiscal years by the same percentage that the 1431
statewide average base cost per pupil increases in future fiscal 1432
years. 1433

(b) Compute the sum of the amounts calculated under 1434
division (A) (14) (a) of this section. 1435

(B) In any fiscal year, a funding unit that is a city, 1436
local, or exempted village school district shall spend for 1437
purposes that the department designates as approved for special 1438
education and related services expenses at least the amount 1439
calculated as follows: 1440

(The base cost per pupil calculated for the district for that 1441
fiscal year X the total special education ADM) + (the district's 1442
category one special education ADM X the multiple specified in 1443
division (A) of section 3317.013 of the Revised Code X the 1444
statewide average base cost per pupil) + (the district's 1445
category two special education ADM X the multiple specified in 1446
division (B) of section 3317.013 of the Revised Code X the 1447
statewide average base cost per pupil) + (the district's 1448
category three special education ADM X the multiple specified in 1449
division (C) of section 3317.013 of the Revised Code X the 1450
statewide average base cost per pupil) + (the district's 1451
category four special education ADM X the multiple specified in 1452
division (D) of section 3317.013 of the Revised Code X the 1453
statewide average base cost per pupil) + (the district's 1454
category five special education ADM X the multiple specified in 1455
division (E) of section 3317.013 of the Revised Code X the 1456
statewide average base cost per pupil) + (the district's 1457

category six special education ADM X the multiple specified in 1458
division (F) of section 3317.013 of the Revised Code X the 1459
statewide average base cost per pupil) 1460

The purposes approved by the department for special 1461
education expenses shall include, but shall not be limited to, 1462
identification of children with disabilities, compliance with 1463
state rules governing the education of children with 1464
disabilities and prescribing the continuum of program options 1465
for children with disabilities, provision of speech language 1466
pathology services, and the portion of the school district's 1467
overall administrative and overhead costs that are attributable 1468
to the district's special education student population. 1469

(C) A funding unit that is a city, local, or exempted 1470
village school district shall spend the funds it receives under 1471
division (A) (4) of this section in accordance with section 1472
3317.25 of the Revised Code. 1473

(D) (1) Except as provided in division (B) of section 1474
3317.026 of the Revised Code, the department shall distribute to 1475
each community school established under Chapter 3314. of the 1476
Revised Code and to each STEM school established under Chapter 1477
3326. of the Revised Code, from the funds paid to the community 1478
and STEM school unit under this section, an amount for each 1479
student enrolled in the school equal to the sum of the 1480
following: 1481

(a) The school's base cost per pupil for that fiscal year, 1482
calculated as follows: 1483

(i) For fiscal years 2022 and 2023: 1484

The aggregate base cost calculated for the school for that 1485
fiscal year under section 3317.0110 of the Revised Code / the 1486

number of students enrolled in the school for that fiscal year	1487
(ii) For fiscal year 2024 and each fiscal year thereafter,	1488
an amount determined by the general assembly under division (A)	1489
(1)(b)(ii) of this section divided by the number of students	1490
enrolled in the school for that fiscal year.	1491
(b) If the student is a special education student:	1492
(i) For fiscal years 2022 and 2023, the multiple specified	1493
for the student's special education category under section	1494
3317.013 of the Revised Code times the statewide average base	1495
cost per pupil;	1496
(ii) For fiscal year 2024 and each fiscal year thereafter,	1497
the amount calculated for the student's special education	1498
category in a manner determined by the general assembly under	1499
division (A)(3)(b) of this section.	1500
(c) If the school is not an internet- or computer-based	1501
community school and the student is economically disadvantaged:	1502
(i) For fiscal years 2022 and 2023, the amount calculated	1503
for the student under division (A)(4)(b)(i)(I) of this section;	1504
(ii) For fiscal year 2024 and each fiscal year thereafter,	1505
an amount calculated for the student in the manner determined by	1506
the general assembly under division (A)(4)(b)(ii)(I) of this	1507
section.	1508
(d) If the school is not an internet- or computer-based	1509
community school and the student is an English learner:	1510
(i) For fiscal years 2022 and 2023, the multiple specified	1511
for the student's English learner category under section	1512
3317.016 of the Revised Code times the statewide average base	1513
cost per pupil;	1514

(ii) For fiscal year 2024 and each fiscal year thereafter, 1515
the amount calculated for the student's special education 1516
category in a manner determined by the general assembly under 1517
division (A) (5) (b) of this section. 1518

(e) If the student is a career-technical education 1519
student: 1520

(i) For fiscal years 2022 and 2023, the multiple specified 1521
for the student's career-technical education category under 1522
section 3317.014 of the Revised Code times the statewide average 1523
career-technical base cost per pupil; 1524

(ii) For fiscal year 2024 and each fiscal year thereafter, 1525
the amount calculated for the student's career-technical 1526
education category in a manner determined by the general 1527
assembly under section 3317.014 of the Revised Code. 1528

(f) If the student is a career-technical education 1529
student: 1530

(i) For fiscal years 2022 and 2023, the multiple for 1531
career-technical associated services specified under section 1532
3317.014 of the Revised Code times the statewide average career- 1533
technical base cost per pupil; 1534

(ii) For fiscal year 2024 and each fiscal year thereafter, 1535
the amount calculated for career-technical associated services 1536
in a manner determined by the general assembly under section 1537
3317.014 of the Revised Code. 1538

(2) The department shall distribute to each community 1539
school established under Chapter 3314. of the Revised Code and 1540
to each STEM school established under Chapter 3326. of the 1541
Revised Code, from the funds paid to the community and STEM 1542
school unit under this section, an amount equal to the amount 1543

calculated for the school under division (A) (9) of this section. 1544

(E) Division (E) of this section does not apply on or 1545
after July 1, 2023. 1546

The department shall distribute to the parent of each 1547
student for whom an educational choice scholarship is awarded 1548
under section 3310.03 or 3310.032 of the Revised Code, or to the 1549
student if at least eighteen years of age, from the funds paid 1550
to the educational choice scholarship unit under this section, a 1551
scholarship equal to the amount calculated for the student under 1552
division (A) (10) (a) of this section. The scholarship shall be 1553
distributed in monthly partial payments, and the department 1554
shall proportionately reduce or terminate the payments for any 1555
student who withdraws from a chartered nonpublic school prior to 1556
the end of the school year. 1557

For purposes of divisions (E) and (F) of this section, in 1558
the case of a student who is not living with the student's 1559
parent, the department shall distribute the scholarship payments 1560
to the student's guardian, legal custodian, kinship caregiver, 1561
foster caregiver, or caretaker. For the purposes of this 1562
division, "caretaker" has the same meaning as in section 1563
3310.033 of the Revised Code, "kinship caregiver" has the same 1564
meaning as in section 5101.85 of the Revised Code, and "foster 1565
caregiver" has the same meaning as in section 5103.02 of the 1566
Revised Code. 1567

(F) Division (F) of this section does not apply on or 1568
after July 1, 2023. 1569

If a student is awarded a pilot project scholarship under 1570
sections 3313.974 to 3313.979 of the Revised Code, the 1571
department shall distribute to the parent of the student, if the 1572

student is attending a registered private school as defined in 1573
section 3313.974 of the Revised Code, or the student's school 1574
district of attendance, if the scholarship is to be used for 1575
payments to a public school in a school district adjacent to the 1576
pilot project school district pursuant to section 3327.06 of the 1577
Revised Code, a scholarship from the funds paid to the pilot 1578
project scholarship unit under this section that is equal to the 1579
amount calculated for the student under division (A)(11)(a) of 1580
this section. 1581

In the case of a scholarship distributed to a student's 1582
parent, the scholarship shall be distributed in monthly partial 1583
payments. The scholarship amount shall be proportionately 1584
reduced in the case of any such student who is not enrolled in a 1585
registered private school, as that term is defined in section 1586
3313.974 of the Revised Code, for the entire school year. 1587

In the case of a scholarship distributed to a student's 1588
school district of attendance, the department shall, on behalf 1589
of the student's parents, use the scholarship to make the 1590
tuition payments required by section 3327.06 of the Revised Code 1591
to the student's school district of attendance, except that, 1592
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 1593
Revised Code, the total payments in any school year shall not 1594
exceed the scholarship amount calculated for the student under 1595
division (A)(11)(a) of this section. 1596

(G) The department shall distribute to the parent of each 1597
student for whom an autism scholarship is awarded under section 1598
3310.41 of the Revised Code, from the funds paid to the autism 1599
scholarship unit under this section, a scholarship equal to the 1600
amount calculated for the student under division (A)(12)(a) of 1601
this section. The scholarship shall be distributed from time to 1602

time in partial payments. The scholarship amount shall be 1603
proportionately reduced in the case of any student who is not 1604
enrolled in the special education program for which a 1605
scholarship was awarded under section 3310.41 of the Revised 1606
Code for the entire school year. The department shall make no 1607
payments to the parent of a student while any administrative or 1608
judicial mediation or proceedings with respect to the content of 1609
the student's individualized education program are pending. 1610

(H) The department shall distribute to the parent of each 1611
student for whom a Jon Peterson special needs scholarship is 1612
awarded under sections 3310.51 to 3310.64 of the Revised Code, 1613
from the funds paid to the Jon Peterson special needs 1614
scholarship unit under this section, a scholarship equal to the 1615
amount calculated for the student under division (A)(13)(a) of 1616
this section. The scholarship shall be distributed in periodic 1617
payments, and the department shall proportionately reduce or 1618
terminate the payments for any student who is not enrolled in 1619
the special education program of an alternative public provider 1620
or a registered private provider, as those terms are defined in 1621
section 3310.51 of the Revised Code, for the entire school year. 1622

(I) For fiscal years 2022 and 2023, a school district 1623
shall spend the funds it receives under division (A)(5) of this 1624
section only for services for English learners. 1625

(J) For fiscal years 2022 and 2023, a school district 1626
shall spend the funds it receives under division (A)(6) of this 1627
section only for the identification of gifted students, gifted 1628
coordinator services, gifted intervention specialist services, 1629
other service providers approved by the department of education, 1630
and gifted professional development. For fiscal years 2022 and 1631
2023, if the department determines that a district is not in 1632

compliance with this division, it shall reduce the district's 1633
payments for that fiscal year under this chapter by an amount 1634
equal to the amount paid to the district for that fiscal year 1635
under division (A) (6) of this section that was not spent in 1636
accordance with this division. 1637

(K) The department shall transfer to each educational 1638
savings account established for a student by the treasurer of 1639
state under sections 3310.21 to 3310.27 of the Revised Code, 1640
from the funds paid to the backpack scholarship unit under this 1641
section, an amount of funds equal to the amount calculated for 1642
the student under division (A) (14) (a) of this section. The 1643
department shall distribute those funds in two equal payments, 1644
the first on the fifteenth day of July of the school year for 1645
which an account is established and the second on the fifteenth 1646
day of January of that school year. 1647

Sec. 3317.03. (A) The superintendent of each city, local, 1648
and exempted village school district shall report to the state 1649
board of education as of the last day of October, March, and 1650
June of each year the enrollment of students receiving services 1651
from schools under the superintendent's supervision, and the 1652
numbers of other students entitled to attend school in the 1653
district under section 3313.64 or 3313.65 of the Revised Code 1654
the superintendent is required to report under this section, so 1655
that the department of education can calculate the district's 1656
enrolled ADM, formula ADM, total ADM, category one through five 1657
career-technical education ADM, category one through three 1658
English learner ADM, category one through six special education 1659
ADM, transportation ADM, and, for purposes of provisions of law 1660
outside of Chapter 3317. of the Revised Code, average daily 1661
membership. 1662

(1) The enrollment reported by the superintendent during 1663
the reporting period shall consist of the number of students in 1664
grades kindergarten through twelve receiving any educational 1665
services from the district, except that the following categories 1666
of students shall not be included in the determination: 1667

(a) Students enrolled in adult education classes; 1668

(b) Adjacent or other district students enrolled in the 1669
district under an open enrollment policy pursuant to section 1670
3313.98 of the Revised Code; 1671

(c) Students receiving services in the district pursuant 1672
to a compact, cooperative education agreement, or a contract, 1673
but who are entitled to attend school in another district 1674
pursuant to section 3313.64 or 3313.65 of the Revised Code; 1675

(d) Students for whom tuition is payable pursuant to 1676
sections 3317.081 and 3323.141 of the Revised Code; 1677

(e) Students receiving services in the district through a 1678
scholarship awarded under either section 3310.41 or sections 1679
3310.51 to 3310.64 of the Revised Code. 1680

When reporting students under division (A) (1) of this 1681
section, the superintendent also shall report the district where 1682
each student is entitled to attend school pursuant to sections 1683
3313.64 and 3313.65 of the Revised Code. 1684

(2) The department of education shall compile a list of 1685
all students reported to be enrolled in a district under 1686
division (A) (1) of this section and of the students entitled to 1687
attend school in the district pursuant to section 3313.64 or 1688
3313.65 of the Revised Code on an FTE basis but receiving 1689
educational services in grades kindergarten through twelve from 1690
one or more of the following entities: 1691

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

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

An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code~~†~~.

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

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

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

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

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

A chartered nonpublic school with a scholarship paid under section 3317.022 of the Revised Code, if the students qualified for the scholarship under section 3310.03 or 3310.032 of the Revised Code~~†~~.

(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.

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.

(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;

(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;

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

(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.

The department shall provide each city, local, and exempted village school district with an opportunity to review

the list of students compiled under divisions (A) (2) and (3) of 1749
this section to ensure that the students reported accurately 1750
reflect the enrollment of students in the district. 1751

(B) To enable the department of education to obtain the 1752
data needed to complete the calculation of payments pursuant to 1753
this chapter, each superintendent shall certify from the reports 1754
provided by the department under division (A) of this section 1755
all of the following: 1756

(1) The total student enrollment in regular learning day 1757
classes included in the report under division (A) (1) or (2), 1758
including any student described in division (A) (1) (b) of this 1759
section and excluding any student reported under divisions (A) 1760
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1761
section, of this section for each of the individual grades 1762
kindergarten through twelve in schools under the 1763
superintendent's supervision; 1764

(2) The unduplicated count of the number of preschool 1765
children with disabilities enrolled in the district for whom the 1766
district is eligible to receive funding under section 3317.0213 1767
of the Revised Code adjusted for the portion of the year each 1768
child is so enrolled, in accordance with the disability 1769
categories prescribed in section 3317.013 of the Revised Code; 1770

(3) The number of children entitled to attend school in 1771
the district pursuant to section 3313.64 or 3313.65 of the 1772
Revised Code who are: 1773

(a) Enrolled in a college under Chapter 3365. of the 1774
Revised Code, except when the student is enrolled in the college 1775
while also enrolled in a community school pursuant to Chapter 1776
3314. of the Revised Code, a science, technology, engineering, 1777

and mathematics school established under Chapter 3326., or a 1778
college-preparatory boarding school established under Chapter 1779
3328. of the Revised Code; 1780

(b) Participating in a program operated by a county board 1781
of developmental disabilities or a state institution~~+~~. 1782

(4) The total enrollment of pupils in joint vocational 1783
schools; 1784

(5) The combined enrollment of children with disabilities 1785
reported under division (A)(1) or (2) of this section, including 1786
any student described in division (A)(1)(b) of this section and 1787
excluding any student reported under divisions (A)(2)(a), (b), 1788
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 1789
special education services for the category one disability 1790
described in division (A) of section 3317.013 of the Revised 1791
Code, including children attending a special education program 1792
operated by an alternative public provider or a registered 1793
private provider with a scholarship awarded under sections 1794
3310.51 to 3310.64 of the Revised Code; 1795

(6) The combined enrollment of children with disabilities 1796
reported under division (A)(1) or (2) of this section, including 1797
any student described in division (A)(1)(b) of this section and 1798
excluding any student reported under divisions (A)(2)(a), (b), 1799
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 1800
special education services for category two disabilities 1801
described in division (B) of section 3317.013 of the Revised 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

(7) 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 three disabilities 1812
described in division (C) 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 sections 1816
3310.51 to 3310.64 of the Revised Code; 1817

(8) The combined enrollment of children with disabilities 1818
reported under division (A)(1) or (2) of this section, including 1819
any student described in division (A)(1)(b) of this section and 1820
excluding any student reported under divisions (A)(2)(a), (b), 1821
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 1822
special education services for category four disabilities 1823
described in division (D) of section 3317.013 of the Revised 1824
Code, including children attending a special education program 1825
operated by an alternative public provider or a registered 1826
private provider with a scholarship awarded under sections 1827
3310.51 to 3310.64 of the Revised Code; 1828

(9) The combined enrollment of children with disabilities 1829
reported under division (A)(1) or (2) of this section, including 1830
any student described in division (A)(1)(b) of this section and 1831
excluding any student reported under divisions (A)(2)(a), (b), 1832
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 1833
special education services for the category five disabilities 1834
described in division (E) of section 3317.013 of the Revised 1835
Code, including children attending a special education program 1836
operated by an alternative public provider or a registered 1837

private provider with a scholarship awarded under sections 1838
3310.51 to 3310.64 of the Revised Code; 1839

(10) The combined enrollment of children with disabilities 1840
reported under division (A)(1) or (2) of this section, including 1841
any student described in division (A)(1)(b) of this section and 1842
excluding any student reported under divisions (A)(2)(a), (b), 1843
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 1844
special education services for category six disabilities 1845
described in division (F) of section 3317.013 of the Revised 1846
Code, including children attending a special education program 1847
operated by an alternative public provider or a registered 1848
private provider with a scholarship awarded under either section 1849
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 1850

(11) The enrollment of pupils reported under division (A) 1851
(1) or (2) of this section on a full-time equivalency basis, 1852
including any student described in division (A)(1)(b) of this 1853
section and excluding any student reported under divisions (A) 1854
(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1855
section, in category one career-technical education programs or 1856
classes, described in division (A)(1) of section 3317.014 of the 1857
Revised Code, operated by the school district or by another 1858
district that is a member of the district's career-technical 1859
planning district, other than a joint vocational school 1860
district, or by an educational service center, notwithstanding 1861
division (M) of section 3317.02 of the Revised Code and division 1862
(C)(3) of this section; 1863

(12) The enrollment of pupils reported under division (A) 1864
(1) or (2) of this section on a full-time equivalency basis, 1865
including any student described in division (A)(1)(b) of this 1866
section and excluding any student reported under divisions (A) 1867

(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1868
section, in category two career-technical education programs or 1869
services, described in division (A) (2) of section 3317.014 of 1870
the Revised Code, operated by the school district or another 1871
school district that is a member of the district's career- 1872
technical planning district, other than a joint vocational 1873
school district, or by an educational service center, 1874
notwithstanding division (M) of section 3317.02 of the Revised 1875
Code and division (C) (3) of this section; 1876

(13) The enrollment of pupils reported under division (A) 1877
(1) or (2) of this section on a full-time equivalency basis, 1878
including any student described in division (A) (1) (b) of this 1879
section and excluding any student reported under divisions (A) 1880
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1881
section, in category three career-technical education programs 1882
or services, described in division (A) (3) of section 3317.014 of 1883
the Revised Code, operated by the school district or another 1884
school district that is a member of the district's career- 1885
technical planning district, other than a joint vocational 1886
school district, or by an educational service center, 1887
notwithstanding division (M) of section 3317.02 of the Revised 1888
Code and division (C) (3) of this section; 1889

(14) The enrollment of pupils reported under division (A) 1890
(1) or (2) of this section on a full-time equivalency basis, 1891
including any student described in division (A) (1) (b) of this 1892
section and excluding any student reported under divisions (A) 1893
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1894
section, in category four career-technical education programs or 1895
services, described in division (A) (4) of section 3317.014 of 1896
the Revised Code, operated by the school district or another 1897
school district that is a member of the district's career- 1898

technical planning district, other than a joint vocational 1899
school district, or by an educational service center, 1900
notwithstanding division (M) of section 3317.02 of the Revised 1901
Code and division (C)(3) of this section; 1902

(15) The enrollment of pupils reported under division (A) 1903
(1) or (2) of this section on a full-time equivalency basis, 1904
including any student described in division (A)(1)(b) of this 1905
section and excluding any student reported under divisions (A) 1906
(2)(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1907
section, in category five career-technical education programs or 1908
services, described in division (A)(5) of section 3317.014 of 1909
the Revised Code, operated by the school district or another 1910
school district that is a member of the district's career- 1911
technical planning district, other than a joint vocational 1912
school district, or by an educational service center, 1913
notwithstanding division (M) of section 3317.02 of the Revised 1914
Code and division (C)(3) of this section; 1915

(16) The enrollment of pupils reported under division (A) 1916
(1) or (2) of this section who are English learners described in 1917
division (A) of section 3317.016 of the Revised Code, including 1918
any student described in division (A)(1)(b) of this section and 1919
excluding any student reported under divisions (A)(2)(a), (b), 1920
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section; 1921

(17) The enrollment of pupils reported under division (A) 1922
(1) or (2) of this section who are English learners described in 1923
division (B) of section 3317.016 of the Revised Code, including 1924
any student described in division (A)(1)(b) of this section and 1925
excluding any student reported under divisions (A)(2)(a), (b), 1926
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section; 1927

(18) The enrollment of pupils reported under division (A) 1928

(1) or (2) of this section who are English learners described in 1929
division (C) of section 3317.016 of the Revised Code, including 1930
any student described in division (A) (1) (b) of this section and 1931
excluding any student reported under divisions (A) (2) (a), (b), 1932
(d), (g), (h), (i), and (j) of this section; 1933

(19) The average number of children transported during the 1934
reporting period by the school district on board-owned or 1935
contractor-owned and -operated buses, reported in accordance 1936
with rules adopted by the department of education; 1937

(20) (a) The number of children, other than preschool 1938
children with disabilities, the district placed with a county 1939
board of developmental disabilities in fiscal year 1998. 1940
Division (B) (20) (a) of this section does not apply after fiscal 1941
year 2013. 1942

(b) The number of children with disabilities, other than 1943
preschool children with disabilities, placed with a county board 1944
of developmental disabilities in the current fiscal year to 1945
receive special education services for the category one 1946
disability described in division (A) of section 3317.013 of the 1947
Revised Code; 1948

(c) The number of children with disabilities, other than 1949
preschool children with disabilities, placed with a county board 1950
of developmental disabilities in the current fiscal year to 1951
receive special education services for category two disabilities 1952
described in division (B) of section 3317.013 of the Revised 1953
Code; 1954

(d) The number of children with disabilities, other than 1955
preschool children with disabilities, placed with a county board 1956
of developmental disabilities in the current fiscal year to 1957

receive special education services for category three 1958
disabilities described in division (C) of section 3317.013 of 1959
the Revised Code; 1960

(e) The number of children with disabilities, other than 1961
preschool children with disabilities, placed with a county board 1962
of developmental disabilities in the current fiscal year to 1963
receive special education services for category four 1964
disabilities described in division (D) of section 3317.013 of 1965
the Revised Code; 1966

(f) The number of children with disabilities, other than 1967
preschool children with disabilities, placed with a county board 1968
of developmental disabilities in the current fiscal year to 1969
receive special education services for the category five 1970
disabilities described in division (E) of section 3317.013 of 1971
the Revised Code; 1972

(g) The number of children with disabilities, other than 1973
preschool children with disabilities, placed with a county board 1974
of developmental disabilities in the current fiscal year to 1975
receive special education services for category six disabilities 1976
described in division (F) of section 3317.013 of the Revised 1977
Code. 1978

(21) The enrollment of students who are economically 1979
disadvantaged, as defined by the department, including any 1980
student described in divisions (A) (1) (b) of this section and 1981
excluding any student reported under divisions (A) (2) (a), (b), 1982
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section. A student 1983
shall not be categorically excluded from the number reported 1984
under division (B) (21) of this section based on anything other 1985
than family income. 1986

(22) The enrollment of students identified as gifted under division (A), (B), (C), or (D) of section 3324.03 of the Revised Code. 1987
1988
1989

(C)(1) The state board of education shall adopt rules necessary for implementing divisions (A), (B), and (D) of this section. 1990
1991
1992

(2) A student enrolled in a community school established under Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code shall be counted in the formula ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school, the science, technology, engineering, and mathematics school, or the college-preparatory boarding school for purposes of section 3317.022 or 3328.24 of the Revised Code. Notwithstanding the enrollment of students reported pursuant to division (A)(2)(a), (i), or (j) of this section, the department may adjust the formula ADM of a school district to account for students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in a community school, a science, technology, engineering, and mathematics school, or a college-preparatory boarding school for only a portion of the school year. 1993
1994
1995
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2012

(3) No child shall be counted as more than a total of one child in the sum of the enrollment of students of a school district under division (A), divisions (B)(1) to (22), or division (D) of this section, except as follows: 2013
2014
2015
2016

(a) (i) A child with a disability described in section 2017
3317.013 of the Revised Code may be counted both in formula ADM 2018
and in category one, two, three, four, five, or six special 2019
education ADM and, if applicable, in category one, two, three, 2020
four, or five career-technical education ADM. As provided in 2021
division (M) of section 3317.02 of the Revised Code, such a 2022
child shall be counted in category one, two, three, four, five, 2023
or six special education ADM in the same proportion that the 2024
child is counted in formula ADM. 2025

(ii) A child with a disability described in section 2026
3317.013 of the Revised Code may be counted both in enrolled ADM 2027
and in category one, two, three, four, five, or six special 2028
education ADM and, if applicable, in category one, two, three, 2029
four, or five career-technical education ADM. As provided in 2030
division (M) of section 3317.02 of the Revised Code, such a 2031
child shall be counted in category one, two, three, four, five, 2032
or six special education ADM in the same proportion that the 2033
child is counted in enrolled ADM. 2034

(b) (i) A child enrolled in career-technical education 2035
programs or classes described in section 3317.014 of the Revised 2036
Code may be counted both in formula ADM and category one, two, 2037
three, four, or five career-technical education ADM and, if 2038
applicable, in category one, two, three, four, five, or six 2039
special education ADM. Such a child shall be counted in category 2040
one, two, three, four, or five career-technical education ADM in 2041
the same proportion as the percentage of time that the child 2042
spends in the career-technical education programs or classes. 2043

(ii) A child enrolled in career-technical education 2044
programs or classes described in section 3317.014 of the Revised 2045
Code may be counted both in enrolled ADM and category one, two, 2046

three, four, or five career-technical education ADM and, if 2047
applicable, in category one, two, three, four, five, or six 2048
special education ADM. Such a child shall be counted in category 2049
one, two, three, four, or five career-technical education ADM in 2050
the same proportion as the percentage of time that the child 2051
spends in the career-technical education programs or classes. 2052

(4) Based on the information reported under this section, 2053
the department of education shall determine the total student 2054
count, as defined in section 3301.011 of the Revised Code, for 2055
each school district. 2056

(D) (1) The superintendent of each joint vocational school 2057
district shall report and certify to the superintendent of 2058
public instruction as of the last day of October, March, and 2059
June of each year the enrollment of students receiving services 2060
from schools under the superintendent's supervision so that the 2061
department can calculate the district's enrolled ADM, formula 2062
ADM, total ADM, category one through five career-technical 2063
education ADM, category one through three English learner ADM, 2064
category one through six special education ADM, and for purposes 2065
of provisions of law outside of Chapter 3317. of the Revised 2066
Code, average daily membership. 2067

The enrollment reported and certified by the 2068
superintendent, except as otherwise provided in this division, 2069
shall consist of the number of students in grades six through 2070
twelve receiving any educational services from the district, 2071
except that the following categories of students shall not be 2072
included in the determination: 2073

(a) Students enrolled in adult education classes; 2074

(b) Adjacent or other district joint vocational students 2075

enrolled in the district under an open enrollment policy 2076
pursuant to section 3313.98 of the Revised Code; 2077

(c) Students receiving services in the district pursuant 2078
to a compact, cooperative education agreement, or a contract, 2079
but who are entitled to attend school in a city, local, or 2080
exempted village school district whose territory is not part of 2081
the territory of the joint vocational district; 2082

(d) Students for whom tuition is payable pursuant to 2083
sections 3317.081 and 3323.141 of the Revised Code. 2084

(2) To enable the department of education to obtain the 2085
data needed to complete the calculation of payments pursuant to 2086
this chapter, each superintendent shall certify from the report 2087
provided under division (D)(1) of this section the enrollment 2088
for each of the following categories of students: 2089

(a) Students enrolled in each individual grade included in 2090
the joint vocational district schools, including any student 2091
described in division (D)(1)(b) of this section; 2092

(b) Children with disabilities receiving special education 2093
services for the category one disability described in division 2094
(A) of section 3317.013 of the Revised Code, including any 2095
student described in division (D)(1)(b) of this section; 2096

(c) Children with disabilities receiving special education 2097
services for the category two disabilities described in division 2098
(B) of section 3317.013 of the Revised Code, including any 2099
student described in division (D)(1)(b) of this section; 2100

(d) Children with disabilities receiving special education 2101
services for category three disabilities described in division 2102
(C) of section 3317.013 of the Revised Code, including any 2103
student described in division (D)(1)(b) of this section; 2104

(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;	2105 2106 2107 2108
(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;	2109 2110 2111 2112
(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;	2113 2114 2115 2116
(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;	2117 2118 2119 2120
(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;	2121 2122 2123 2124
(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;	2125 2126 2127 2128
(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;	2129 2130 2131 2132
(l) Students receiving category five career-technical	2133

education services, described in division (A) (5) of section 2134
3317.014 of the Revised Code, including any student described in 2135
division (D) (1) (b) of this section; 2136

(m) English learners described in division (A) of section 2137
3317.016 of the Revised Code, including any student described in 2138
division (D) (1) (b) of this section; 2139

(n) English learners described in division (B) of section 2140
3317.016 of the Revised Code, including any student described in 2141
division (D) (1) (b) of this section; 2142

(o) English learners described in division (C) of section 2143
3317.016 of the Revised Code, including any student described in 2144
division (D) (1) (b) of this section; 2145

(p) Students who are economically disadvantaged, as 2146
defined by the department, including any student described in 2147
division (D) (1) (b) of this section. A student shall not be 2148
categorically excluded from the number reported under division 2149
(D) (2) (p) of this section based on anything other than family 2150
income. 2151

The superintendent of each joint vocational school 2152
district shall also indicate the city, local, or exempted 2153
village school district in which each joint vocational district 2154
pupil is entitled to attend school pursuant to section 3313.64 2155
or 3313.65 of the Revised Code. 2156

(E) In each school of each city, local, exempted village, 2157
joint vocational, and cooperative education school district 2158
there shall be maintained a record of school enrollment, which 2159
record shall accurately show, for each day the school is in 2160
session, the actual enrollment in regular day classes. For the 2161
purpose of determining the enrollment of students, the 2162

enrollment figure of any school shall not include any pupils 2163
except those pupils described by division (A) or (D) of this 2164
section. The record of enrollment for each school shall be 2165
maintained in such manner that no pupil shall be counted as 2166
enrolled prior to the actual date of entry in the school and 2167
also in such manner that where for any cause a pupil permanently 2168
withdraws from the school that pupil shall not be counted as 2169
enrolled from and after the date of such withdrawal. There shall 2170
not be included in the enrollment of any school any of the 2171
following: 2172

(1) Any pupil who has graduated from the twelfth grade of 2173
a public or nonpublic high school; 2174

(2) Any pupil who is not a resident of the state; 2175

(3) Any pupil who was enrolled in the schools of the 2176
district during the previous school year when assessments were 2177
administered under section 3301.0711 of the Revised Code but did 2178
not take one or more of the assessments required by that section 2179
and was not excused pursuant to division (C) (1) or (3) of that 2180
section; 2181

(4) Any pupil who has attained the age of twenty-two 2182
years, except for veterans of the armed services whose 2183
attendance was interrupted before completing the recognized 2184
twelve-year course of the public schools by reason of induction 2185
or enlistment in the armed forces and who apply for reenrollment 2186
in the public school system of their residence not later than 2187
four years after termination of war or their honorable 2188
discharge; 2189

(5) Any pupil who has a certificate of high school 2190
equivalence as defined in section 5107.40 of the Revised Code. 2191

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

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

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

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

formula ADM of that school district to include the student in 2222
accordance with division (C) (2) of this section. 2223

(2) Division (F) (2) of this section does not apply on or 2224
after July 1, 2023. 2225

If a student awarded an educational choice scholarship is 2226
not included in the formula ADM of the school district in which 2227
the student resides, the department shall adjust the formula ADM 2228
of that school district to include the student. 2229

(3) If a student awarded a scholarship under the Jon 2230
Peterson special needs scholarship program is not included in 2231
the formula ADM of the school district in which the student 2232
resides, the department shall adjust the formula ADM of that 2233
school district to include the student. 2234

(G) (1) (a) The superintendent of an institution operating a 2235
special education program pursuant to section 3323.091 of the 2236
Revised Code shall, for the programs under such superintendent's 2237
supervision, certify to the state board of education, in the 2238
manner prescribed by the superintendent of public instruction, 2239
both of the following: 2240

(i) The unduplicated count of the number of all children 2241
with disabilities other than preschool children with 2242
disabilities receiving services at the institution for each 2243
category of disability described in divisions (A) to (F) of 2244
section 3317.013 of the Revised Code adjusted for the portion of 2245
the year each child is so enrolled; 2246

(ii) The unduplicated count of the number of all preschool 2247
children with disabilities in classes or programs for whom the 2248
district is eligible to receive funding under section 3317.0213 2249
of the Revised Code adjusted for the portion of the year each 2250

child is so enrolled, reported according to the categories 2251
prescribed in section 3317.013 of the Revised Code. 2252

(b) The superintendent of an institution with career- 2253
technical education units approved under section 3317.05 of the 2254
Revised Code shall, for the units under the superintendent's 2255
supervision, certify to the state board of education the 2256
enrollment in those units, in the manner prescribed by the 2257
superintendent of public instruction. 2258

(2) The superintendent of each county board of 2259
developmental disabilities that maintains special education 2260
classes under section 3317.20 of the Revised Code or provides 2261
services to preschool children with disabilities pursuant to an 2262
agreement between the county board and the appropriate school 2263
district shall do both of the following: 2264

(a) Certify to the state board, in the manner prescribed 2265
by the board, the enrollment in classes under section 3317.20 of 2266
the Revised Code for each school district that has placed 2267
children in the classes; 2268

(b) Certify to the state board, in the manner prescribed 2269
by the board, the unduplicated count of the number of all 2270
preschool children with disabilities enrolled in classes for 2271
which the board is eligible to receive funding under section 2272
3317.0213 of the Revised Code adjusted for the portion of the 2273
year each child is so enrolled, reported according to the 2274
categories prescribed in section 3317.013 of the Revised Code, 2275
and the number of those classes. 2276

(H) Except as provided in division (I) of this section, 2277
when any city, local, or exempted village school district 2278
provides instruction for a nonresident pupil whose attendance is 2279

unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's enrollment shall not be included in that district's enrollment figure used in calculating the district's payments under this chapter. The reporting official shall report separately the enrollment of all pupils whose attendance in the district is unauthorized attendance, and the enrollment of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

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

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

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

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

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

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public

instruction, in a manner prescribed by the state board of 2309
education, the applicable enrollments for all students in the 2310
cooperative education district, also indicating the city, local, 2311
or exempted village district where each pupil is entitled to 2312
attend school under section 3313.64 or 3313.65 of the Revised 2313
Code. 2314

(K) If the superintendent of public instruction determines 2315
that a component of the enrollment certified or reported by a 2316
district superintendent, or other reporting entity, is not 2317
correct, the superintendent of public instruction may order that 2318
the district's enrolled ADM, formula ADM, or both be adjusted in 2319
the amount of the error. 2320

Sec. 5747.70. (A) In computing Ohio adjusted gross income, 2321
a deduction from federal adjusted gross income is allowed to a 2322
contributor for the amount contributed during the taxable year 2323
to a variable college savings program account and to a purchaser 2324
of tuition units under the Ohio college savings program created 2325
by Chapter 3334. of the Revised Code to the extent that the 2326
amounts of such contributions and purchases were not deducted in 2327
determining the contributor's or purchaser's federal adjusted 2328
gross income for the taxable year. The combined amount of 2329
contributions and purchases deducted in any taxable year by a 2330
taxpayer or the taxpayer and the taxpayer's spouse, regardless 2331
of whether the taxpayer and the taxpayer's spouse file separate 2332
returns or a joint return, is limited to four thousand dollars 2333
for each beneficiary for whom contributions or purchases are 2334
made. If the combined annual contributions and purchases for a 2335
beneficiary exceed four thousand dollars, the excess may be 2336
carried forward and deducted in future taxable years until the 2337
contributions and purchases have been fully deducted. 2338

(B) In computing Ohio adjusted gross income, a deduction 2339
from federal adjusted gross income is allowed for: 2340

(1) Income related to tuition units and contributions that 2341
as of the end of the taxable year have not been refunded 2342
pursuant to the termination of a tuition payment contract or 2343
variable college savings program account under section 3334.10 2344
of the Revised Code, to the extent that such income is included 2345
in federal adjusted gross income. 2346

(2) The excess of the total purchase price of tuition 2347
units refunded during the taxable year pursuant to the 2348
termination of a tuition payment contract under section 3334.10 2349
of the Revised Code over the amount of the refund, to the extent 2350
the amount of the excess was not deducted in determining federal 2351
adjusted gross income. Division (B) (2) of this section applies 2352
only to units for which no deduction was allowable under 2353
division (A) of this section. 2354

(C) In computing Ohio adjusted gross income, there shall 2355
be added to federal adjusted gross income the amount of loss 2356
related to tuition units and contributions that as of the end of 2357
the taxable year have not been refunded pursuant to the 2358
termination of a tuition payment contract or variable college 2359
savings program account under section 3334.10 of the Revised 2360
Code, to the extent that such loss was deducted in determining 2361
federal adjusted gross income. 2362

(D) No deduction shall be allowed under this section for 2363
amounts contributed by the treasurer of state under section 2364
3310.24 of the Revised Code during the taxable year to a 2365
variable college savings program account under the Ohio college 2366
savings program created by Chapter 3334. of the Revised Code. 2367

(E) For taxable years in which distributions or refunds 2368
are made under a tuition payment or variable college savings 2369
program contract for any reason other than payment of higher 2370
education expenses, or the beneficiary's death, disability, or 2371
receipt of a scholarship as described in section 3334.10 of the 2372
Revised Code: 2373

(1) If the distribution or refund is paid to the purchaser 2374
or contributor or beneficiary, any portion of the distribution 2375
or refund not included in the recipient's federal adjusted gross 2376
income shall be added to the recipient's federal adjusted gross 2377
income in determining the recipient's Ohio adjusted gross 2378
income, except that the amount added shall not exceed amounts 2379
previously deducted under division (A) of this section less any 2380
amounts added under division (D) (1) of this section in a prior 2381
taxable year. 2382

(2) If amounts paid by a purchaser or contributor on or 2383
after January 1, 2000, are distributed or refunded to someone 2384
other than the purchaser or contributor or beneficiary, the 2385
amount of the payment not included in the recipient's federal 2386
adjusted gross income, less any amounts added under division (D) 2387
of this section in a prior taxable year, shall be added to the 2388
recipient's federal adjusted gross income in determining the 2389
recipient's Ohio adjusted gross income. 2390

Section 2. That existing sections 3317.02, 3317.022, 2391
3317.03, and 5747.70 of the Revised Code are hereby repealed. 2392

Section 3. That sections 125.04, 311.29, 3301.0711, 2393
3301.0714, 3301.163, 3302.036, 3302.04, 3302.10, 3310.51, 2394
3365.07, and 5703.21 of the Revised Code be amended to read as 2395
follows: 2396

Sec. 125.04. (A) Except for the requirements of division 2397
(B) of this section, section 125.092, and division (B) of 2398
section 125.11 of the Revised Code, sections 125.04 to 125.08 2399
and 125.09 to 125.15 of the Revised Code do not apply to or 2400
affect state institutions of higher education. 2401

(B) (1) As used in this division: 2402

(a) "Chartered nonpublic school" ~~has the same meaning as~~ 2403
~~in section 3310.01 of the Revised Code~~ means a nonpublic school 2404
that holds a valid charter issued by the state board of 2405
education under section 3301.16 of the Revised Code and meets 2406
the standards established for such schools in rules adopted by 2407
the state board. 2408

(b) "Emergency medical service organization" has the same 2409
meaning as in section 4765.01 of the Revised Code. 2410

(c) "Governmental agency" means a political subdivision or 2411
special district in this state or any other state established by 2412
or under law, or any combination of these entities; the United 2413
States or any department, division, or agency of the United 2414
States; one or more other states or groups of states; other 2415
purchasing consortia; and any agency, commission, or authority 2416
established under an interstate compact or agreement. 2417

(d) "Political subdivision" means any county, township, 2418
municipal corporation, school district, conservancy district, 2419
township park district, park district created under Chapter 2420
1545. of the Revised Code, regional transit authority, regional 2421
airport authority, regional water and sewer district, or port 2422
authority. "Political subdivision" also includes any other 2423
political subdivision described in the Revised Code that has 2424
been approved by the department of administrative services to 2425

participate in the department's contracts under this division. 2426

(e) "Private fire company" has the same meaning as in 2427
section 9.60 of the Revised Code. 2428

(f) "State institution of higher education" has the 2429
meaning defined in section 3345.011 of the Revised Code. 2430

(2) Subject to division (C) of this section, the 2431
department of administrative services may permit a state 2432
institution of higher education, governmental agency, political 2433
subdivision, private fire company, private, nonprofit emergency 2434
medical service organization, or chartered nonpublic school to 2435
participate in contracts into which the department has entered 2436
for the purchase of supplies and services. The department may 2437
charge the entity a reasonable fee to cover the administrative 2438
costs the department incurs as a result of participation by the 2439
entity in such a purchase contract. 2440

A political subdivision desiring to participate in such 2441
purchase contracts shall file with the department a certified 2442
copy of an ordinance or resolution of the legislative authority 2443
or governing board of the political subdivision. The resolution 2444
or ordinance shall request that the political subdivision be 2445
authorized to participate in such contracts and shall agree that 2446
the political subdivision will be bound by such terms and 2447
conditions as the department prescribes and that it will 2448
directly pay the vendor under each purchase contract. A private 2449
fire company, private, nonprofit emergency medical service 2450
organization, or chartered nonpublic school desiring to 2451
participate in such purchase contracts shall file with the 2452
department a written request for inclusion in the program signed 2453
by the chief officer of the company, organization, or chartered 2454
nonpublic school. A governmental agency desiring to participate 2455

in such purchase contracts shall file with the department a 2456
written request for inclusion in the program. A state 2457
institution of higher education desiring to participate in such 2458
purchase contracts shall file with the department a certified 2459
copy of resolution of the board of trustees or similar 2460
authorizing body. The resolution shall request that the state 2461
institution of higher education be authorized to participate in 2462
such contracts. 2463

A request for inclusion shall include an agreement to be 2464
bound by such terms and conditions as the department prescribes 2465
and to make direct payments to the vendor under each purchase 2466
contract. 2467

(3) The board of elections of a county that is authorized 2468
to participate in contracts under division (B)(2) of this 2469
section may participate in contracts under that division under 2470
the same terms and conditions that apply to the county. 2471

(4) The department shall include in its annual report, an 2472
estimate of the purchases made by state institutions of higher 2473
education, governmental agencies, political subdivisions, boards 2474
of elections, private fire companies, private, nonprofit 2475
emergency medical service organizations, and chartered nonpublic 2476
schools from contracts pursuant to this division. The department 2477
may require such entities to file a report with the department, 2478
as often as it finds necessary, stating how many such contracts 2479
the entities participated in within a specified period of time, 2480
and any other information the department requires. 2481

(5) Purchases made by a political subdivision or a board 2482
of elections under this division are exempt from any competitive 2483
selection procedures otherwise required by law. No political 2484
subdivision shall make any purchase under this division when 2485

bids have been received for such purchase by the subdivision, 2486
unless such purchase can be made upon the same terms, 2487
conditions, and specifications at a lower price under division 2488
(B) (2) of this section. 2489

(C) A political subdivision as defined in division (B) of 2490
this section or a board of elections may purchase supplies or 2491
services from another party, including a political subdivision, 2492
instead of through participation in contracts described in 2493
division (B) of this section if the political subdivision or 2494
board of elections can purchase those supplies or services from 2495
the other party upon equivalent terms, conditions, and 2496
specifications but at a lower price than it can through those 2497
contracts. Purchases that a political subdivision or board of 2498
elections makes under this division are exempt from any 2499
competitive selection procedures otherwise required by law. A 2500
political subdivision or board of elections that makes any 2501
purchase under this division shall maintain sufficient 2502
information regarding the purchase to verify that the political 2503
subdivision or board of elections satisfied the conditions for 2504
making a purchase under this division. Nothing in this division 2505
restricts any action taken by a county or township as authorized 2506
by division (B) (1) of section 9.48 of the Revised Code. 2507

(D) This section does not apply to supplies or services 2508
purchased by a state agency directly as provided in section 2509
125.05 of the Revised Code, or to purchases of supplies or 2510
services for the emergency management agency or other state 2511
agencies as provided in section 125.061 of the Revised Code. 2512

Sec. 311.29. (A) As used in this section: 2513

(1) "~~Chartered nonpublic school" has the same meaning~~ 2514
~~defined in section 3310.01 of the Revised Code means a nonpublic~~ 2515

school that holds a valid charter issued by the state board of 2516
education under section 3301.16 of the Revised Code and meets 2517
the standards established for such schools in rules adopted by 2518
the state board. 2519

(2) "Chautauqua assembly" has the same meaning as in 2520
section 4511.90 of the Revised Code. 2521

(3) "Community preventative education program" has the 2522
meaning defined in division (D) of section 2981.13 of the 2523
Revised Code. 2524

(4) "Community school" means a community school 2525
established under Chapter 3314. of the Revised Code. 2526

(B) The sheriff may, from time to time, enter into 2527
contracts with any municipal corporation, township, township 2528
police district, joint police district, metropolitan housing 2529
authority, port authority, water or sewer district, school 2530
district, community school governing authority, library 2531
district, health district, park district created pursuant to 2532
section 511.18 or 1545.01 of the Revised Code, soil and water 2533
conservation district, water conservancy district, or other 2534
taxing district or with the board of county commissioners of any 2535
contiguous county with the concurrence of the sheriff of the 2536
other county, and such subdivisions, authorities, and counties 2537
may enter into agreements with the sheriff pursuant to which the 2538
sheriff undertakes and is authorized by the contracting 2539
subdivision, authority, or county to perform any police 2540
function, exercise any police power, or render any police 2541
service in behalf of the contracting subdivision, authority, or 2542
county, or its legislative authority, that the subdivision, 2543
authority, or county, or its legislative authority, may perform, 2544
exercise, or render. 2545

Upon the execution of an agreement under this division and 2546
within the limitations prescribed by it, the sheriff may 2547
exercise the same powers as the contracting subdivision, 2548
authority, or county possesses with respect to such policing 2549
that by the agreement the sheriff undertakes to perform or 2550
render, and all powers necessary or incidental thereto, as amply 2551
as such powers are possessed and exercised by the contracting 2552
subdivision, authority, or county directly. 2553

Any agreement authorized by division (A), (B), or (C) of 2554
this section shall not suspend the possession by a contracting 2555
subdivision, authority, or county of any police power performed 2556
or exercised or police service rendered in pursuance to the 2557
agreement nor limit the authority of the sheriff. 2558

(C) The sheriff may enter into contracts with any 2559
Chautauqua assembly that has grounds located within the county, 2560
and the Chautauqua assembly may enter into agreements with the 2561
sheriff pursuant to which the sheriff undertakes to perform any 2562
police function, exercise any police power, or render any police 2563
service upon the grounds of the Chautauqua assembly that the 2564
sheriff is authorized by law to perform, exercise, or render in 2565
any other part of the county within the sheriff's territorial 2566
jurisdiction. Upon the execution of an agreement under this 2567
division, the sheriff may, within the limitations prescribed by 2568
the agreement, exercise such powers with respect to such 2569
policing upon the grounds of the Chautauqua assembly, provided 2570
that any limitation contained in the agreement shall not be 2571
construed to limit the authority of the sheriff. 2572

(D) Contracts entered into under division (A), (B), (C), 2573
or (F) of this section shall provide for the reimbursement of 2574
the county for the costs incurred by the sheriff for such 2575

policing including, but not limited to, the salaries of deputy 2576
sheriffs assigned to such policing, the current costs of funding 2577
retirement pensions and of providing workers' compensation, the 2578
cost of training, and the cost of equipment and supplies used in 2579
such policing, to the extent that such equipment and supplies 2580
are not directly furnished by the contracting subdivision, 2581
authority, county, or Chautauqua assembly. Each such contract 2582
shall provide for the ascertainment of such costs and shall be 2583
of any duration, not in excess of four years, and may contain 2584
any other terms that may be agreed upon. All payments pursuant 2585
to any such contract in reimbursement of the costs of such 2586
policing shall be made to the treasurer of the county to be 2587
credited to a special fund to be known as the "sheriff's 2588
policing revolving fund," hereby created. Any moneys coming into 2589
the fund shall be used for the purposes provided in divisions 2590
(A) to (D) and (F) of this section and paid out on vouchers by 2591
the county commissioners as other funds coming into their 2592
possession. Any moneys credited to the fund and not obligated at 2593
the termination of the contract shall be credited to the county 2594
general fund. 2595

The sheriff shall assign the number of deputies as may be 2596
provided for in any contract made pursuant to division (A), (B), 2597
(C), or (F) of this section. The number of deputies regularly 2598
assigned to such policing shall be in addition to and an 2599
enlargement of the sheriff's regular number of deputies. Nothing 2600
in divisions (A) to (D) or (F) of this section shall preclude 2601
the sheriff from temporarily increasing or decreasing the 2602
deputies so assigned as emergencies indicate a need for shifting 2603
assignments to the extent provided by the contracts. 2604

All such deputies shall have the same powers and duties, 2605
the same qualifications, and be appointed and paid and receive 2606

the same benefits and provisions and be governed by the same 2607
laws as all other deputy sheriffs. 2608

Contracts under division (A), (B), (C), or (F) of this 2609
section may be entered into jointly with the board of county 2610
commissioners, and sections 307.14 to 307.19 of the Revised Code 2611
apply to this section insofar as they may be applicable. 2612

(E) (1) As used in division (E) of this section: 2613

(a) "Ohio prisoner" has the same meaning as in section 2614
5120.64 of the Revised Code. 2615

(b) "Out-of-state prisoner" and "private contractor" have 2616
the same meanings as in section 9.07 of the Revised Code. 2617

(2) The sheriff may enter into a contract with a private 2618
person or entity for the return of Ohio prisoners who are the 2619
responsibility of the sheriff from outside of this state to a 2620
location in this state specified by the sheriff, if there are 2621
adequate funds appropriated by the board of county commissioners 2622
and there is a certification pursuant to division (D) of section 2623
5705.41 of the Revised Code that the funds are available for 2624
this purpose. A contract entered into under this division is 2625
within the coverage of section 325.07 of the Revised Code. If a 2626
sheriff enters into a contract as described in this division, 2627
subject to division (E) (3) of this section, the private person 2628
or entity in accordance with the contract may return Ohio 2629
prisoners from outside of this state to locations in this state 2630
specified by the sheriff. A contract entered into under this 2631
division shall include all of the following: 2632

(a) Specific provisions that assign the responsibility for 2633
costs related to medical care of prisoners while they are being 2634
returned that is not covered by insurance of the private person 2635

or entity; 2636

(b) Specific provisions that set forth the number of days, 2637
not exceeding ten, within which the private person or entity, 2638
after it receives the prisoner in the other state, must deliver 2639
the prisoner to the location in this state specified by the 2640
sheriff, subject to the exceptions adopted as described in 2641
division (E) (2) (c) of this section; 2642

(c) Any exceptions to the specified number of days for 2643
delivery specified as described in division (E) (2) (b) of this 2644
section; 2645

(d) A requirement that the private person or entity 2646
immediately report all escapes of prisoners who are being 2647
returned to this state, and the apprehension of all prisoners 2648
who are being returned and who have escaped, to the sheriff and 2649
to the local law enforcement agency of this state or another 2650
state that has jurisdiction over the place at which the escape 2651
occurs; 2652

(e) A schedule of fines that the sheriff shall impose upon 2653
the private person or entity if the private person or entity 2654
fails to perform its contractual duties, and a requirement that, 2655
if the private person or entity fails to perform its contractual 2656
duties, the sheriff shall impose a fine on the private person or 2657
entity from the schedule of fines and, in addition, may exercise 2658
any other rights the sheriff has under the contract. 2659

(f) If the contract is entered into on or after the 2660
effective date of the rules adopted by the department of 2661
rehabilitation and correction under section 5120.64 of the 2662
Revised Code, specific provisions that comport with all 2663
applicable standards that are contained in those rules. 2664

(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 2695
perform any police function, exercise any police power, or 2696
render any police service upon the grounds of the chartered 2697
nonpublic school or private institution of higher education that 2698
the sheriff is authorized by law to perform, exercise, or render 2699
in any other part of the county within the sheriff's territorial 2700
jurisdiction. Upon the execution of a contract under this 2701
division, the sheriff may, within the limitations prescribed by 2702
the contract, exercise such powers with respect to such policing 2703
provided that any limitation contained in the contract shall not 2704
be construed to limit the authority of the sheriff. 2705

(G) A sheriff may enter into contracts with a county court 2706
or a municipal court located in the sheriff's territorial 2707
jurisdiction for the transportation of persons between the 2708
county jail and a county court or municipal court. Each contract 2709
shall provide for the costs of providing transportation services 2710
from the county jail to the court and shall not apply to a 2711
period in excess of four years. 2712

Sec. 3301.0711. (A) The department of education shall: 2713

(1) Annually furnish to, grade, and score all assessments 2714
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 2715
the Revised Code to be administered by city, local, exempted 2716
village, and joint vocational school districts, except that each 2717
district shall score any assessment administered pursuant to 2718
division (B)(10) of this section. Each assessment so furnished 2719
shall include the data verification code of the student to whom 2720
the assessment will be administered, as assigned pursuant to 2721
division (D)(2) of section 3301.0714 of the Revised Code. In 2722
furnishing the practice versions of Ohio graduation tests 2723
prescribed by division (D) of section 3301.0710 of the Revised 2724

Code, the department shall make the tests available on its web 2725
site for reproduction by districts. In awarding contracts for 2726
grading assessments, the department shall give preference to 2727
Ohio-based entities employing Ohio residents. 2728

(2) Adopt rules for the ethical use of assessments and 2729
prescribing the manner in which the assessments prescribed by 2730
section 3301.0710 of the Revised Code shall be administered to 2731
students. 2732

(B) Except as provided in divisions (C) and (J) of this 2733
section, the board of education of each city, local, and 2734
exempted village school district shall, in accordance with rules 2735
adopted under division (A) of this section: 2736

(1) Administer the English language arts assessments 2737
prescribed under division (A)(1)(a) of section 3301.0710 of the 2738
Revised Code twice annually to all students in the third grade 2739
who have not attained the score designated for that assessment 2740
under division (A)(2)(c) of section 3301.0710 of the Revised 2741
Code. 2742

(2) Administer the mathematics assessment prescribed under 2743
division (A)(1)(a) of section 3301.0710 of the Revised Code at 2744
least once annually to all students in the third grade. 2745

(3) Administer the assessments prescribed under division 2746
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 2747
annually to all students in the fourth grade. 2748

(4) Administer the assessments prescribed under division 2749
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 2750
annually to all students in the fifth grade. 2751

(5) Administer the assessments prescribed under division 2752
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 2753

annually to all students in the sixth grade. 2754

(6) Administer the assessments prescribed under division 2755
(A) (1) (e) of section 3301.0710 of the Revised Code at least once 2756
annually to all students in the seventh grade. 2757

(7) Administer the assessments prescribed under division 2758
(A) (1) (f) of section 3301.0710 of the Revised Code at least once 2759
annually to all students in the eighth grade. 2760

(8) Except as provided in division (B) (9) of this section, 2761
administer any assessment prescribed under division (B) (1) of 2762
section 3301.0710 of the Revised Code as follows: 2763

(a) At least once annually to all tenth grade students and 2764
at least twice annually to all students in eleventh or twelfth 2765
grade who have not yet attained the score on that assessment 2766
designated under that division; 2767

(b) To any person who has successfully completed the 2768
curriculum in any high school or the individualized education 2769
program developed for the person by any high school pursuant to 2770
section 3323.08 of the Revised Code but has not received a high 2771
school diploma and who requests to take such assessment, at any 2772
time such assessment is administered in the district. 2773

(9) In lieu of the board of education of any city, local, 2774
or exempted village school district in which the student is also 2775
enrolled, the board of a joint vocational school district shall 2776
administer any assessment prescribed under division (B) (1) of 2777
section 3301.0710 of the Revised Code at least twice annually to 2778
any student enrolled in the joint vocational school district who 2779
has not yet attained the score on that assessment designated 2780
under that division. A board of a joint vocational school 2781
district may also administer such an assessment to any student 2782

described in division (B) (8) (b) of this section. 2783

(10) If the district has a three-year average graduation 2784
rate of not more than seventy-five per cent, administer each 2785
assessment prescribed by division (D) of section 3301.0710 of 2786
the Revised Code in September to all ninth grade students who 2787
entered ninth grade prior to July 1, 2014. 2788

Except as provided in section 3313.614 of the Revised Code 2789
for administration of an assessment to a person who has 2790
fulfilled the curriculum requirement for a high school diploma 2791
but has not passed one or more of the required assessments, the 2792
assessments prescribed under division (B) (1) of section 2793
3301.0710 of the Revised Code shall not be administered after 2794
the date specified in the rules adopted by the state board of 2795
education under division (D) (1) of section 3301.0712 of the 2796
Revised Code. 2797

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 2798
of this section, administer the assessments prescribed by 2799
division (B) (2) of section 3301.0710 and section 3301.0712 of 2800
the Revised Code in accordance with the timeline and plan for 2801
implementation of those assessments prescribed by rule of the 2802
state board adopted under division (D) (1) of section 3301.0712 2803
of the Revised Code; 2804

(b) A student who has presented evidence to the district 2805
or school of having satisfied the condition prescribed by 2806
division (A) (1) of section 3313.618 of the Revised Code to 2807
qualify for a high school diploma prior to the date of the 2808
administration of the assessment prescribed under division (B) 2809
(1) of section 3301.0712 of the Revised Code shall not be 2810
required to take that assessment. However, no board shall 2811
prohibit a student who is not required to take such assessment 2812

from taking the assessment. 2813

(c) A student shall not be required to retake the Algebra 2814
I end-of-course examination or the English language arts II end- 2815
of-course examination prescribed under division (B) (2) of 2816
section 3301.0712 of the Revised Code in grades nine through 2817
twelve if the student demonstrates at least a proficient level 2818
of skill, as prescribed under division (B) (5) (a) of that 2819
section, or achieves a competency score, as prescribed under 2820
division (B) (10) of that section, in an administration of the 2821
examination prior to grade nine. 2822

(C) (1) (a) In the case of a student receiving special 2823
education services under Chapter 3323. of the Revised Code, the 2824
individualized education program developed for the student under 2825
that chapter shall specify the manner in which the student will 2826
participate in the assessments administered under this section, 2827
except that a student with significant cognitive disabilities to 2828
whom an alternate assessment is administered in accordance with 2829
division (C) (1) of this section and a student determined to have 2830
a disability that includes an intellectual disability as 2831
outlined in guidance issued by the department shall not be 2832
required to take the assessment prescribed under division (B) (1) 2833
of section 3301.0712 of the Revised Code. The individualized 2834
education program may excuse the student from taking any 2835
particular assessment required to be administered under this 2836
section if it instead specifies an alternate assessment method 2837
approved by the department of education as conforming to 2838
requirements of federal law for receipt of federal funds for 2839
disadvantaged pupils. To the extent possible, the individualized 2840
education program shall not excuse the student from taking an 2841
assessment unless no reasonable accommodation can be made to 2842
enable the student to take the assessment. No board shall 2843

prohibit a student who is not required to take an assessment 2844
under division (C) (1) of this section from taking the 2845
assessment. 2846

(b) Any alternate assessment approved by the department 2847
for a student under this division shall produce measurable 2848
results comparable to those produced by the assessment it 2849
replaces in order to allow for the student's results to be 2850
included in the data compiled for a school district or building 2851
under section 3302.03 of the Revised Code. 2852

(c) (i) Any student enrolled in a chartered nonpublic 2853
school who has been identified, based on an evaluation conducted 2854
in accordance with section 3323.03 of the Revised Code or 2855
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 2856
29 U.S.C.A. 794, as amended, as a child with a disability shall 2857
be excused from taking any particular assessment required to be 2858
administered under this section if either of the following 2859
apply: 2860

(I) A plan developed for the student pursuant to rules 2861
adopted by the state board excuses the student from taking that 2862
assessment. 2863

(II) The chartered nonpublic school develops a written 2864
plan in which the school, in consultation with the student's 2865
parents, determines that an assessment or alternative assessment 2866
with accommodations does not accurately assess the student's 2867
academic performance. The plan shall include an academic profile 2868
of the student's academic performance and shall be reviewed 2869
annually to determine if the student's needs continue to require 2870
excusal from taking the assessment. 2871

(ii) A student with significant cognitive disabilities to 2872

whom an alternate assessment is administered in accordance with 2873
division (C) (1) of this section and a student determined to have 2874
a disability that includes an intellectual disability as 2875
outlined in guidance issued by the department shall not be 2876
required to take the assessment prescribed under division (B) (1) 2877
of section 3301.0712 of the Revised Code. 2878

(iii) In the case of any student so excused from taking an 2879
assessment under division (C) (1) (c) of this section, the 2880
chartered nonpublic school shall not prohibit the student from 2881
taking the assessment. 2882

(2) A district board may, for medical reasons or other 2883
good cause, excuse a student from taking an assessment 2884
administered under this section on the date scheduled, but that 2885
assessment shall be administered to the excused student not 2886
later than nine days following the scheduled date. The district 2887
board shall annually report the number of students who have not 2888
taken one or more of the assessments required by this section to 2889
the state board not later than the thirtieth day of June. 2890

(3) As used in this division, "English learner" has the 2891
same meaning as in 20 U.S.C. 7801. 2892

No school district board shall excuse any English learner 2893
from taking any particular assessment required to be 2894
administered under this section, except as follows: 2895

(a) Any English learner who has been enrolled in United 2896
States schools for less than two years and for whom no 2897
appropriate accommodations are available based on guidance 2898
issued by the department shall not be required to take the 2899
assessment prescribed under division (B) (1) of section 3301.0712 2900
of the Revised Code. 2901

(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 2931
student, the board of education of any school district in which 2932
the student is enrolled in that year shall provide to the 2933
student intervention services commensurate with the student's 2934
performance, including any intensive intervention required under 2935
section 3313.608 of the Revised Code, in any skill in which the 2936
student failed to demonstrate at least a score at the proficient 2937
level on the assessment. 2938

(2) Following any administration of the assessments 2939
prescribed by division (D) of section 3301.0710 of the Revised 2940
Code to ninth grade students, each school district that has a 2941
three-year average graduation rate of not more than seventy-five 2942
per cent shall determine for each high school in the district 2943
whether the school shall be required to provide intervention 2944
services to any students who took the assessments. In 2945
determining which high schools shall provide intervention 2946
services based on the resources available, the district shall 2947
consider each school's graduation rate and scores on the 2948
practice assessments. The district also shall consider the 2949
scores received by ninth grade students on the English language 2950
arts and mathematics assessments prescribed under division (A) 2951
(1) (f) of section 3301.0710 of the Revised Code in the eighth 2952
grade in determining which high schools shall provide 2953
intervention services. 2954

Each high school selected to provide intervention services 2955
under this division shall provide intervention services to any 2956
student whose results indicate that the student is failing to 2957
make satisfactory progress toward being able to attain scores at 2958
the proficient level on the Ohio graduation tests. Intervention 2959
services shall be provided in any skill in which a student 2960
demonstrates unsatisfactory progress and shall be commensurate 2961

with the student's performance. Schools shall provide the 2962
intervention services prior to the end of the school year, 2963
during the summer following the ninth grade, in the next 2964
succeeding school year, or at any combination of those times. 2965

(E) Except as provided in section 3313.608 of the Revised 2966
Code and division (N) of this section, no school district board 2967
of education shall utilize any student's failure to attain a 2968
specified score on an assessment administered under this section 2969
as a factor in any decision to deny the student promotion to a 2970
higher grade level. However, a district board may choose not to 2971
promote to the next grade level any student who does not take an 2972
assessment administered under this section or make up an 2973
assessment as provided by division (C) (2) of this section and 2974
who is not exempt from the requirement to take the assessment 2975
under division (C) (3) of this section. 2976

(F) No person shall be charged a fee for taking any 2977
assessment administered under this section. 2978

(G) (1) Each school district board shall designate one 2979
location for the collection of assessments administered in the 2980
spring under division (B) (1) of this section and those 2981
administered under divisions (B) (2) to (7) of this section. Each 2982
district board shall submit the assessments to the entity with 2983
which the department contracts for the scoring of the 2984
assessments as follows: 2985

(a) If the district's total enrollment in grades 2986
kindergarten through twelve during the first full school week of 2987
October was less than two thousand five hundred, not later than 2988
the Friday after all of the assessments have been administered; 2989

(b) If the district's total enrollment in grades 2990

kindergarten through twelve during the first full school week of 2991
October was two thousand five hundred or more, but less than 2992
seven thousand, not later than the Monday after all of the 2993
assessments have been administered; 2994

(c) If the district's total enrollment in grades 2995
kindergarten through twelve during the first full school week of 2996
October was seven thousand or more, not later than the Tuesday 2997
after all of the assessments have been administered. 2998

However, any assessment that a student takes during the 2999
make-up period described in division (C) (2) of this section 3000
shall be submitted not later than the Friday following the day 3001
the student takes the assessment. 3002

(2) The department or an entity with which the department 3003
contracts for the scoring of the assessment shall send to each 3004
school district board a list of the individual scores of all 3005
persons taking a state achievement assessment as follows: 3006

(a) Except as provided in division (G) (2) (b) or (c) of 3007
this section, within forty-five days after the administration of 3008
the assessments prescribed by sections 3301.0710 and 3301.0712 3009
of the Revised Code, but in no case shall the scores be returned 3010
later than the thirtieth day of June following the 3011
administration; 3012

(b) In the case of the third-grade English language arts 3013
assessment, within forty-five days after the administration of 3014
that assessment, but in no case shall the scores be returned 3015
later than the fifteenth day of June following the 3016
administration; 3017

(c) In the case of the writing component of an assessment 3018
or end-of-course examination in the area of English language 3019

arts, except for the third-grade English language arts 3020
assessment, the results may be sent after forty-five days of the 3021
administration of the writing component, but in no case shall 3022
the scores be returned later than the thirtieth day of June 3023
following the administration. 3024

(3) For assessments administered under this section by a 3025
joint vocational school district, the department or entity shall 3026
also send to each city, local, or exempted village school 3027
district a list of the individual scores of any students of such 3028
city, local, or exempted village school district who are 3029
attending school in the joint vocational school district. 3030

(4) Beginning with the 2019-2020 school year, a school 3031
district, other public school, or chartered nonpublic school may 3032
administer the third-grade English language arts or mathematics 3033
assessment, or both, in a paper format in any school year for 3034
which the district board of education or school governing body 3035
adopts a resolution indicating that the district or school 3036
chooses to administer the assessment in a paper format. The 3037
board or governing body shall submit a copy of the resolution to 3038
the department of education not later than the first day of May 3039
prior to the school year for which it will apply. If the 3040
resolution is submitted, the district or school shall administer 3041
the assessment in a paper format to all students in the third 3042
grade, except that any student whose individualized education 3043
program or plan developed under section 504 of the 3044
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 3045
amended, specifies that taking the assessment in an online 3046
format is an appropriate accommodation for the student may take 3047
the assessment in an online format. 3048

(H) Individual scores on any assessments administered 3049

under this section shall be released by a district board only in 3050
accordance with section 3319.321 of the Revised Code and the 3051
rules adopted under division (A) of this section. No district 3052
board or its employees shall utilize individual or aggregate 3053
results in any manner that conflicts with rules for the ethical 3054
use of assessments adopted pursuant to division (A) of this 3055
section. 3056

(I) Except as provided in division (G) of this section, 3057
the department or an entity with which the department contracts 3058
for the scoring of the assessment shall not release any 3059
individual scores on any assessment administered under this 3060
section. The state board shall adopt rules to ensure the 3061
protection of student confidentiality at all times. The rules 3062
may require the use of the data verification codes assigned to 3063
students pursuant to division (D)(2) of section 3301.0714 of the 3064
Revised Code to protect the confidentiality of student scores. 3065

(J) Notwithstanding division (D) of section 3311.52 of the 3066
Revised Code, this section does not apply to the board of 3067
education of any cooperative education school district except as 3068
provided under rules adopted pursuant to this division. 3069

(1) In accordance with rules that the state board shall 3070
adopt, the board of education of any city, exempted village, or 3071
local school district with territory in a cooperative education 3072
school district established pursuant to divisions (A) to (C) of 3073
section 3311.52 of the Revised Code may enter into an agreement 3074
with the board of education of the cooperative education school 3075
district for administering any assessment prescribed under this 3076
section to students of the city, exempted village, or local 3077
school district who are attending school in the cooperative 3078
education school district. 3079

(2) In accordance with rules that the state board shall 3080
adopt, the board of education of any city, exempted village, or 3081
local school district with territory in a cooperative education 3082
school district established pursuant to section 3311.521 of the 3083
Revised Code shall enter into an agreement with the cooperative 3084
district that provides for the administration of any assessment 3085
prescribed under this section to both of the following: 3086

(a) Students who are attending school in the cooperative 3087
district and who, if the cooperative district were not 3088
established, would be entitled to attend school in the city, 3089
local, or exempted village school district pursuant to section 3090
3313.64 or 3313.65 of the Revised Code; 3091

(b) Persons described in division (B) (8) (b) of this 3092
section. 3093

Any assessment of students pursuant to such an agreement 3094
shall be in lieu of any assessment of such students or persons 3095
pursuant to this section. 3096

(K) (1) (a) Except as otherwise provided in division (K) (1) 3097
or (2) of this section, each chartered nonpublic school for 3098
which at least sixty-five per cent of its total enrollment is 3099
made up of students who are participating in state scholarship 3100
programs shall administer the assessments prescribed by division 3101
(A) of section 3301.0710 of the Revised Code or an alternative 3102
standardized assessment determined by the department. In 3103
accordance with procedures and deadlines prescribed by the 3104
department, the parent or guardian of a student enrolled in the 3105
school who is not participating in a state scholarship program 3106
may submit notice to the chief administrative officer of the 3107
school that the parent or guardian does not wish to have the 3108
student take the assessments prescribed for the student's grade 3109

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, 3139
dyscalculia, attention deficit hyperactivity disorder, or 3140
Asperger's syndrome. 3141

(b) The school has solely served a student population 3142
described in division (K) (1) (a) of this section for at least ten 3143
years. 3144

(c) The school provides to the department at least five 3145
years of records of internal testing conducted by the school 3146
that affords the department data required for accountability 3147
purposes, including diagnostic assessments and nationally 3148
standardized norm-referenced achievement assessments that 3149
measure reading and math skills. 3150

(3) Any chartered nonpublic school that is not subject to 3151
division (K) (1) of this section may participate in the 3152
assessment program by administering any of the assessments 3153
prescribed by division (A) of section 3301.0710 of the Revised 3154
Code. The chief administrator of the school shall specify which 3155
assessments the school will administer. Such specification shall 3156
be made in writing to the superintendent of public instruction 3157
prior to the first day of August of any school year in which 3158
assessments are administered and shall include a pledge that the 3159
nonpublic school will administer the specified assessments in 3160
the same manner as public schools are required to do under this 3161
section and rules adopted by the department. 3162

(4) The department of education shall furnish the 3163
assessments prescribed by section 3301.0710 of the Revised Code 3164
to each chartered nonpublic school that is subject to division 3165
(K) (1) of this section or participates under division (K) (3) of 3166
this section. 3167

(L) If a chartered nonpublic school is educating students 3168
in grades nine through twelve, the following shall apply: 3169

(1) Except as provided in division (L)(4) of this section, 3170
for a student who is enrolled in a chartered nonpublic school 3171
that is accredited through the independent schools association 3172
of the central states and who is attending the school under a 3173
state scholarship program, the student shall either take all of 3174
the assessments prescribed by division (B) of section 3301.0712 3175
of the Revised Code or take an alternative assessment approved 3176
by the department under section 3313.619 of the Revised Code. 3177
However, a student who is excused from taking an assessment 3178
under division (C) of this section or has presented evidence to 3179
the chartered nonpublic school of having satisfied the condition 3180
prescribed by division (A)(1) of section 3313.618 of the Revised 3181
Code to qualify for a high school diploma prior to the date of 3182
the administration of the assessment prescribed under division 3183
(B)(1) of section 3301.0712 of the Revised Code shall not be 3184
required to take that assessment. No governing authority of a 3185
chartered nonpublic school shall prohibit a student who is not 3186
required to take such assessment from taking the assessment. 3187

(2) For a student who is enrolled in a chartered nonpublic 3188
school that is accredited through the independent schools 3189
association of the central states, and who is not attending the 3190
school under a state scholarship program, the student shall not 3191
be required to take any assessment prescribed under section 3192
3301.0712 or 3313.619 of the Revised Code. 3193

(3)(a) Except as provided in divisions (L)(3)(b) and (4) 3194
of this section, for a student who is enrolled in a chartered 3195
nonpublic school that is not accredited through the independent 3196
schools association of the central states, regardless of whether 3197

the student is attending or is not attending the school under a 3198
state scholarship program, the student shall do one of the 3199
following: 3200

(i) Take all of the assessments prescribed by division (B) 3201
of section 3301.0712 of the Revised Code; 3202

(ii) Take only the assessment prescribed by division (B) 3203
(1) of section 3301.0712 of the Revised Code, provided that the 3204
student's school publishes the results of that assessment for 3205
each graduating class. The published results of that assessment 3206
shall include the overall composite scores, mean scores, twenty- 3207
fifth percentile scores, and seventy-fifth percentile scores for 3208
each subject area of the assessment. 3209

(iii) Take an alternative assessment approved by the 3210
department under section 3313.619 of the Revised Code. 3211

(b) A student who is excused from taking an assessment 3212
under division (C) of this section or has presented evidence to 3213
the chartered nonpublic school of having satisfied the condition 3214
prescribed by division (A) (1) of section 3313.618 of the Revised 3215
Code to qualify for a high school diploma prior to the date of 3216
the administration of the assessment prescribed under division 3217
(B) (1) of section 3301.0712 of the Revised Code shall not be 3218
required to take that assessment. No governing authority of a 3219
chartered nonpublic school shall prohibit a student who is not 3220
required to take such assessment from taking the assessment. 3221

(4) The assessments prescribed by sections 3301.0712 and 3222
3313.619 of the Revised Code shall not be administered to any 3223
student attending the school, if the school meets all of the 3224
following conditions: 3225

(a) At least ninety-five per cent of the students enrolled 3226

in the school are children with disabilities, as defined under 3227
section 3323.01 of the Revised Code, or have received a 3228
diagnosis by a school district or from a physician, including a 3229
neuropsychologist or psychiatrist, or a psychologist who is 3230
authorized to practice in this or another state as having a 3231
condition that impairs academic performance, such as dyslexia, 3232
dyscalculia, attention deficit hyperactivity disorder, or 3233
Asperger's syndrome. 3234

(b) The school has solely served a student population 3235
described in division (L) (4) (a) of this section for at least ten 3236
years. 3237

(c) The school makes available to the department at least 3238
five years of records of internal testing conducted by the 3239
school that affords the department data required for 3240
accountability purposes, including growth in student achievement 3241
in reading or mathematics, or both, as measured by nationally 3242
norm-referenced assessments that have developed appropriate 3243
standards for students. 3244

Division (L) (4) of this section applies to any student 3245
attending such school regardless of whether the student receives 3246
special education or related services and regardless of whether 3247
the student is attending the school under a state scholarship 3248
program. 3249

(M) (1) The superintendent of the state school for the 3250
blind and the superintendent of the state school for the deaf 3251
shall administer the assessments described by sections 3301.0710 3252
and 3301.0712 of the Revised Code. Each superintendent shall 3253
administer the assessments in the same manner as district boards 3254
are required to do under this section and rules adopted by the 3255
department of education and in conformity with division (C) (1) 3256

(a) of this section. 3257

(2) The department of education shall furnish the 3258
assessments described by sections 3301.0710 and 3301.0712 of the 3259
Revised Code to each superintendent. 3260

(N) Notwithstanding division (E) of this section, a school 3261
district may use a student's failure to attain a score in at 3262
least the proficient range on the mathematics assessment 3263
described by division (A)(1)(a) of section 3301.0710 of the 3264
Revised Code or on an assessment described by division (A)(1) 3265
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 3266
Code as a factor in retaining that student in the current grade 3267
level. 3268

(O)(1) In the manner specified in divisions (O)(3), (4), 3269
(6), and (7) of this section, the assessments required by 3270
division (A)(1) of section 3301.0710 of the Revised Code shall 3271
become public records pursuant to section 149.43 of the Revised 3272
Code on the thirty-first day of July following the school year 3273
that the assessments were administered. 3274

(2) The department may field test proposed questions with 3275
samples of students to determine the validity, reliability, or 3276
appropriateness of questions for possible inclusion in a future 3277
year's assessment. The department also may use anchor questions 3278
on assessments to ensure that different versions of the same 3279
assessment are of comparable difficulty. 3280

Field test questions and anchor questions shall not be 3281
considered in computing scores for individual students. Field 3282
test questions and anchor questions may be included as part of 3283
the administration of any assessment required by division (A)(1) 3284
or (B) of section 3301.0710 and division (B) of section 3285

3301.0712 of the Revised Code. 3286

(3) Any field test question or anchor question 3287
administered under division (O)(2) of this section shall not be 3288
a public record. Such field test questions and anchor questions 3289
shall be redacted from any assessments which are released as a 3290
public record pursuant to division (O)(1) of this section. 3291

(4) This division applies to the assessments prescribed by 3292
division (A) of section 3301.0710 of the Revised Code. 3293

(a) The first administration of each assessment, as 3294
specified in former section 3301.0712 of the Revised Code, shall 3295
be a public record. 3296

(b) For subsequent administrations of each assessment 3297
prior to the 2011-2012 school year, not less than forty per cent 3298
of the questions on the assessment that are used to compute a 3299
student's score shall be a public record. The department shall 3300
determine which questions will be needed for reuse on a future 3301
assessment and those questions shall not be public records and 3302
shall be redacted from the assessment prior to its release as a 3303
public record. However, for each redacted question, the 3304
department shall inform each city, local, and exempted village 3305
school district of the statewide academic standard adopted by 3306
the state board under section 3301.079 of the Revised Code and 3307
the corresponding benchmark to which the question relates. The 3308
preceding sentence does not apply to field test questions that 3309
are redacted under division (O)(3) of this section. 3310

(c) The administrations of each assessment in the 2011- 3311
2012, 2012-2013, and 2013-2014 school years shall not be a 3312
public record. 3313

(5) Each assessment prescribed by division (B)(1) of 3314

section 3301.0710 of the Revised Code shall not be a public 3315
record. 3316

(6) (a) Except as provided in division (O) (6) (b) of this 3317
section, for the administrations in the 2014-2015, 2015-2016, 3318
and 2016-2017 school years, questions on the assessments 3319
prescribed under division (A) of section 3301.0710 and division 3320
(B) (2) of section 3301.0712 of the Revised Code and the 3321
corresponding preferred answers that are used to compute a 3322
student's score shall become a public record as follows: 3323

(i) Forty per cent of the questions and preferred answers 3324
on the assessments on the thirty-first day of July following the 3325
administration of the assessment; 3326

(ii) Twenty per cent of the questions and preferred 3327
answers on the assessment on the thirty-first day of July one 3328
year after the administration of the assessment; 3329

(iii) The remaining forty per cent of the questions and 3330
preferred answers on the assessment on the thirty-first day of 3331
July two years after the administration of the assessment. 3332

The entire content of an assessment shall become a public 3333
record within three years of its administration. 3334

The department shall make the questions that become a 3335
public record under this division readily accessible to the 3336
public on the department's web site. Questions on the spring 3337
administration of each assessment shall be released on an annual 3338
basis, in accordance with this division. 3339

(b) No questions and corresponding preferred answers shall 3340
become a public record under division (O) (6) of this section 3341
after July 31, 2017. 3342

(7) Division (O) (7) of this section applies to the 3343
assessments prescribed by division (A) of section 3301.0710 and 3344
division (B) (2) of section 3301.0712 of the Revised Code. 3345

Beginning with the assessments administered in the spring 3346
of the 2017-2018 school year, not less than forty per cent of 3347
the questions on each assessment that are used to compute a 3348
student's score shall be a public record. The department shall 3349
determine which questions will be needed for reuse on a future 3350
assessment and those questions shall not be public records and 3351
shall be redacted from the assessment prior to its release as a 3352
public record. However, for each redacted question, the 3353
department shall inform each city, local, and exempted village 3354
school district of the corresponding statewide academic standard 3355
adopted by the state board under section 3301.079 of the Revised 3356
Code and the corresponding benchmark to which the question 3357
relates. The department is not required to provide corresponding 3358
standards and benchmarks to field test questions that are 3359
redacted under division (O) (3) of this section. 3360

(P) As used in this section: 3361

(1) "Three-year average" means the average of the most 3362
recent consecutive three school years of data. 3363

(2) "Dropout" means a student who withdraws from school 3364
before completing course requirements for graduation and who is 3365
not enrolled in an education program approved by the state board 3366
of education or an education program outside the state. 3367
"Dropout" does not include a student who has departed the 3368
country. 3369

(3) "Graduation rate" means the ratio of students 3370
receiving a diploma to the number of students who entered ninth 3371

grade four years earlier. Students who transfer into the 3372
district are added to the calculation. Students who transfer out 3373
of the district for reasons other than dropout are subtracted 3374
from the calculation. If a student who was a dropout in any 3375
previous year returns to the same school district, that student 3376
shall be entered into the calculation as if the student had 3377
entered ninth grade four years before the graduation year of the 3378
graduating class that the student joins. 3379

(4) ~~"State~~ For purposes of division (L) of this section, 3380
"state scholarship programs" means the educational choice- 3381
~~scholarship pilot program established under sections 3310.01 to~~ 3382
~~3310.17 of the Revised Code,~~ the autism scholarship program 3383
established under section 3310.41 of the Revised Code, and the 3384
Jon Peterson special needs scholarship program established under 3385
sections 3310.51 to 3310.64 of the Revised Code, ~~and the pilot-~~ 3386
~~project scholarship program established under sections 3313.974-~~ 3387
~~to 3313.979 of the Revised Code.~~ For purposes of division (K) of 3388
this section, "state scholarship programs" means the autism 3389
scholarship program established under section 3310.41 of the 3390
Revised Code, the Jon Peterson special needs scholarship program 3391
established under sections 3310.51 to 3310.64 of the Revised 3392
Code, and the backpack scholarship program established under 3393
sections 3310.21 to 3310.27 of the Revised Code. 3394

(5) "Other public school" means a community school 3395
established under Chapter 3314., a STEM school established under 3396
Chapter 3326., or a college-preparatory boarding school 3397
established under Chapter 3328. of the Revised Code. 3398

Sec. 3301.0714. (A) The state board of education shall 3399
adopt rules for a statewide education management information 3400
system. The rules shall require the state board to establish 3401

guidelines for the establishment and maintenance of the system 3402
in accordance with this section and the rules adopted under this 3403
section. The guidelines shall include: 3404

(1) Standards identifying and defining the types of data 3405
in the system in accordance with divisions (B) and (C) of this 3406
section; 3407

(2) Procedures for annually collecting and reporting the 3408
data to the state board in accordance with division (D) of this 3409
section; 3410

(3) Procedures for annually compiling the data in 3411
accordance with division (G) of this section; 3412

(4) Procedures for annually reporting the data to the 3413
public in accordance with division (H) of this section; 3414

(5) Standards to provide strict safeguards to protect the 3415
confidentiality of personally identifiable student data. 3416

(B) The guidelines adopted under this section shall 3417
require the data maintained in the education management 3418
information system to include at least the following: 3419

(1) Student participation and performance data, for each 3420
grade in each school district as a whole and for each grade in 3421
each school building in each school district, that includes: 3422

(a) The numbers of students receiving each category of 3423
instructional service offered by the school district, such as 3424
regular education instruction, vocational education instruction, 3425
specialized instruction programs or enrichment instruction that 3426
is part of the educational curriculum, instruction for gifted 3427
students, instruction for students with disabilities, and 3428
remedial instruction. The guidelines shall require instructional 3429

services under this division to be divided into discrete 3430
categories if an instructional service is limited to a specific 3431
subject, a specific type of student, or both, such as regular 3432
instructional services in mathematics, remedial reading 3433
instructional services, instructional services specifically for 3434
students gifted in mathematics or some other subject area, or 3435
instructional services for students with a specific type of 3436
disability. The categories of instructional services required by 3437
the guidelines under this division shall be the same as the 3438
categories of instructional services used in determining cost 3439
units pursuant to division (C) (3) of this section. 3440

(b) The numbers of students receiving support or 3441
extracurricular services for each of the support services or 3442
extracurricular programs offered by the school district, such as 3443
counseling services, health services, and extracurricular sports 3444
and fine arts programs. The categories of services required by 3445
the guidelines under this division shall be the same as the 3446
categories of services used in determining cost units pursuant 3447
to division (C) (4) (a) of this section. 3448

(c) Average student grades in each subject in grades nine 3449
through twelve; 3450

(d) Academic achievement levels as assessed under sections 3451
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 3452

(e) The number of students designated as having a 3453
disabling condition pursuant to division (C) (1) of section 3454
3301.0711 of the Revised Code; 3455

(f) The numbers of students reported to the state board 3456
pursuant to division (C) (2) of section 3301.0711 of the Revised 3457
Code; 3458

(g) Attendance rates and the average daily attendance for 3459
the year. For purposes of this division, a student shall be 3460
counted as present for any field trip that is approved by the 3461
school administration. 3462

(h) Expulsion rates; 3463

(i) Suspension rates; 3464

(j) Dropout rates; 3465

(k) Rates of retention in grade; 3466

(l) For pupils in grades nine through twelve, the average 3467
number of carnegie units, as calculated in accordance with state 3468
board of education rules; 3469

(m) Graduation rates, to be calculated in a manner 3470
specified by the department of education that reflects the rate 3471
at which students who were in the ninth grade three years prior 3472
to the current year complete school and that is consistent with 3473
nationally accepted reporting requirements; 3474

(n) Results of diagnostic assessments administered to 3475
kindergarten students as required under section 3301.0715 of the 3476
Revised Code to permit a comparison of the academic readiness of 3477
kindergarten students. However, no district shall be required to 3478
report to the department the results of any diagnostic 3479
assessment administered to a kindergarten student, except for 3480
the language and reading assessment described in division (A) (2) 3481
of section 3301.0715 of the Revised Code, if the parent of that 3482
student requests the district not to report those results. 3483

(o) Beginning on July 1, 2018, for each disciplinary 3484
action which is required to be reported under division (B) (8) of 3485
this section, districts and schools also shall include an 3486

identification of the person or persons, if any, at whom the 3487
student's violent behavior that resulted in discipline was 3488
directed. The person or persons shall be identified by the 3489
respective classification at the district or school, such as 3490
student, teacher, or nonteaching employee, but shall not be 3491
identified by name. 3492

Division (B) (1) (o) of this section does not apply after 3493
the date that is two years following the submission of the 3494
report required by Section 733.13 of H.B. 49 of the 132nd 3495
general assembly. 3496

(p) The number of students earning each state diploma seal 3497
included in the system prescribed under division (A) of section 3498
3313.6114 of the Revised Code; 3499

(q) The number of students demonstrating competency for 3500
graduation using each option described in divisions (B) (1) (a) to 3501
(d) of section 3313.618 of the Revised Code; 3502

(r) The number of students completing each foundational 3503
and supporting option as part of the demonstration of competency 3504
for graduation pursuant to division (B) (1) (b) of section 3505
3313.618 of the Revised Code; 3506

(s) The number of students enrolled in all-day 3507
kindergarten, as defined in section 3321.05 of the Revised Code. 3508

(2) Personnel and classroom enrollment data for each 3509
school district, including: 3510

(a) The total numbers of licensed employees and 3511
nonlicensed employees and the numbers of full-time equivalent 3512
licensed employees and nonlicensed employees providing each 3513
category of instructional service, instructional support 3514
service, and administrative support service used pursuant to 3515

division (C) (3) of this section. The guidelines adopted under 3516
this section shall require these categories of data to be 3517
maintained for the school district as a whole and, wherever 3518
applicable, for each grade in the school district as a whole, 3519
for each school building as a whole, and for each grade in each 3520
school building. 3521

(b) The total number of employees and the number of full- 3522
time equivalent employees providing each category of service 3523
used pursuant to divisions (C) (4) (a) and (b) of this section, 3524
and the total numbers of licensed employees and nonlicensed 3525
employees and the numbers of full-time equivalent licensed 3526
employees and nonlicensed employees providing each category used 3527
pursuant to division (C) (4) (c) of this section. The guidelines 3528
adopted under this section shall require these categories of 3529
data to be maintained for the school district as a whole and, 3530
wherever applicable, for each grade in the school district as a 3531
whole, for each school building as a whole, and for each grade 3532
in each school building. 3533

(c) The total number of regular classroom teachers 3534
teaching classes of regular education and the average number of 3535
pupils enrolled in each such class, in each of grades 3536
kindergarten through five in the district as a whole and in each 3537
school building in the school district. 3538

(d) The number of lead teachers employed by each school 3539
district and each school building. 3540

(3) (a) Student demographic data for each school district, 3541
including information regarding the gender ratio of the school 3542
district's pupils, the racial make-up of the school district's 3543
pupils, the number of English learners in the district, and an 3544
appropriate measure of the number of the school district's 3545

pupils who reside in economically disadvantaged households. The 3546
demographic data shall be collected in a manner to allow 3547
correlation with data collected under division (B) (1) of this 3548
section. Categories for data collected pursuant to division (B) 3549
(3) of this section shall conform, where appropriate, to 3550
standard practices of agencies of the federal government. 3551

(b) With respect to each student entering kindergarten, 3552
whether the student previously participated in a public 3553
preschool program, a private preschool program, or a head start 3554
program, and the number of years the student participated in 3555
each of these programs. 3556

(4) For fiscal years 2022 and 2023, the annual reports 3557
submitted by each school district under section 3317.25 of the 3558
Revised Code describing the initiative or initiatives on which 3559
the district's disadvantaged pupil impact aid were spent; 3560

(5) For fiscal years 2022 and 2023, the average number of 3561
students riding on school buses routed to community schools 3562
established under Chapter 3314. of the Revised Code in 3563
accordance with section 3327.01 of the Revised Code; 3564

(6) For fiscal years 2022 and 2023, the average number of 3565
students riding on school buses routed to STEM schools 3566
established under Chapter 3326. of the Revised Code in 3567
accordance with section 3327.01 of the Revised Code; 3568

(7) For fiscal years 2022 and 2023, the average number of 3569
students riding on school buses routed to nonpublic schools in 3570
accordance with section 3327.01 of the Revised Code; 3571

(8) Any data required to be collected pursuant to federal 3572
law. 3573

(C) The education management information system shall 3574

include cost accounting data for each district as a whole and 3575
for each school building in each school district. The guidelines 3576
adopted under this section shall require the cost data for each 3577
school district to be maintained in a system of mutually 3578
exclusive cost units and shall require all of the costs of each 3579
school district to be divided among the cost units. The 3580
guidelines shall require the system of mutually exclusive cost 3581
units to include at least the following: 3582

(1) Administrative costs for the school district as a 3583
whole. The guidelines shall require the cost units under this 3584
division (C) (1) to be designed so that each of them may be 3585
compiled and reported in terms of average expenditure per pupil 3586
in enrolled ADM in the school district, as determined pursuant 3587
to section 3317.03 of the Revised Code. 3588

(2) Administrative costs for each school building in the 3589
school district. The guidelines shall require the cost units 3590
under this division (C) (2) to be designed so that each of them 3591
may be compiled and reported in terms of average expenditure per 3592
full-time equivalent pupil receiving instructional or support 3593
services in each building. 3594

(3) Instructional services costs for each category of 3595
instructional service provided directly to students and required 3596
by guidelines adopted pursuant to division (B) (1) (a) of this 3597
section. The guidelines shall require the cost units under 3598
division (C) (3) of this section to be designed so that each of 3599
them may be compiled and reported in terms of average 3600
expenditure per pupil receiving the service in the school 3601
district as a whole and average expenditure per pupil receiving 3602
the service in each building in the school district and in terms 3603
of a total cost for each category of service and, as a breakdown 3604

of the total cost, a cost for each of the following components:	3605
(a) The cost of each instructional services category	3606
required by guidelines adopted under division (B) (1) (a) of this	3607
section that is provided directly to students by a classroom	3608
teacher;	3609
(b) The cost of the instructional support services, such	3610
as services provided by a speech-language pathologist, classroom	3611
aide, multimedia aide, or librarian, provided directly to	3612
students in conjunction with each instructional services	3613
category;	3614
(c) The cost of the administrative support services	3615
related to each instructional services category, such as the	3616
cost of personnel that develop the curriculum for the	3617
instructional services category and the cost of personnel	3618
supervising or coordinating the delivery of the instructional	3619
services category.	3620
(4) Support or extracurricular services costs for each	3621
category of service directly provided to students and required	3622
by guidelines adopted pursuant to division (B) (1) (b) of this	3623
section. The guidelines shall require the cost units under	3624
division (C) (4) of this section to be designed so that each of	3625
them may be compiled and reported in terms of average	3626
expenditure per pupil receiving the service in the school	3627
district as a whole and average expenditure per pupil receiving	3628
the service in each building in the school district and in terms	3629
of a total cost for each category of service and, as a breakdown	3630
of the total cost, a cost for each of the following components:	3631
(a) The cost of each support or extracurricular services	3632
category required by guidelines adopted under division (B) (1) (b)	3633

of this section that is provided directly to students by a 3634
licensed employee, such as services provided by a guidance 3635
counselor or any services provided by a licensed employee under 3636
a supplemental contract; 3637

(b) The cost of each such services category provided 3638
directly to students by a nonlicensed employee, such as 3639
janitorial services, cafeteria services, or services of a sports 3640
trainer; 3641

(c) The cost of the administrative services related to 3642
each services category in division (C) (4) (a) or (b) of this 3643
section, such as the cost of any licensed or nonlicensed 3644
employees that develop, supervise, coordinate, or otherwise are 3645
involved in administering or aiding the delivery of each 3646
services category. 3647

(D) (1) The guidelines adopted under this section shall 3648
require school districts to collect information about individual 3649
students, staff members, or both in connection with any data 3650
required by division (B) or (C) of this section or other 3651
reporting requirements established in the Revised Code. The 3652
guidelines may also require school districts to report 3653
information about individual staff members in connection with 3654
any data required by division (B) or (C) of this section or 3655
other reporting requirements established in the Revised Code. 3656
The guidelines shall not authorize school districts to request 3657
social security numbers of individual students. The guidelines 3658
shall prohibit the reporting under this section of a student's 3659
name, address, and social security number to the state board of 3660
education or the department of education. The guidelines shall 3661
also prohibit the reporting under this section of any personally 3662
identifiable information about any student, except for the 3663

purpose of assigning the data verification code required by 3664
division (D) (2) of this section, to any other person unless such 3665
person is employed by the school district or the information 3666
technology center operated under section 3301.075 of the Revised 3667
Code and is authorized by the district or technology center to 3668
have access to such information or is employed by an entity with 3669
which the department contracts for the scoring or the 3670
development of state assessments. The guidelines may require 3671
school districts to provide the social security numbers of 3672
individual staff members and the county of residence for a 3673
student. Nothing in this section prohibits the state board of 3674
education or department of education from providing a student's 3675
county of residence to the department of taxation to facilitate 3676
the distribution of tax revenue. 3677

(2) (a) The guidelines shall provide for each school 3678
district or community school to assign a data verification code 3679
that is unique on a statewide basis over time to each student 3680
whose initial Ohio enrollment is in that district or school and 3681
to report all required individual student data for that student 3682
utilizing such code. The guidelines shall also provide for 3683
assigning data verification codes to all students enrolled in 3684
districts or community schools on the effective date of the 3685
guidelines established under this section. The assignment of 3686
data verification codes for other entities, as described in 3687
division (D) (2) (d) of this section, the use of those codes, and 3688
the reporting and use of associated individual student data 3689
shall be coordinated by the department in accordance with state 3690
and federal law. 3691

School districts shall report individual student data to 3692
the department through the information technology centers 3693
utilizing the code. The entities described in division (D) (2) (d) 3694

of this section shall report individual student data to the 3695
department in the manner prescribed by the department. 3696

(b) (i) Except as provided in sections 3301.941, ~~3310.11,~~ 3697
3310.42, 3310.63, ~~3313.978,~~ and 3317.20 of the Revised Code, 3698
division (C) (2) of section 3365.07 of the Revised Code, and in 3699
division (D) (2) (b) (ii) of this section, at no time shall the 3700
state board or the department have access to information that 3701
would enable any data verification code to be matched to 3702
personally identifiable student data. 3703

(ii) For the purpose of making per-pupil payments to 3704
community schools under section 3317.022 of the Revised Code, 3705
the department shall have access to information that would 3706
enable any data verification code to be matched to personally 3707
identifiable student data. 3708

(c) Each school district and community school shall ensure 3709
that the data verification code is included in the student's 3710
records reported to any subsequent school district, community 3711
school, or state institution of higher education, as defined in 3712
section 3345.011 of the Revised Code, in which the student 3713
enrolls. Any such subsequent district or school shall utilize 3714
the same identifier in its reporting of data under this section. 3715

(d) The director of any state agency that administers a 3716
publicly funded program providing services to children who are 3717
younger than compulsory school age, as defined in section 3718
3321.01 of the Revised Code, including the directors of health, 3719
job and family services, mental health and addiction services, 3720
and developmental disabilities, shall request and receive, 3721
pursuant to sections 3301.0723 and 5123.0423 of the Revised 3722
Code, a data verification code for a child who is receiving 3723
those services. 3724

(E) The guidelines adopted under this section may require 3725
school districts to collect and report data, information, or 3726
reports other than that described in divisions (A), (B), and (C) 3727
of this section for the purpose of complying with other 3728
reporting requirements established in the Revised Code. The 3729
other data, information, or reports may be maintained in the 3730
education management information system but are not required to 3731
be compiled as part of the profile formats required under 3732
division (G) of this section or the annual statewide report 3733
required under division (H) of this section. 3734

(F) Beginning with the school year that begins July 1, 3735
1991, the board of education of each school district shall 3736
annually collect and report to the state board, in accordance 3737
with the guidelines established by the board, the data required 3738
pursuant to this section. A school district may collect and 3739
report these data notwithstanding section 2151.357 or 3319.321 3740
of the Revised Code. 3741

(G) The state board shall, in accordance with the 3742
procedures it adopts, annually compile the data reported by each 3743
school district pursuant to division (D) of this section. The 3744
state board shall design formats for profiling each school 3745
district as a whole and each school building within each 3746
district and shall compile the data in accordance with these 3747
formats. These profile formats shall: 3748

(1) Include all of the data gathered under this section in 3749
a manner that facilitates comparison among school districts and 3750
among school buildings within each school district; 3751

(2) Present the data on academic achievement levels as 3752
assessed by the testing of student achievement maintained 3753
pursuant to division (B) (1) (d) of this section. 3754

(H) (1) The state board shall, in accordance with the 3755
procedures it adopts, annually prepare a statewide report for 3756
all school districts and the general public that includes the 3757
profile of each of the school districts developed pursuant to 3758
division (G) of this section. Copies of the report shall be sent 3759
to each school district. 3760

(2) The state board shall, in accordance with the 3761
procedures it adopts, annually prepare an individual report for 3762
each school district and the general public that includes the 3763
profiles of each of the school buildings in that school district 3764
developed pursuant to division (G) of this section. Copies of 3765
the report shall be sent to the superintendent of the district 3766
and to each member of the district board of education. 3767

(3) Copies of the reports received from the state board 3768
under divisions (H) (1) and (2) of this section shall be made 3769
available to the general public at each school district's 3770
offices. Each district board of education shall make copies of 3771
each report available to any person upon request and payment of 3772
a reasonable fee for the cost of reproducing the report. The 3773
board shall annually publish in a newspaper of general 3774
circulation in the school district, at least twice during the 3775
two weeks prior to the week in which the reports will first be 3776
available, a notice containing the address where the reports are 3777
available and the date on which the reports will be available. 3778

(I) Any data that is collected or maintained pursuant to 3779
this section and that identifies an individual pupil is not a 3780
public record for the purposes of section 149.43 of the Revised 3781
Code. 3782

(J) As used in this section: 3783

(1) "School district" means any city, local, exempted 3784
village, or joint vocational school district and, in accordance 3785
with section 3314.17 of the Revised Code, any community school. 3786
As used in division (L) of this section, "school district" also 3787
includes any educational service center or other educational 3788
entity required to submit data using the system established 3789
under this section. 3790

(2) "Cost" means any expenditure for operating expenses 3791
made by a school district excluding any expenditures for debt 3792
retirement except for payments made to any commercial lending 3793
institution for any loan approved pursuant to section 3313.483 3794
of the Revised Code. 3795

(K) Any person who removes data from the information 3796
system established under this section for the purpose of 3797
releasing it to any person not entitled under law to have access 3798
to such information is subject to section 2913.42 of the Revised 3799
Code prohibiting tampering with data. 3800

(L) (1) In accordance with division (L) (2) of this section 3801
and the rules adopted under division (L) (10) of this section, 3802
the department of education may sanction any school district 3803
that reports incomplete or inaccurate data, reports data that 3804
does not conform to data requirements and descriptions published 3805
by the department, fails to report data in a timely manner, or 3806
otherwise does not make a good faith effort to report data as 3807
required by this section. 3808

(2) If the department decides to sanction a school 3809
district under this division, the department shall take the 3810
following sequential actions: 3811

(a) Notify the district in writing that the department has 3812

determined that data has not been reported as required under 3813
this section and require the district to review its data 3814
submission and submit corrected data by a deadline established 3815
by the department. The department also may require the district 3816
to develop a corrective action plan, which shall include 3817
provisions for the district to provide mandatory staff training 3818
on data reporting procedures. 3819

(b) Withhold up to ten per cent of the total amount of 3820
state funds due to the district for the current fiscal year and, 3821
if not previously required under division (L) (2) (a) of this 3822
section, require the district to develop a corrective action 3823
plan in accordance with that division; 3824

(c) Withhold an additional amount of up to twenty per cent 3825
of the total amount of state funds due to the district for the 3826
current fiscal year; 3827

(d) Direct department staff or an outside entity to 3828
investigate the district's data reporting practices and make 3829
recommendations for subsequent actions. The recommendations may 3830
include one or more of the following actions: 3831

(i) Arrange for an audit of the district's data reporting 3832
practices by department staff or an outside entity; 3833

(ii) Conduct a site visit and evaluation of the district; 3834

(iii) Withhold an additional amount of up to thirty per 3835
cent of the total amount of state funds due to the district for 3836
the current fiscal year; 3837

(iv) Continue monitoring the district's data reporting; 3838

(v) Assign department staff to supervise the district's 3839
data management system; 3840

(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 3870
section, the department shall not release the funds withheld 3871
under division (L) (2) (b) or (c) of this section. 3872

(5) Notwithstanding anything in this section to the 3873
contrary, the department may use its own staff or an outside 3874
entity to conduct an audit of a school district's data reporting 3875
practices any time the department has reason to believe the 3876
district has not made a good faith effort to report data as 3877
required by this section. If any audit conducted by an outside 3878
entity under division (L) (2) (d) (i) or (5) of this section 3879
confirms that a district has not made a good faith effort to 3880
report data as required by this section, the district shall 3881
reimburse the department for the full cost of the audit. The 3882
department may withhold state funds due to the district for this 3883
purpose. 3884

(6) Prior to issuing a revised report card for a school 3885
district under division (L) (2) (d) (viii) of this section, the 3886
department may hold a hearing to provide the district with an 3887
opportunity to demonstrate that it made a good faith effort to 3888
report data as required by this section. The hearing shall be 3889
conducted by a referee appointed by the department. Based on the 3890
information provided in the hearing, the referee shall recommend 3891
whether the department should issue a revised report card for 3892
the district. If the referee affirms the department's contention 3893
that the district did not make a good faith effort to report 3894
data as required by this section, the district shall bear the 3895
full cost of conducting the hearing and of issuing any revised 3896
report card. 3897

(7) If the department determines that any inaccurate data 3898
reported under this section caused a school district to receive 3899

excess state funds in any fiscal year, the district shall 3900
reimburse the department an amount equal to the excess funds, in 3901
accordance with a payment schedule determined by the department. 3902
The department may withhold state funds due to the district for 3903
this purpose. 3904

(8) Any school district that has funds withheld under 3905
division (L)(2) of this section may appeal the withholding in 3906
accordance with Chapter 119. of the Revised Code. 3907

(9) In all cases of a disagreement between the department 3908
and a school district regarding the appropriateness of an action 3909
taken under division (L)(2) of this section, the burden of proof 3910
shall be on the district to demonstrate that it made a good 3911
faith effort to report data as required by this section. 3912

(10) The state board of education shall adopt rules under 3913
Chapter 119. of the Revised Code to implement division (L) of 3914
this section. 3915

(M) No information technology center or school district 3916
shall acquire, change, or update its student administration 3917
software package to manage and report data required to be 3918
reported to the department unless it converts to a student 3919
software package that is certified by the department. 3920

(N) The state board of education, in accordance with 3921
sections 3319.31 and 3319.311 of the Revised Code, may suspend 3922
or revoke a license as defined under division (A) of section 3923
3319.31 of the Revised Code that has been issued to any school 3924
district employee found to have willfully reported erroneous, 3925
inaccurate, or incomplete data to the education management 3926
information system. 3927

(O) No person shall release or maintain any information 3928

about any student in violation of this section. Whoever violates 3929
this division is guilty of a misdemeanor of the fourth degree. 3930

(P) The department shall disaggregate the data collected 3931
under division (B) (1) (n) of this section according to the race 3932
and socioeconomic status of the students assessed. 3933

(Q) If the department cannot compile any of the 3934
information required by division (I) of section 3302.03 of the 3935
Revised Code based upon the data collected under this section, 3936
the department shall develop a plan and a reasonable timeline 3937
for the collection of any data necessary to comply with that 3938
division. 3939

Sec. 3301.163. ~~(A) Beginning July 1, 2015, any third-grade 3940
student who attends a chartered nonpublic school with a 3941
scholarship awarded under either the educational choice 3942
scholarship pilot program, prescribed in sections 3310.01 to 3943
3310.17, or the pilot project scholarship program prescribed in 3944
sections 3313.974 to 3313.979 of the Revised Code, shall be 3945
subject to the third grade reading guarantee retention 3946
provisions under division (A) (2) of section 3313.608 of the 3947
Revised Code, including the exemptions prescribed by that 3948
division. For purposes of determining if a child with a 3949
disability is exempt from retention under this section, an 3950
individual services plan created for the child that has been 3951
reviewed by either the student's school district of residence or 3952
the school district in which the chartered nonpublic school is 3953
located and that specifies that the student is not subject to 3954
retention shall be considered in the same manner as an 3955
individualized education program or plan under section 504 of 3956
the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, 3957
as amended, as prescribed by division (A) (2) of section 3313.608 3958~~

~~of the Revised Code.~~ 3959

~~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.~~ 3960
3961
3962

~~(B) (1)~~ (A) (1) Each chartered nonpublic school that enrolls 3963
students in any of grades kindergarten through three and that 3964
accepts students under the ~~educational choice scholarship pilot~~ 3965
~~program or the pilot project~~ backpack scholarship program under 3966
sections 3310.21 to 3310.27 of the Revised Code shall adopt 3967
policies and procedures for the annual assessment of the reading 3968
skills of those students. Each school may use the diagnostic 3969
assessment to measure reading ability for the appropriate grade 3970
level prescribed in division (D) of section 3301.079 of the 3971
Revised Code. If the school uses such assessments, the 3972
department of education shall furnish them to the chartered 3973
nonpublic school. 3974

(2) For each student identified as having reading skills 3975
below grade level, the school shall do both of the following: 3976

(a) Provide to the student's parent or guardian, in 3977
writing, all of the following: 3978

(i) Notification that the student has been identified as 3979
having a substantial deficiency in reading; 3980

(ii) Notification that if the student attains a score in 3981
the range designated under division (A) (3) of section 3301.0710 3982
of the Revised Code on the assessment prescribed under that 3983
section to measure skill in English language arts expected at 3984
the end of third grade, the student shall be retained unless the 3985
student is exempt under division (A) (1) of section 3313.608 of 3986
the Revised Code. 3987

(b) Provide intensive reading instruction services, as 3988
determined appropriate by the school, to each student identified 3989
under this section. 3990

~~(C)~~ (B) Each chartered nonpublic school subject to this 3991
section annually shall report to the department the number of 3992
students identified as reading at grade level and the number of 3993
students identified as reading below grade level. 3994

Sec. 3302.036. (A) Notwithstanding anything in the Revised 3995
Code to the contrary, the department of education shall not 3996
assign an overall letter grade under division (C) (3) of section 3997
3302.03 of the Revised Code for any school district or building 3998
for the 2014-2015, 2015-2016, or 2016-2017 school years, may, at 3999
the discretion of the state board of education, not assign an 4000
individual grade to any component prescribed under division (C) 4001
(3) of section 3302.03 of the Revised Code, and shall not rank 4002
school districts, community schools established under Chapter 4003
3314. of the Revised Code, or STEM schools established under 4004
Chapter 3326. of the Revised Code under section 3302.21 of the 4005
Revised Code for those school years. The report card ratings 4006
issued for the 2014-2015, 2015-2016, or 2016-2017 school years 4007
shall not be considered in determining whether a school district 4008
or a school is subject to sanctions or penalties. However, the 4009
report card ratings of any previous or subsequent years shall be 4010
considered in determining whether a school district or building 4011
is subject to sanctions or penalties. Accordingly, the report 4012
card ratings for the 2014-2015, 2015-2016, or 2016-2017 school 4013
years shall have no effect in determining sanctions or 4014
penalties, but shall not create a new starting point for 4015
determinations that are based on ratings over multiple years. 4016

(B) The provisions from which a district or school is 4017

exempt under division (A) of this section shall be the 4018
following: 4019

(1) Any restructuring provisions established under this 4020
chapter, except as required under the "No Child Left Behind Act 4021
of 2001"; 4022

(2) Provisions for the Columbus city school pilot project 4023
under section 3302.042 of the Revised Code; 4024

(3) Provisions for academic distress commissions under 4025
former section 3302.10 of the Revised Code as it existed prior 4026
to October 15, 2015. The provisions of this section do not apply 4027
to academic distress commissions under the version of that 4028
section as it exists on or after October 15, 2015. 4029

(4) Provisions prescribing new buildings where students 4030
are eligible for the educational choice scholarships under 4031
former section 3310.03 of the Revised Code; 4032

(5) Provisions defining "challenged school districts" in 4033
which new start-up community schools were required to be 4034
located, as prescribed in section 3314.02 of the Revised Code as 4035
it existed prior to ~~the effective date of this amendment~~ 4036
September 30, 2021; 4037

(6) Provisions prescribing community school closure 4038
requirements under section 3314.35 or 3314.351 of the Revised 4039
Code. 4040

(C) Notwithstanding anything in the Revised Code to the 4041
contrary and except as provided in Section 3 of H.B. 7 of the 4042
131st general assembly, no school district, community school, or 4043
STEM school shall utilize at any time during a student's 4044
academic career a student's score on any assessment administered 4045
under division (A) of section 3301.0710 or division (B) (2) of 4046

section 3301.0712 of the Revised Code in the 2014-2015, 2015- 4047
2016, or 2016-2017 school years as a factor in any decision to 4048
promote or to deny the student promotion to a higher grade level 4049
or in any decision to grant course credit. No individual student 4050
score reports on such assessments administered in the 2014-2015, 4051
2015-2016, or 2016-2017 school years shall be released, except 4052
to a student's school district or school or to the student or 4053
the student's parent or guardian. 4054

Sec. 3302.04. As used in divisions (A), (C), and (D) of 4055
this section, for the 2014-2015 school year, and for each school 4056
year thereafter, when a provision refers to a school district or 4057
school building in a state of academic emergency, it shall mean 4058
a district or building rated "F"; when a provision refers to a 4059
school district or school building under an academic watch, it 4060
shall mean a district or building rated "D"; and when a 4061
provision refers to a school district or school building in need 4062
of continuous improvement, it shall mean a district or building 4063
rated "C" as those letter grade ratings for overall performance 4064
are assigned under division (C)(3) of section 3302.03 of the 4065
Revised Code, as it exists on or after March 22, 2013. 4066

(A) The department of education shall establish a system 4067
of intensive, ongoing support for the improvement of school 4068
districts and school buildings. In accordance with the model of 4069
differentiated accountability described in section 3302.041 of 4070
the Revised Code, the system shall give priority to the 4071
following: 4072

(1) For any school year prior to the 2012-2013 school 4073
year, districts and buildings that have been declared to be 4074
under an academic watch or in a state of academic emergency 4075
under section 3302.03 of the Revised Code; 4076

(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 4106
in division (B) (1) of this section; 4107

(3) Identification of the resources that the district will 4108
allocate toward improving the academic achievement of the 4109
district or building; 4110

(4) A description of any progress that the district or 4111
building made in the preceding year toward improving its 4112
academic achievement; 4113

(5) An analysis of how the district is utilizing the 4114
professional development standards adopted by the state board 4115
pursuant to section 3319.61 of the Revised Code; 4116

(6) Strategies that the district or building will use to 4117
improve the cultural competency, as defined pursuant to section 4118
3319.61 of the Revised Code, of teachers and other educators. 4119

No three-year continuous improvement plan shall be 4120
developed or adopted pursuant to this division unless at least 4121
one public hearing is held within the affected school district 4122
or building concerning the final draft of the plan. Notice of 4123
the hearing shall be given two weeks prior to the hearing by 4124
publication in one newspaper of general circulation within the 4125
territory of the affected school district or building. Copies of 4126
the plan shall be made available to the public. 4127

(C) (1) For any school year prior to the school year that 4128
begins on July 1, 2012, when a school district or building has 4129
been notified by the department pursuant to section 3302.03 of 4130
the Revised Code that the district or building is under an 4131
academic watch or in a state of academic emergency, the district 4132
or building shall be subject to any rules establishing 4133
intervention in academic watch or emergency school districts or 4134

buildings. 4135

(2) For the 2012-2013 school year, and for each school 4136
year thereafter, a district or building that meets the 4137
conditions for intervention prescribed by the agreement 4138
described in division (A) (2) of this section shall be subject to 4139
any rules establishing such intervention. 4140

(D) (1) For any school year prior to the 2012-2013 school 4141
year, within one hundred twenty days after any school district 4142
or building is declared to be in a state of academic emergency 4143
under section 3302.03 of the Revised Code, the department may 4144
initiate a site evaluation of the building or school district. 4145

(2) For the 2012-2013 school year, and for each school 4146
year thereafter, the department may initiate a site evaluation 4147
of a building or school district that meets the conditions for a 4148
site evaluation prescribed by the agreement described in 4149
division (A) (2) of this section. 4150

(3) Division (D) (3) of this section does not apply to any 4151
school district after June 30, 2008. 4152

If any school district that is declared to be in a state 4153
of academic emergency or in a state of academic watch under 4154
section 3302.03 of the Revised Code or encompasses a building 4155
that is declared to be in a state of academic emergency or in a 4156
state of academic watch fails to demonstrate to the department 4157
satisfactory improvement of the district or applicable buildings 4158
or fails to submit to the department any information required 4159
under rules established by the state board of education, prior 4160
to approving a three-year continuous improvement plan under 4161
rules established by the state board of education, the 4162
department shall conduct a site evaluation of the school 4163

district or applicable buildings to determine whether the school 4164
district is in compliance with minimum standards established by 4165
law or rule. 4166

(4) Division (D)(4) of this section does not apply to any 4167
school district after June 30, 2008. Site evaluations conducted 4168
under divisions (D)(1), (2), and (3) of this section shall 4169
include, but not be limited to, the following: 4170

(a) Determining whether teachers are assigned to subject 4171
areas for which they are licensed or certified; 4172

(b) Determining pupil-teacher ratios; 4173

(c) Examination of compliance with minimum instruction 4174
time requirements for each school day and for each school year; 4175

(d) Determining whether materials and equipment necessary 4176
to implement the curriculum approved by the school district 4177
board are available; 4178

(e) Examination of whether the teacher and principal 4179
evaluation systems comply with sections 3311.80, 3311.84, 4180
3319.02, and 3319.111 of the Revised Code; 4181

(f) Examination of the adequacy of efforts to improve the 4182
cultural competency, as defined pursuant to section 3319.61 of 4183
the Revised Code, of teachers and other educators. 4184

(E) This division applies only to school districts that 4185
operate a school building that fails to make adequate yearly 4186
progress for two or more consecutive school years. It does not 4187
apply to any such district after June 30, 2008, except as 4188
provided in division (D)(2) of section 3313.97 of the Revised 4189
Code. 4190

(1) For any school building that fails to make adequate 4191

yearly progress for two consecutive school years, the district 4192
shall do all of the following: 4193

(a) Provide written notification of the academic issues 4194
that resulted in the building's failure to make adequate yearly 4195
progress to the parent or guardian of each student enrolled in 4196
the building. The notification shall also describe the actions 4197
being taken by the district or building to improve the academic 4198
performance of the building and any progress achieved toward 4199
that goal in the immediately preceding school year. 4200

(b) If the building receives funds under Title I, Part A 4201
of the "Elementary and Secondary Education Act of 1965," 20 4202
U.S.C. 6311 to 6339, from the district, in accordance with 4203
section 3313.97 of the Revised Code, offer all students enrolled 4204
in the building the opportunity to enroll in an alternative 4205
building within the district that is not in school improvement 4206
status as defined by the "No Child Left Behind Act of 2001." 4207
Notwithstanding Chapter 3327. of the Revised Code, the district 4208
shall spend an amount equal to twenty per cent of the funds it 4209
receives under Title I, Part A of the "Elementary and Secondary 4210
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 4211
transportation for students who enroll in alternative buildings 4212
under this division, unless the district can satisfy all demand 4213
for transportation with a lesser amount. If an amount equal to 4214
twenty per cent of the funds the district receives under Title 4215
I, Part A of the "Elementary and Secondary Education Act of 4216
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 4217
demand for transportation, the district shall grant priority 4218
over all other students to the lowest achieving students among 4219
the subgroup described in division (B) (3) of section 3302.01 of 4220
the Revised Code in providing transportation. Any district that 4221
does not receive funds under Title I, Part A of the "Elementary 4222

and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 4223
shall not be required to provide transportation to any student 4224
who enrolls in an alternative building under this division. 4225

(2) For any school building that fails to make adequate 4226
yearly progress for three consecutive school years, the district 4227
shall do both of the following: 4228

(a) If the building receives funds under Title I, Part A 4229
of the "Elementary and Secondary Education Act of 1965," 20 4230
U.S.C. 6311 to 6339, from the district, in accordance with 4231
section 3313.97 of the Revised Code, provide all students 4232
enrolled in the building the opportunity to enroll in an 4233
alternative building within the district that is not in school 4234
improvement status as defined by the "No Child Left Behind Act 4235
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 4236
district shall provide transportation for students who enroll in 4237
alternative buildings under this division to the extent required 4238
under division (E) (2) of this section. 4239

(b) If the building receives funds under Title I, Part A 4240
of the "Elementary and Secondary Education Act of 1965," 20 4241
U.S.C. 6311 to 6339, from the district, offer supplemental 4242
educational services to students who are enrolled in the 4243
building and who are in the subgroup described in division (B) 4244
(3) of section 3302.01 of the Revised Code. 4245

The district shall spend a combined total of an amount 4246
equal to twenty per cent of the funds it receives under Title I, 4247
Part A of the "Elementary and Secondary Education Act of 1965," 4248
20 U.S.C. 6311 to 6339, to provide transportation for students 4249
who enroll in alternative buildings under division (E) (1) (b) or 4250
(E) (2) (a) of this section and to pay the costs of the 4251
supplemental educational services provided to students under 4252

division (E) (2) (b) of this section, unless the district can 4253
satisfy all demand for transportation and pay the costs of 4254
supplemental educational services for those students who request 4255
them with a lesser amount. In allocating funds between the 4256
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 4257
this section, the district shall spend at least an amount equal 4258
to five per cent of the funds it receives under Title I, Part A 4259
of the "Elementary and Secondary Education Act of 1965," 20 4260
U.S.C. 6311 to 6339, to provide transportation for students who 4261
enroll in alternative buildings under division (E) (1) (b) or (E) 4262
(2) (a) of this section, unless the district can satisfy all 4263
demand for transportation with a lesser amount, and at least an 4264
amount equal to five per cent of the funds it receives under 4265
Title I, Part A of the "Elementary and Secondary Education Act 4266
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 4267
supplemental educational services provided to students under 4268
division (E) (2) (b) of this section, unless the district can pay 4269
the costs of such services for all students requesting them with 4270
a lesser amount. If an amount equal to twenty per cent of the 4271
funds the district receives under Title I, Part A of the 4272
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 4273
to 6339, is insufficient to satisfy all demand for 4274
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 4275
section and to pay the costs of all of the supplemental 4276
educational services provided to students under division (E) (2) 4277
(b) of this section, the district shall grant priority over all 4278
other students in providing transportation and in paying the 4279
costs of supplemental educational services to the lowest 4280
achieving students among the subgroup described in division (B) 4281
(3) of section 3302.01 of the Revised Code. 4282

Any district that does not receive funds under Title I, 4283

Part A of the "Elementary and Secondary Education Act of 1965," 4284
20 U.S.C. 6311 to 6339, shall not be required to provide 4285
transportation to any student who enrolls in an alternative 4286
building under division (E) (2) (a) of this section or to pay the 4287
costs of supplemental educational services provided to any 4288
student under division (E) (2) (b) of this section. 4289

No student who enrolls in an alternative building under 4290
division (E) (2) (a) of this section shall be eligible for 4291
supplemental educational services under division (E) (2) (b) of 4292
this section. 4293

(3) For any school building that fails to make adequate 4294
yearly progress for four consecutive school years, the district 4295
shall continue to comply with division (E) (2) of this section 4296
and shall implement at least one of the following options with 4297
respect to the building: 4298

(a) Institute a new curriculum that is consistent with the 4299
statewide academic standards adopted pursuant to division (A) of 4300
section 3301.079 of the Revised Code; 4301

(b) Decrease the degree of authority the building has to 4302
manage its internal operations; 4303

(c) Appoint an outside expert to make recommendations for 4304
improving the academic performance of the building. The district 4305
may request the department to establish a state intervention 4306
team for this purpose pursuant to division (G) of this section. 4307

(d) Extend the length of the school day or year; 4308

(e) Replace the building principal or other key personnel; 4309

(f) Reorganize the administrative structure of the 4310
building. 4311

(4) For any school building that fails to make adequate 4312
yearly progress for five consecutive school years, the district 4313
shall continue to comply with division (E) (2) of this section 4314
and shall develop a plan during the next succeeding school year 4315
to improve the academic performance of the building, which shall 4316
include at least one of the following options: 4317

(a) Reopen the school as a community school under Chapter 4318
3314. of the Revised Code; 4319

(b) Replace personnel; 4320

(c) Contract with a nonprofit or for-profit entity to 4321
operate the building; 4322

(d) Turn operation of the building over to the department; 4323

(e) Other significant restructuring of the building's 4324
governance. 4325

(5) For any school building that fails to make adequate 4326
yearly progress for six consecutive school years, the district 4327
shall continue to comply with division (E) (2) of this section 4328
and shall implement the plan developed pursuant to division (E) 4329
(4) of this section. 4330

(6) A district shall continue to comply with division (E) 4331
(1) (b) or (E) (2) of this section, whichever was most recently 4332
applicable, with respect to any building formerly subject to one 4333
of those divisions until the building makes adequate yearly 4334
progress for two consecutive school years. 4335

(F) This division applies only to school districts that 4336
have been identified for improvement by the department pursuant 4337
to the "No Child Left Behind Act of 2001." It does not apply to 4338
any such district after June 30, 2008. 4339

(1) If a school district has been identified for 4340
improvement for one school year, the district shall provide a 4341
written description of the continuous improvement plan developed 4342
by the district pursuant to division (B) of this section to the 4343
parent or guardian of each student enrolled in the district. If 4344
the district does not have a continuous improvement plan, the 4345
district shall develop such a plan in accordance with division 4346
(B) of this section and provide a written description of the 4347
plan to the parent or guardian of each student enrolled in the 4348
district. 4349

(2) If a school district has been identified for 4350
improvement for two consecutive school years, the district shall 4351
continue to implement the continuous improvement plan developed 4352
by the district pursuant to division (B) or (F)(1) of this 4353
section. 4354

(3) If a school district has been identified for 4355
improvement for three consecutive school years, the department 4356
shall take at least one of the following corrective actions with 4357
respect to the district: 4358

(a) Withhold a portion of the funds the district is 4359
entitled to receive under Title I, Part A of the "Elementary and 4360
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 4361

(b) Direct the district to replace key district personnel; 4362

(c) Institute a new curriculum that is consistent with the 4363
statewide academic standards adopted pursuant to division (A) of 4364
section 3301.079 of the Revised Code; 4365

(d) Establish alternative forms of governance for 4366
individual school buildings within the district; 4367

(e) Appoint a trustee to manage the district in place of 4368

the district superintendent and board of education. 4369

The department shall conduct individual audits of a 4370
sampling of districts subject to this division to determine 4371
compliance with the corrective actions taken by the department. 4372

(4) If a school district has been identified for 4373
improvement for four consecutive school years, the department 4374
shall continue to monitor implementation of the corrective 4375
action taken under division (F) (3) of this section with respect 4376
to the district. 4377

(5) If a school district has been identified for 4378
improvement for five consecutive school years, the department 4379
shall take at least one of the corrective actions identified in 4380
division (F) (3) of this section with respect to the district, 4381
provided that the corrective action the department takes is 4382
different from the corrective action previously taken under 4383
division (F) (3) of this section with respect to the district. 4384

(G) The department may establish a state intervention team 4385
to evaluate all aspects of a school district or building, 4386
including management, curriculum, instructional methods, 4387
resource allocation, and scheduling. Any such intervention team 4388
shall be appointed by the department and shall include teachers 4389
and administrators recognized as outstanding in their fields. 4390
The intervention team shall make recommendations regarding 4391
methods for improving the performance of the district or 4392
building. 4393

The department shall not approve a district's request for 4394
an intervention team under division (E) (3) of this section if 4395
the department cannot adequately fund the work of the team, 4396
unless the district agrees to pay for the expenses of the team. 4397

(H) The department shall conduct individual audits of a 4398
sampling of community schools established under Chapter 3314. of 4399
the Revised Code to determine compliance with this section. 4400

~~(I) A school district in which the pilot project 4401
scholarship program is operating under sections 3313.974 to 4402
3313.979 of the Revised Code shall report the use of funding for 4403
tutorial assistance grants under that program in the district's 4404
three year continuous improvement plan under this section in a 4405
manner approved by the department. 4406~~

~~(J) The state board shall adopt rules for implementing 4407
this section. 4408~~

Sec. 3302.10. (A) The superintendent of public instruction 4409
shall establish an academic distress commission for any school 4410
district that meets one of the following conditions: 4411

(1) The district has for three consecutive years received 4412
either of the following: 4413

(a) An overall grade of "F" under division (C) (3) of 4414
section 3302.03 of the Revised Code; 4415

(b) An overall performance rating of less than two stars 4416
under division (D) (3) of section 3302.03 of the Revised Code. 4417

(2) An academic distress commission established for the 4418
district under former section 3302.10 of the Revised Code was 4419
still in existence on October 15, 2015, and has been in 4420
existence for at least four years. 4421

(B) (1) The academic distress commission shall consist of 4422
five members as follows: 4423

(a) Three members appointed by the state superintendent, 4424
one of whom is a resident in the county in which a majority of 4425

the district's territory is located; 4426

(b) One member appointed by the president of the district 4427
board of education, who shall be a teacher employed by the 4428
district; 4429

(c) One member appointed by the mayor of the municipality 4430
in which a majority of the district's territory is located or, 4431
if no such municipality exists, by the mayor of a municipality 4432
selected by the state superintendent in which the district has 4433
territory. 4434

Appointments to the commission shall be made within thirty 4435
days after the district is notified that it is subject to this 4436
section. Members of the commission shall serve at the pleasure 4437
of their appointing authority. The state superintendent shall 4438
designate a chairperson for the commission from among the 4439
members appointed by the state superintendent. The chairperson 4440
shall call and conduct meetings, set meeting agendas, and serve 4441
as a liaison between the commission and the chief executive 4442
officer appointed under division (C) (1) of this section. 4443

(2) In the case of a school district that meets the 4444
condition in division (A) (2) of this section, the academic 4445
distress commission established for the district under former 4446
section 3302.10 of the Revised Code shall be abolished and a new 4447
academic distress commission shall be appointed for the district 4448
pursuant to division (B) (1) of this section. 4449

(C) (1) Within sixty days after the state superintendent 4450
has designated a chairperson for the academic distress 4451
commission, the commission shall appoint a chief executive 4452
officer for the district, who shall be paid by the department of 4453
education and shall serve at the pleasure of the commission. The 4454

individual appointed as chief executive officer shall have high- 4455
level management experience in the public or private sector. The 4456
chief executive officer shall exercise complete operational, 4457
managerial, and instructional control of the district, which 4458
shall include, but shall not be limited to, the following powers 4459
and duties, but the chief executive officer may delegate, in 4460
writing, specific powers or duties to the district board or 4461
district superintendent: 4462

(a) Replacing school administrators and central office 4463
staff; 4464

(b) Assigning employees to schools and approving 4465
transfers; 4466

(c) Hiring new employees; 4467

(d) Defining employee responsibilities and job 4468
descriptions; 4469

(e) Establishing employee compensation; 4470

(f) Allocating teacher class loads; 4471

(g) Conducting employee evaluations; 4472

(h) Making reductions in staff under section 3319.17, 4473
3319.171, or 3319.172 of the Revised Code; 4474

(i) Setting the school calendar; 4475

(j) Creating a budget for the district; 4476

(k) Contracting for services for the district; 4477

(l) Modifying policies and procedures established by the 4478
district board; 4479

(m) Establishing grade configurations of schools; 4480

(n) Determining the school curriculum;	4481
(o) Selecting instructional materials and assessments;	4482
(p) Setting class sizes;	4483
(q) Providing for staff professional development.	4484
(2) If an improvement coordinator was previously appointed	4485
for the district pursuant to division (A) of section 3302.04 of	4486
the Revised Code, that position shall be terminated. However,	4487
nothing in this section shall prohibit the chief executive	4488
officer from employing the same individual or other staff to	4489
perform duties or functions previously performed by the	4490
improvement coordinator.	4491
(D) The academic distress commission, in consultation with	4492
the state superintendent and the chief executive officer, shall	4493
be responsible for expanding high-quality school choice options	4494
in the district. The commission, in consultation with the state	4495
superintendent, may create an entity to act as a high-quality	4496
school accelerator for schools not operated by the district. The	4497
accelerator shall promote high-quality schools in the district,	4498
lead improvement efforts for underperforming schools, recruit	4499
high-quality sponsors for community schools, attract new high-	4500
quality schools to the district, and increase the overall	4501
capacity of schools to deliver a high-quality education for	4502
students. Any accelerator shall be an independent entity and the	4503
chief executive officer shall have no authority over the	4504
accelerator.	4505
(E) (1) Within thirty days after the chief executive	4506
officer is appointed, the chief executive officer shall convene	4507
a group of community stakeholders. The purpose of the group	4508
shall be to develop expectations for academic improvement in the	4509

district and to assist the district in building relationships 4510
with organizations in the community that can provide needed 4511
services to students. Members of the group shall include, but 4512
shall not be limited to, educators, civic and business leaders, 4513
and representatives of institutions of higher education and 4514
government service agencies. Within ninety days after the chief 4515
executive officer is appointed, the chief executive officer also 4516
shall convene a smaller group of community stakeholders for each 4517
school operated by the district to develop expectations for 4518
academic improvement in that school. The group convened for each 4519
school shall have teachers employed in the school and parents of 4520
students enrolled in the school among its members. 4521

(2) The chief executive officer shall create a plan to 4522
improve the district's academic performance. In creating the 4523
plan, the chief executive officer shall consult with the groups 4524
convened under division (E)(1) of this section. The chief 4525
executive officer also shall consider the availability of 4526
funding to ensure sustainability of the plan. The plan shall 4527
establish clear, measurable performance goals for the district 4528
and for each school operated by the district. The performance 4529
goals shall include, but not be limited to, the performance 4530
measures prescribed for report cards issued under section 4531
3302.03 of the Revised Code. Within ninety days after the chief 4532
executive officer is appointed, the chief executive officer 4533
shall submit the plan to the academic distress commission for 4534
approval. Within thirty days after the submission of the plan, 4535
the commission shall approve the plan or suggest modifications 4536
to the plan that will render it acceptable. If the commission 4537
suggests modifications, the chief executive officer may revise 4538
the plan before resubmitting it to the commission. The chief 4539
executive officer shall resubmit the plan, whether revised or 4540

not, within fifteen days after the commission suggests 4541
modifications. The commission shall approve the plan within 4542
thirty days after the plan is resubmitted. Upon approval of the 4543
plan by the commission, the chief executive officer shall 4544
implement the plan. 4545

(F) Notwithstanding any provision to the contrary in 4546
Chapter 4117. of the Revised Code, if the district board has 4547
entered into, modified, renewed, or extended a collective 4548
bargaining agreement on or after October 15, 2015, that contains 4549
provisions relinquishing one or more of the rights or 4550
responsibilities listed in division (C) of section 4117.08 of 4551
the Revised Code, those provisions are not enforceable and the 4552
chief executive officer and the district board shall resume 4553
holding those rights or responsibilities as if the district 4554
board had not relinquished them in that agreement until such 4555
time as both the academic distress commission ceases to exist 4556
and the district board agrees to relinquish those rights or 4557
responsibilities in a new collective bargaining agreement. For 4558
purposes of this section, "collective bargaining agreement" 4559
shall include any labor contract or agreement in effect with any 4560
applicable bargaining representative. The chief executive 4561
officer and the district board are not required to bargain on 4562
subjects reserved to the management and direction of the school 4563
district, including, but not limited to, the rights or 4564
responsibilities listed in division (C) of section 4117.08 of 4565
the Revised Code. The way in which these subjects and these 4566
rights or responsibilities may affect the wages, hours, terms 4567
and conditions of employment, or the continuation, modification, 4568
or deletion of an existing provision of a collective bargaining 4569
agreement is not subject to collective bargaining or effects 4570
bargaining under Chapter 4117. of the Revised Code. The 4571

provisions of this paragraph apply to a collective bargaining 4572
agreement entered into, modified, renewed, or extended on or 4573
after October 15, 2015, and those provisions are deemed to be 4574
part of that agreement regardless of whether the district 4575
satisfied the conditions prescribed in division (A) of this 4576
section at the time the district entered into that agreement. If 4577
the district board relinquished one or more of the rights or 4578
responsibilities listed in division (C) of section 4117.08 of 4579
the Revised Code in a collective bargaining agreement entered 4580
into prior to October 15, 2015, and had resumed holding those 4581
rights or responsibilities pursuant to division (K) of former 4582
section 3302.10 of the Revised Code, as it existed prior to that 4583
date, the district board shall continue to hold those rights or 4584
responsibilities until such time as both the new academic 4585
distress commission appointed under this section ceases to exist 4586
upon completion of the transition period specified in division 4587
(N) (1) of this section and the district board agrees to 4588
relinquish those rights or responsibilities in a new collective 4589
bargaining agreement. 4590

(G) In each school year that the district is subject to 4591
this section, the following shall apply: 4592

(1) The chief executive officer shall implement the 4593
improvement plan approved under division (E) (2) of this section 4594
and shall review the plan annually to determine if changes are 4595
needed. The chief executive officer may modify the plan upon the 4596
approval of the modifications by the academic distress 4597
commission. 4598

(2) The chief executive officer may implement innovative 4599
education programs to do any of the following: 4600

(a) Address the physical and mental well-being of students 4601

- and their families; 4602
- (b) Provide mentoring; 4603
 - (c) Provide job resources; 4604
 - (d) Disseminate higher education information; 4605
 - (e) Offer recreational or cultural activities; 4606
 - (f) Provide any other services that will contribute to a
successful learning environment. 4607
4608

The chief executive officer shall establish a separate 4609
fund to support innovative education programs and shall deposit 4610
any moneys appropriated by the general assembly for the purposes 4611
of division (G) (2) of this section in the fund. The chief 4612
executive officer shall have sole authority to disburse moneys 4613
from the fund until the district is no longer subject to this 4614
section. All disbursements shall support the improvement plan 4615
approved under division (E) (2) of this section. 4616

(3) Beginning on July 1, 2023, division (G) (3) of this 4617
section no longer applies. 4618

If the district is not a school district in which the 4619
pilot project scholarship program is operating under sections 4620
3313.974 to 3313.979 of the Revised Code, each student who is 4621
entitled to attend school in the district under section 3313.64 4622
or 3313.65 of the Revised Code and is enrolled in a school 4623
operated by the district or in a community school, or will be 4624
both enrolling in any of grades kindergarten through twelve in 4625
this state for the first time and at least five years of age by 4626
the first day of January of the following school year, shall be 4627
eligible to participate in the educational choice scholarship 4628
pilot program established under sections 3310.01 to 3310.17 of 4629

the Revised Code and an application for the student may be 4630
submitted during the next application period. 4631

(4) Notwithstanding anything to the contrary in the 4632
Revised Code, the chief executive officer may limit, suspend, or 4633
alter any contract with an administrator that is entered into, 4634
modified, renewed, or extended by the district board on or after 4635
October 15, 2015, provided that the chief executive officer 4636
shall not reduce any salary or base hourly rate of pay unless 4637
such salary or base hourly rate reductions are part of a uniform 4638
plan affecting all district employees and shall not reduce any 4639
insurance benefits unless such insurance benefit reductions are 4640
also applicable generally to other employees of the district. 4641

(5) The chief executive officer shall represent the 4642
district board during any negotiations to modify, renew, or 4643
extend a collective bargaining agreement entered into by the 4644
board under Chapter 4117. of the Revised Code. 4645

(H) If the report card for the district has been issued 4646
under section 3302.03 of the Revised Code for the first school 4647
year that the district is subject to this section and the 4648
district does not meet the qualification in division (N) (1) of 4649
this section, the following shall apply: 4650

(1) The chief executive officer may reconstitute any 4651
school operated by the district. The chief executive officer 4652
shall present to the academic distress commission a plan that 4653
lists each school designated for reconstitution and explains how 4654
the chief executive officer plans to reconstitute the school. 4655
The chief executive officer may take any of the following 4656
actions to reconstitute a school: 4657

(a) Change the mission of the school or the focus of its 4658

curriculum; 4659

(b) Replace the school's principal and/or administrative 4660
staff; 4661

(c) Replace a majority of the school's staff, including 4662
teaching and nonteaching employees; 4663

(d) Contract with a nonprofit or for-profit entity to 4664
manage the operations of the school. The contract may provide 4665
for the entity to supply all or some of the staff for the 4666
school. 4667

(e) Reopen the school as a community school under Chapter 4668
3314. of the Revised Code or a science, technology, engineering, 4669
and mathematics school under Chapter 3326. of the Revised Code; 4670

(f) Permanently close the school. 4671

If the chief executive officer plans to reconstitute a 4672
school under division (H) (1) (e) or (f) of this section, the 4673
commission shall review the plan for that school and either 4674
approve or reject it by the thirtieth day of June of the school 4675
year. Upon approval of the plan by the commission, the chief 4676
executive officer shall reconstitute the school as outlined in 4677
the plan. 4678

(2) Notwithstanding any provision to the contrary in 4679
Chapter 4117. of the Revised Code, the chief executive officer, 4680
in consultation with the chairperson of the academic distress 4681
commission, may reopen any collective bargaining agreement 4682
entered into, modified, renewed, or extended on or after October 4683
15, 2015, for the purpose of renegotiating its terms. The chief 4684
executive officer shall have the sole discretion to designate 4685
any provisions of a collective bargaining agreement as subject 4686
to reopening by providing written notice to the bargaining 4687

representative. Any provisions designated for reopening by the 4688
chief executive officer shall be subject to collective 4689
bargaining as set forth in Chapter 4117. of the Revised Code. 4690
Any changes to the provisions subject to reopening shall take 4691
effect on the following first day of July or another date agreed 4692
to by the parties. The chief executive officer may reopen a 4693
collective bargaining agreement under division (H) (2) of this 4694
section as necessary to reconstitute a school under division (H) 4695
(1) of this section. 4696

(I) If the report card for the district has been issued 4697
under section 3302.03 of the Revised Code for the second school 4698
year that the district is subject to this section and the 4699
district does not meet the qualification in division (N) (1) of 4700
this section, the following shall apply: 4701

(1) The chief executive officer may exercise any of the 4702
powers authorized under division (H) of this section. 4703

(2) Notwithstanding any provision to the contrary in 4704
Chapter 4117. of the Revised Code, the chief executive officer 4705
may limit, suspend, or alter any provision of a collective 4706
bargaining agreement entered into, modified, renewed, or 4707
extended on or after October 15, 2015, provided that the chief 4708
executive officer shall not reduce any base hourly rate of pay 4709
and shall not reduce any insurance benefits. The decision to 4710
limit, suspend, or alter any provision of a collective 4711
bargaining agreement under this division is not subject to 4712
bargaining under Chapter 4117. of the Revised Code; however, the 4713
chief executive officer shall have the discretion to engage in 4714
effects bargaining on the way any such decision may affect 4715
wages, hours, or terms and conditions of employment. The chief 4716
executive officer may limit, suspend, or alter a provision of a 4717

collective bargaining agreement under division (I) (2) of this 4718
section as necessary to reconstitute a school under division (H) 4719
(1) of this section. 4720

(J) If the report card for the district has been issued 4721
under section 3302.03 of the Revised Code for the third school 4722
year that the district is subject to this section and the 4723
district does not meet the qualification in division (N) (1) of 4724
this section, the following shall apply: 4725

(1) The chief executive officer may exercise any of the 4726
powers authorized under division (H) or (I) of this section. 4727

(2) The chief executive officer may continue in effect a 4728
limitation, suspension, or alteration of a provision of a 4729
collective bargaining agreement issued under division (I) (2) of 4730
this section. Any such continuation shall be subject to the 4731
requirements and restrictions of that division. 4732

(K) If the report card for the district has been issued 4733
under section 3302.03 of the Revised Code for the fourth school 4734
year that the district is subject to this section and the 4735
district does not meet the qualification in division (N) (1) of 4736
this section, the following shall apply: 4737

(1) The chief executive officer may exercise any of the 4738
powers authorized under division (H), (I), or (J) of this 4739
section. 4740

(2) A new board of education shall be appointed for the 4741
district in accordance with section 3302.11 of the Revised Code. 4742
However, the chief executive officer shall retain complete 4743
operational, managerial, and instructional control of the 4744
district until the chief executive officer relinquishes that 4745
control to the district board under division (N) (1) of this 4746

section. 4747

(L) If the report card for the district has been issued 4748
under section 3302.03 of the Revised Code for the fifth school 4749
year, or any subsequent school year, that the district is 4750
subject to this section and the district does not meet the 4751
qualification in division (N) (1) of this section, the chief 4752
executive officer may exercise any of the powers authorized 4753
under division (H), (I), (J), or (K) (1) of this section. 4754

(M) If division (I), (J), (K), or (L) of this section 4755
applies to a district, community schools, STEM schools, 4756
chartered nonpublic schools, and other school districts that 4757
enroll students residing in the district and meet academic 4758
accountability standards shall be eligible to be paid an 4759
academic performance bonus in each fiscal year for which the 4760
general assembly appropriates funds for that purpose. The 4761
academic performance bonus is intended to give students residing 4762
in the district access to a high-quality education by 4763
encouraging high-quality schools to enroll those students. 4764

(N) (1) When a district subject to this section receives 4765
either an overall grade of "C" or higher under division (C) (3) 4766
of section 3302.03 of the Revised Code or an overall performance 4767
rating of three stars or higher under division (D) (3) of section 4768
3302.03 of the Revised Code, the district shall begin its 4769
transition out of being subject to this section. Except as 4770
provided in division (N) (2) of this section, the transition 4771
period shall last until the district has received either an 4772
overall grade higher than "F" under division (C) (3) of section 4773
3302.03 of the Revised Code or an overall performance rating of 4774
two stars or higher under division (D) (3) of section 3302.03 of 4775
the Revised Code for two consecutive school years after the 4776

transition period begins. The overall grade of "C" or higher or 4777
overall performance rating of three stars or higher that qualify 4778
the district to begin the transition period shall not count as 4779
one of the two consecutive school years. During the transition 4780
period, the conditions described in divisions (F) to (L) of this 4781
section for the school year prior to the school year in which 4782
the transition period begins shall continue to apply and the 4783
chief executive officer shall work closely with the district 4784
board and district superintendent to increase their ability to 4785
resume control of the district and sustain the district's 4786
academic improvement over time. Upon completion of the 4787
transition period, the chief executive officer shall relinquish 4788
all operational, managerial, and instructional control of the 4789
district to the district board and district superintendent and 4790
the academic distress commission shall cease to exist. 4791

(2) If the district receives either an overall grade of 4792
"F" under division (C) (3) of section 3302.03 of the Revised Code 4793
or an overall performance rating of less than two stars under 4794
division (D) (3) of section 3302.03 of the Revised Code at any 4795
time during the transition period, the transition period shall 4796
end and the district shall be fully subject to this section 4797
again. The district shall resume being fully subject to this 4798
section at the point it began its transition out of being 4799
subject to this section and the division in divisions (H) to (L) 4800
of this section that would have applied to the district had the 4801
district not qualified to begin its transition under division 4802
(N) (1) of this section shall apply to the district. 4803

(O) If at any time there are no longer any schools 4804
operated by the district due to reconstitution or other closure 4805
of the district's schools under this section, the academic 4806
distress commission shall cease to exist and the chief executive 4807

officer shall cease to exercise any powers with respect to the 4808
district. 4809

(P) Beginning on October 15, 2015, each collective 4810
bargaining agreement entered into by a school district board of 4811
education under Chapter 4117. of the Revised Code shall 4812
incorporate the provisions of this section. 4813

(Q) The chief executive officer, the members of the 4814
academic distress commission, the state superintendent, and any 4815
person authorized to act on behalf of or assist them shall not 4816
be personally liable or subject to any suit, judgment, or claim 4817
for damages resulting from the exercise of or failure to 4818
exercise the powers, duties, and functions granted to them in 4819
regard to their functioning under this section, but the chief 4820
executive officer, commission, state superintendent, and such 4821
other persons shall be subject to mandamus proceedings to compel 4822
performance of their duties under this section. 4823

(R) The state superintendent shall not exempt any district 4824
from this section by approving an application for an innovative 4825
education pilot program submitted by the district under section 4826
3302.07 of the Revised Code. 4827

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 4828
the Revised Code: 4829

(A) "Alternative public provider" means either of the 4830
following providers that agrees to enroll a child in the 4831
provider's special education program to implement the child's 4832
individualized education program and to which the eligible 4833
applicant owes fees for the services provided to the child: 4834

(1) A school district that is not the school district in 4835
which the child is entitled to attend school or the child's 4836

school district of residence, if different; 4837

(2) A public entity other than a school district. 4838

(B) "Child with a disability" and "individualized 4839
education program" have the same meanings as in section 3323.01 4840
of the Revised Code. 4841

(C) "Eligible applicant" means any of the following: 4842

(1) Either of the natural or adoptive parents of a 4843
qualified special education child, except as otherwise specified 4844
in this division. When the marriage of the natural or adoptive 4845
parents of the student has been terminated by a divorce, 4846
dissolution of marriage, or annulment, or when the natural or 4847
adoptive parents of the student are living separate and apart 4848
under a legal separation decree, and a court has issued an order 4849
allocating the parental rights and responsibilities with respect 4850
to the child, "eligible applicant" means the residential parent 4851
as designated by the court. If the court issues a shared 4852
parenting decree, "eligible applicant" means either parent. 4853
"Eligible applicant" does not mean a parent whose custodial 4854
rights have been terminated. 4855

(2) The custodian of a qualified special education child, 4856
when a court has granted temporary, legal, or permanent custody 4857
of the child to an individual other than either of the natural 4858
or adoptive parents of the child or to a government agency; 4859

(3) The guardian of a qualified special education child, 4860
when a court has appointed a guardian for the child; 4861

(4) The grandparent of a qualified special education 4862
child, when the grandparent is the child's attorney in fact 4863
under a power of attorney executed under sections 3109.51 to 4864
3109.62 of the Revised Code or when the grandparent has executed 4865

a caretaker authorization affidavit under sections 3109.65 to 4866
3109.73 of the Revised Code; 4867

(5) The surrogate parent appointed for a qualified special 4868
education child pursuant to division (B) of section 3323.05 and 4869
section 3323.051 of the Revised Code; 4870

(6) A qualified special education child, if the child does 4871
not have a custodian or guardian and the child is at least 4872
eighteen years of age. 4873

(D) "Entitled to attend school" means entitled to attend 4874
school in a school district under sections 3313.64 and 3313.65 4875
of the Revised Code. 4876

(E) "Formula ADM" has the same meaning as in section 4877
3317.02 of the Revised Code. 4878

(F) "Qualified special education child" is a child for 4879
whom all of the following conditions apply: 4880

(1) The child is at least five years of age and less than 4881
twenty-two years of age. 4882

(2) The school district in which the child is entitled to 4883
attend school, or the child's school district of residence if 4884
different, has identified the child as a child with a 4885
disability. 4886

(3) The school district in which the child is entitled to 4887
attend school, or the child's school district of residence if 4888
different, has developed an individualized education program 4889
under Chapter 3323. of the Revised Code for the child. 4890

(4) The child either: 4891

(a) Was enrolled in the schools of the school district in 4892

which the child is entitled to attend school in any grade from 4893
kindergarten through twelve in the school year prior to the 4894
school year in which a scholarship is first sought for the 4895
child; 4896

(b) Is eligible to enter school in any grade kindergarten 4897
through twelve in the school district in which the child is 4898
entitled to attend school in the school year in which a 4899
scholarship is first sought for the child. 4900

(5) The department of education has not approved a 4901
scholarship for the child under ~~the educational choice~~ 4902
~~scholarship pilot program, under sections 3310.01 to 3310.17 of~~ 4903
~~the Revised Code,~~ the autism scholarship program, under section 4904
3310.41 of the Revised Code, ~~or the pilot project scholarship~~ 4905
~~program, under sections 3313.974 to 3313.979 of the Revised Code~~ 4906
for the same school year in which a scholarship under the Jon 4907
Peterson special needs scholarship program is sought. 4908

(6) The child and the child's parents are in compliance 4909
with the state compulsory attendance law under Chapter 3321. of 4910
the Revised Code. 4911

(G) "Registered private provider" means a nonpublic school 4912
or other nonpublic entity that has been registered by the 4913
superintendent of public instruction under section 3310.58 of 4914
the Revised Code. 4915

(H) "Scholarship" means a scholarship awarded under the 4916
Jon Peterson special needs scholarship program pursuant to 4917
sections 3310.51 to 3310.64 of the Revised Code. 4918

(I) "School district of residence" has the same meaning as 4919
in section 3323.01 of the Revised Code. A community school 4920
established under Chapter 3314. of the Revised Code is not a 4921

"school district of residence" for purposes of sections 3310.51 4922
to 3310.64 of the Revised Code. 4923

(J) "School year" has the same meaning as in section 4924
3313.62 of the Revised Code. 4925

(K) "Special education program" means a school or facility 4926
that provides special education and related services to children 4927
with disabilities. 4928

Sec. 3365.07. The department of education shall calculate 4929
and pay state funds to colleges for participants in the college 4930
credit plus program under division (B) of section 3365.06 of the 4931
Revised Code pursuant to this section. For a nonpublic secondary 4932
school participant, a nonchartered nonpublic secondary school 4933
participant, or a home-instructed participant, the department 4934
shall pay state funds pursuant to this section only if that 4935
participant is awarded funding according to rules adopted by the 4936
chancellor of higher education, in consultation with the 4937
superintendent of public instruction, pursuant to section 4938
3365.071 of the Revised Code. The program shall be the sole 4939
mechanism by which state funds are paid to colleges for students 4940
to earn transcribed credit for college courses while enrolled 4941
in both a secondary school and a college, with the exception of 4942
state funds paid to colleges according to an agreement described 4943
in division (A) (1) of section 3365.02 of the Revised Code. 4944

(A) For each public or nonpublic secondary school 4945
participant enrolled in a public college: 4946

(1) If no agreement has been entered into under division 4947
(A) (2) of this section, both of the following shall apply: 4948

(a) The department shall pay to the college the applicable 4949
amount as follows: 4950

(i) For a participant enrolled in a college course 4951
delivered on the college campus, at another location operated by 4952
the college, or online, the lesser of the default ceiling amount 4953
or the college's standard rate; 4954

(ii) For a participant enrolled in a college course 4955
delivered at the participant's secondary school but taught by 4956
college faculty, the lesser of fifty per cent of the default 4957
ceiling amount or the college's standard rate; 4958

(iii) For a participant enrolled in a college course 4959
delivered at the participant's secondary school and taught by a 4960
high school teacher who has met the credential requirements 4961
established for purposes of the program in rules adopted by the 4962
chancellor, the default floor amount. 4963

(b) The participant's secondary school shall pay for 4964
textbooks, and the college shall waive payment of all other fees 4965
related to participation in the program. 4966

(2) The governing entity of a participant's secondary 4967
school and the college may enter into an agreement to establish 4968
an alternative payment structure for tuition, textbooks, and 4969
fees. Under such an agreement, payments for each participant 4970
made by the department shall be not less than the default floor 4971
amount, unless approved by the chancellor, and not more than 4972
either the default ceiling amount or the college's standard 4973
rate, whichever is less. The chancellor may approve an agreement 4974
that includes a payment below the default floor amount, as long 4975
as the provisions of the agreement comply with all other 4976
requirements of this chapter to ensure program quality. If no 4977
agreement is entered into under division (A)(2) of this section, 4978
both of the following shall apply: 4979

(a) The department shall pay to the college the applicable 4980
default amounts prescribed by division (A) (1) (a) of this 4981
section, depending upon the method of delivery and instruction. 4982

(b) In accordance with division (A) (1) (b) of this section, 4983
the participant's secondary school shall pay for textbooks, and 4984
the college shall waive payment of all other fees related to 4985
participation in the program. 4986

(3) No participant that is enrolled in a public college 4987
shall be charged for any tuition, textbooks, or other fees 4988
related to participation in the program. 4989

(B) For each public secondary school participant enrolled 4990
in a private college: 4991

(1) If no agreement has been entered into under division 4992
(B) (2) of this section, the department shall pay to the college 4993
the applicable amount calculated in the same manner as in 4994
division (A) (1) (a) of this section. 4995

(2) The governing entity of a participant's secondary 4996
school and the college may enter into an agreement to establish 4997
an alternative payment structure for tuition, textbooks, and 4998
fees. Under such an agreement, payments shall be not less than 4999
the default floor amount, unless approved by the chancellor, and 5000
not more than either the default ceiling amount or the college's 5001
standard rate, whichever is less. 5002

If an agreement is entered into under division (B) (2) of 5003
this section, both of the following shall apply: 5004

(a) The department shall make a payment to the college for 5005
each participant that is equal to the default floor amount, 5006
unless approved by the chancellor to pay an amount below the 5007
default floor amount. The chancellor may approve an agreement 5008

that includes a payment below the default floor amount, as long 5009
as the provisions of the agreement comply with all other 5010
requirements of this chapter to ensure program quality. 5011

(b) Payment for costs for the participant that exceed the 5012
amount paid by the department pursuant to division (B)(2)(a) of 5013
this section shall be negotiated by the school and the college. 5014
The agreement may include a stipulation permitting the charging 5015
of a participant. 5016

However, under no circumstances shall: 5017

(i) Payments for a participant made by the department 5018
under division (B)(2) of this section exceed the lesser of the 5019
default ceiling amount or the college's standard rate; 5020

(ii) The amount charged to a participant under division 5021
(B)(2) of this section exceed the difference between the maximum 5022
per participant charge amount and the default floor amount; 5023

(iii) The sum of the payments made by the department for a 5024
participant and the amount charged to that participant under 5025
division (B)(2) of this section exceed the following amounts, as 5026
applicable: 5027

(I) For a participant enrolled in a college course 5028
delivered on the college campus, at another location operated by 5029
the college, or online, the maximum per participant charge 5030
amount; 5031

(II) For a participant enrolled in a college course 5032
delivered at the participant's secondary school but taught by 5033
college faculty, one hundred twenty-five dollars; 5034

(III) For a participant enrolled in a college course 5035
delivered at the participant's secondary school and taught by a 5036

high school teacher who has met the credential requirements 5037
established for purposes of the program in rules adopted by the 5038
chancellor, one hundred dollars. 5039

(iv) A participant that is identified as economically 5040
disadvantaged according to rules adopted by the department be 5041
charged under division (B) (2) of this section for any tuition, 5042
textbooks, or other fees related to participation in the 5043
program. 5044

(C) For each nonpublic secondary school participant 5045
enrolled in a private or eligible out-of-state college, the 5046
department shall pay to the college the applicable amount 5047
calculated in the same manner as in division (A) (1) (a) of this 5048
section. Payment for costs for the participant that exceed the 5049
amount paid by the department shall be negotiated by the 5050
governing body of the nonpublic secondary school and the 5051
college. 5052

However, under no circumstances shall: 5053

(1) The payments for a participant made by the department 5054
under this division exceed the lesser of the default ceiling 5055
amount or the college's standard rate. 5056

(2) Any nonpublic secondary school participant, who is 5057
enrolled in that secondary school with a scholarship awarded 5058
~~under either the educational choice scholarship pilot backpack~~ 5059
scholarship program, as prescribed by sections 3310.21 5060
~~to 3310.17 3310.27 of the Revised Code, or the pilot project~~ 5061
~~scholarship program, as prescribed by sections 3313.974 to~~ 5062
~~3313.979 of the Revised Code, and who qualifies as a low income~~ 5063
student under either of those programs whose family income is at 5064
or below two hundred fifty per cent of the federal poverty 5065

guidelines, as defined in section 5101.46 of the Revised Code, 5066
be charged for any tuition, textbooks, or other fees related to 5067
participation in the college credit plus program. 5068

(D) For each nonchartered nonpublic secondary school 5069
participant and each home-instructed participant enrolled in a 5070
public, private, or eligible out-of-state college, the 5071
department shall pay to the college the lesser of the default 5072
ceiling amount or the college's standard rate, if that 5073
participant is enrolled in a college course delivered on the 5074
college campus, at another location operated by the college, or 5075
online. 5076

(E) Not later than thirty days after the end of each term, 5077
each college expecting to receive payment for the costs of a 5078
participant under this section shall notify the department of 5079
the number of enrolled credit hours for each participant. 5080

(F) The department shall make the applicable payments 5081
under this section to each college, which provided proper 5082
notification to the department under division (E) of this 5083
section, for the number of enrolled credit hours for 5084
participants enrolled in the college under division (B) of 5085
section 3365.06 of the Revised Code. Except in cases involving 5086
incomplete participant information or a dispute of participant 5087
information, payments shall be made by the last day of January 5088
for participants who were enrolled during the fall term and by 5089
the last day of July for participants who were enrolled during 5090
the spring term. The department shall not make any payments to a 5091
college under this section if a participant withdrew from a 5092
course prior to the date on which a withdrawal from the course 5093
would have negatively affected the participant's transcribed 5094
grade, as prescribed by the college's established withdrawal 5095

policy. 5096

(1) Payments made for public secondary school participants 5097
under this section shall be deducted as follows: 5098

(a) For a participant enrolled in a school district, from 5099
the school foundation payments made to the participant's school 5100
district. If the participant is enrolled in a joint vocational 5101
school district, a portion of the amount shall be deducted from 5102
the payments to the joint vocational school district and a 5103
portion shall be deducted from the payments to the participant's 5104
city, local, or exempted village school district in accordance 5105
with the full-time equivalency of the student's enrollment in 5106
each district. 5107

(b) For a participant enrolled in a community school 5108
established under Chapter 3314. of the Revised Code, from the 5109
payments made to that school under section 3317.022 of the 5110
Revised Code; 5111

(c) For a participant enrolled in a STEM school, from the 5112
payments made to that school under section 3317.022 of the 5113
Revised Code; 5114

(d) For a participant enrolled in a college-preparatory 5115
boarding school, from the payments made to that school under 5116
section 3328.34 of the Revised Code; 5117

(e) For a participant enrolled in the state school for the 5118
deaf or the state school for the blind, from the amount paid to 5119
that school with funds appropriated by the general assembly for 5120
support of that school; 5121

(f) For a participant enrolled in an institution operated 5122
by the department of youth services, from the amount paid to 5123
that institution with funds appropriated by the general assembly 5124

for support of that institution. 5125

Amounts deducted under divisions (F) (1) (a) to (f) of this 5126
section shall be calculated in accordance with rules adopted by 5127
the chancellor, in consultation with the state superintendent, 5128
pursuant to division (B) of section 3365.071 of the Revised Code 5129

(2) Payments made for nonpublic secondary school 5130
participants, nonchartered nonpublic secondary school 5131
participants, and home-instructed participants under this 5132
section shall be deducted from moneys appropriated by the 5133
general assembly for such purpose. Payments shall be allocated 5134
and distributed in accordance with rules adopted by the 5135
chancellor, in consultation with the state superintendent, 5136
pursuant to division (A) of section 3365.071 of the Revised 5137
Code. 5138

(G) Any public college that enrolls a student under 5139
division (B) of section 3365.06 of the Revised Code may include 5140
that student in the calculation used to determine its state 5141
share of instruction funds appropriated to the department of 5142
higher education by the general assembly. 5143

Sec. 5703.21. (A) Except as provided in divisions (B) and 5144
(C) of this section, no agent of the department of taxation, 5145
except in the agent's report to the department or when called on 5146
to testify in any court or proceeding, shall divulge any 5147
information acquired by the agent as to the transactions, 5148
property, or business of any person while acting or claiming to 5149
act under orders of the department. Whoever violates this 5150
provision shall thereafter be disqualified from acting as an 5151
officer or employee or in any other capacity under appointment 5152
or employment of the department. 5153

(B) (1) For purposes of an audit pursuant to section 117.15 5154
of the Revised Code, or an audit of the department pursuant to 5155
Chapter 117. of the Revised Code, or an audit, pursuant to that 5156
chapter, the objective of which is to express an opinion on a 5157
financial report or statement prepared or issued pursuant to 5158
division (A) (7) or (9) of section 126.21 of the Revised Code, 5159
the officers and employees of the auditor of state charged with 5160
conducting the audit shall have access to and the right to 5161
examine any state tax returns and state tax return information 5162
in the possession of the department to the extent that the 5163
access and examination are necessary for purposes of the audit. 5164
Any information acquired as the result of that access and 5165
examination shall not be divulged for any purpose other than as 5166
required for the audit or unless the officers and employees are 5167
required to testify in a court or proceeding under compulsion of 5168
legal process. Whoever violates this provision shall thereafter 5169
be disqualified from acting as an officer or employee or in any 5170
other capacity under appointment or employment of the auditor of 5171
state. 5172

(2) For purposes of an internal audit pursuant to section 5173
126.45 of the Revised Code, the officers and employees of the 5174
office of internal audit in the office of budget and management 5175
charged with directing the internal audit shall have access to 5176
and the right to examine any state tax returns and state tax 5177
return information in the possession of the department to the 5178
extent that the access and examination are necessary for 5179
purposes of the internal audit. Any information acquired as the 5180
result of that access and examination shall not be divulged for 5181
any purpose other than as required for the internal audit or 5182
unless the officers and employees are required to testify in a 5183
court or proceeding under compulsion of legal process. Whoever 5184

violates this provision shall thereafter be disqualified from 5185
acting as an officer or employee or in any other capacity under 5186
appointment or employment of the office of internal audit. 5187

(3) As provided by section 6103(d)(2) of the Internal 5188
Revenue Code, any federal tax returns or federal tax information 5189
that the department has acquired from the internal revenue 5190
service, through federal and state statutory authority, may be 5191
disclosed to the auditor of state or the office of internal 5192
audit solely for purposes of an audit of the department. 5193

(4) For purposes of Chapter 3739. of the Revised Code, an 5194
agent of the department of taxation may share information with 5195
the division of state fire marshal that the agent finds during 5196
the course of an investigation. 5197

(C) Division (A) of this section does not prohibit any of 5198
the following: 5199

(1) Divulging information contained in applications, 5200
complaints, and related documents filed with the department 5201
under section 5715.27 of the Revised Code or in applications 5202
filed with the department under section 5715.39 of the Revised 5203
Code; 5204

(2) Providing information to the office of child support 5205
within the department of job and family services pursuant to 5206
section 3125.43 of the Revised Code; 5207

(3) Disclosing to the motor vehicle repair board any 5208
information in the possession of the department that is 5209
necessary for the board to verify the existence of an 5210
applicant's valid vendor's license and current state tax 5211
identification number under section 4775.07 of the Revised Code; 5212

(4) Providing information to the administrator of workers' 5213

compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code; 5214
5215

(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code; 5216
5217
5218

(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; 5219
5220
5221
5222

(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; 5223
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(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section; 5232
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(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; 5235
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5237
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5239

(10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code; 5240
5241

(11) Subject to section 4301.441 of the Revised Code, 5242

disclosing to the appropriate state agency information in the 5243
possession of the department of taxation that is necessary to 5244
verify a permit holder's gallonage or noncompliance with taxes 5245
levied under Chapter 4301. or 4305. of the Revised Code; 5246

(12) Disclosing to the department of natural resources 5247
information in the possession of the department of taxation that 5248
is necessary for the department of taxation to verify the 5249
taxpayer's compliance with section 5749.02 of the Revised Code 5250
or to allow the department of natural resources to enforce 5251
Chapter 1509. of the Revised Code; 5252

(13) Disclosing to the department of job and family 5253
services, industrial commission, and bureau of workers' 5254
compensation information in the possession of the department of 5255
taxation solely for the purpose of identifying employers that 5256
misclassify employees as independent contractors or that fail to 5257
properly report and pay employer tax liabilities. The department 5258
of taxation shall disclose only such information that is 5259
necessary to verify employer compliance with law administered by 5260
those agencies. 5261

(14) Disclosing to the Ohio casino control commission 5262
information in the possession of the department of taxation that 5263
is necessary to verify a casino operator's or sports gaming 5264
proprietor's compliance with section 5747.063, 5753.02, or 5265
5753.021 of the Revised Code and sections related thereto; 5266

(15) Disclosing to the state lottery commission 5267
information in the possession of the department of taxation that 5268
is necessary to verify a lottery sales agent's compliance with 5269
section 5747.064 of the Revised Code. 5270

(16) Disclosing to the department of development 5271

information in the possession of the department of taxation that 5272
is necessary to ensure compliance with the laws of this state 5273
governing taxation and to verify information reported to the 5274
department of development for the purpose of evaluating 5275
potential tax credits, tax deductions, grants, or loans. Such 5276
information shall not include information received from the 5277
internal revenue service the disclosure of which is prohibited 5278
by section 6103 of the Internal Revenue Code. No officer, 5279
employee, or agent of the department of development shall 5280
disclose any information provided to the department of 5281
development by the department of taxation under division (C) (16) 5282
of this section except when disclosure of the information is 5283
necessary for, and made solely for the purpose of facilitating, 5284
the evaluation of potential tax credits, tax deductions, grants, 5285
or loans. 5286

(17) Disclosing to the department of insurance information 5287
in the possession of the department of taxation that is 5288
necessary to ensure a taxpayer's compliance with the 5289
requirements with any tax credit administered by the department 5290
of development and claimed by the taxpayer against any tax 5291
administered by the superintendent of insurance. No officer, 5292
employee, or agent of the department of insurance shall disclose 5293
any information provided to the department of insurance by the 5294
department of taxation under division (C) (17) of this section. 5295

(18) Disclosing to the division of liquor control 5296
information in the possession of the department of taxation that 5297
is necessary for the division and department to comply with the 5298
requirements of sections 4303.26 and 4303.271 of the Revised 5299
Code. 5300

~~(19) Disclosing to the department of education, upon that~~ 5301

~~department's request, information in the possession of the~~ 5302
~~department of taxation that is necessary only to verify whether~~ 5303
~~the family income of a student applying for or receiving a~~ 5304
~~scholarship under the educational choice scholarship pilot~~ 5305
~~program is equal to, less than, or greater than the income~~ 5306
~~thresholds prescribed by section 3310.032 of the Revised Code.~~ 5307
~~The department of education shall provide sufficient information~~ 5308
~~about the student and the student's family to enable the~~ 5309
~~department of taxation to make the verification.~~ 5310

~~(20)~~ Disclosing to the Ohio rail development commission 5311
information in the possession of the department of taxation that 5312
is necessary to ensure compliance with the laws of this state 5313
governing taxation and to verify information reported to the 5314
commission for the purpose of evaluating potential grants or 5315
loans. Such information shall not include information received 5316
from the internal revenue service the disclosure of which is 5317
prohibited by section 6103 of the Internal Revenue Code. No 5318
member, officer, employee, or agent of the Ohio rail development 5319
commission shall disclose any information provided to the 5320
commission by the department of taxation under division ~~(C)~~ ~~(20)~~ 5321
(C) (19) of this section except when disclosure of the 5322
information is necessary for, and made solely for the purpose of 5323
facilitating, the evaluation of potential grants or loans. 5324

~~(21)~~ (20) Disclosing to the state racing commission 5325
information in the possession of the department of taxation that 5326
is necessary for verification of compliance with and for 5327
enforcement and administration of the taxes levied by Chapter 5328
3769. of the Revised Code. Such information shall include 5329
information that is necessary for the state racing commission to 5330
verify compliance with Chapter 3769. of the Revised Code for the 5331
purposes of issuance, denial, suspension, or revocation of a 5332

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.

~~(22)~~ (21) Disclosing to the state fire marshal information in the possession of the department of taxation that is necessary for the state fire marshal to verify the compliance of a licensed manufacturer of fireworks or a licensed wholesaler of fireworks with section 3743.22 of the Revised Code. No officer, employee, or agent of the state fire marshal shall disclose any information provided to the state fire marshal by the department of taxation under division ~~(C)~~ ~~(22)~~ (21) of this section.

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 5362
for fiscal year 2022 and those in the second column are for 5363
fiscal year 2023. The appropriations made in this act are in 5364
addition to any other appropriations made for the FY 2022-FY 5365
2023 biennium. 5366

5367

	1	2	3	4	5
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 5368

The foregoing appropriation item, 090408, Backpack 5369
Scholarship Program, shall be used by the Treasurer of State to 5370
pay the administrative costs associated with the Backpack 5371
Scholarship Program under sections 3310.21 to 3310.27 of the 5372
Revised Code for the 2022-2023 academic year, including any 5373
labor and supplies necessary to fulfill the requirements of the 5374
program. 5375

Section 8. Within the limits set forth in this act, the 5376
Director of Budget and Management shall establish accounts 5377
indicating the source and amount of funds for each appropriation 5378

made in this act, and shall determine the form and manner in 5379
which appropriation accounts shall be maintained. Expenditures 5380
from appropriations contained in this act shall be accounted for 5381
as though made in H.B. 110 of the 134th General Assembly. The 5382
appropriations made in this act are subject to all provisions of 5383
H.B. 110 of the 134th General Assembly that are generally 5384
applicable to such appropriations. 5385

Section 9. The General Assembly, applying the principle 5386
stated in division (B) of section 1.52 of the Revised Code that 5387
amendments are to be harmonized if reasonably capable of 5388
simultaneous operation, finds that the following sections, 5389
presented in this act as composites of the sections as amended 5390
by the acts indicated, are the resulting versions of the 5391
sections in effect prior to the effective date of the sections 5392
as presented in this act: 5393

Section 3301.0714 of the Revised Code as amended by both 5394
H.B. 82 and H.B. 110 of the 134th General Assembly. 5395

Section 3302.04 of the Revised Code as amended by both 5396
H.B. 82 and H.B. 110 of the 134th General Assembly. 5397

Section 5703.21 of the Revised Code as amended by H.B. 29, 5398
H.B. 74, H.B. 110, and H.B. 172 of the 134th General Assembly 5399
and H.B. 166 of the 133rd General Assembly. 5400