

As Introduced

133rd General Assembly

Regular Session

2019-2020

H. B. No. 683

Representative Perales

Cosponsors: Representatives Butler, Richardson, Lanese, Abrams, Holmes, A.

A BILL

To amend sections 3301.0711, 3301.0714, and 3317.03 1
and to enact sections 3310.31 and 3310.311 of 2
the Revised Code and to amend Sections 265.10 3
and 265.210 of H.B. 166 of the 133rd General 4
Assembly, as subsequently amended, to establish 5
scholarships for children of full-time United 6
States military service members to attend 7
chartered nonpublic schools and to make an 8
appropriation. 9

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

Section 1. That sections 3301.0711, 3301.0714, and 3317.03 10
be amended and sections 3310.31 and 3310.311 of the Revised Code 11
be enacted to read as follows: 12

Sec. 3301.0711. (A) The department of education shall: 13

(1) Annually furnish to, grade, and score all assessments 14
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 15
the Revised Code to be administered by city, local, exempted 16
village, and joint vocational school districts, except that each 17
district shall score any assessment administered pursuant to 18

division (B)(10) of this section. Each assessment so furnished 19
shall include the data verification code of the student to whom 20
the assessment will be administered, as assigned pursuant to 21
division (D)(2) of section 3301.0714 of the Revised Code. In 22
furnishing the practice versions of Ohio graduation tests 23
prescribed by division (D) of section 3301.0710 of the Revised 24
Code, the department shall make the tests available on its web 25
site for reproduction by districts. In awarding contracts for 26
grading assessments, the department shall give preference to 27
Ohio-based entities employing Ohio residents. 28

(2) Adopt rules for the ethical use of assessments and 29
prescribing the manner in which the assessments prescribed by 30
section 3301.0710 of the Revised Code shall be administered to 31
students. 32

(B) Except as provided in divisions (C) and (J) of this 33
section, the board of education of each city, local, and 34
exempted village school district shall, in accordance with rules 35
adopted under division (A) of this section: 36

(1) Administer the English language arts assessments 37
prescribed under division (A)(1)(a) of section 3301.0710 of the 38
Revised Code twice annually to all students in the third grade 39
who have not attained the score designated for that assessment 40
under division (A)(2)(c) of section 3301.0710 of the Revised 41
Code. 42

(2) Administer the mathematics assessment prescribed under 43
division (A)(1)(a) of section 3301.0710 of the Revised Code at 44
least once annually to all students in the third grade. 45

(3) Administer the assessments prescribed under division 46
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 47

annually to all students in the fourth grade.	48
(4) Administer the assessments prescribed under division	49
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	50
annually to all students in the fifth grade.	51
(5) Administer the assessments prescribed under division	52
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	53
annually to all students in the sixth grade.	54
(6) Administer the assessments prescribed under division	55
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	56
annually to all students in the seventh grade.	57
(7) Administer the assessments prescribed under division	58
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	59
annually to all students in the eighth grade.	60
(8) Except as provided in division (B) (9) of this section,	61
administer any assessment prescribed under division (B) (1) of	62
section 3301.0710 of the Revised Code as follows:	63
(a) At least once annually to all tenth grade students and	64
at least twice annually to all students in eleventh or twelfth	65
grade who have not yet attained the score on that assessment	66
designated under that division;	67
(b) To any person who has successfully completed the	68
curriculum in any high school or the individualized education	69
program developed for the person by any high school pursuant to	70
section 3323.08 of the Revised Code but has not received a high	71
school diploma and who requests to take such assessment, at any	72
time such assessment is administered in the district.	73
(9) In lieu of the board of education of any city, local,	74
or exempted village school district in which the student is also	75

enrolled, the board of a joint vocational school district shall 76
administer any assessment prescribed under division (B) (1) of 77
section 3301.0710 of the Revised Code at least twice annually to 78
any student enrolled in the joint vocational school district who 79
has not yet attained the score on that assessment designated 80
under that division. A board of a joint vocational school 81
district may also administer such an assessment to any student 82
described in division (B) (8) (b) of this section. 83

(10) If the district has a three-year average graduation 84
rate of not more than seventy-five per cent, administer each 85
assessment prescribed by division (D) of section 3301.0710 of 86
the Revised Code in September to all ninth grade students who 87
entered ninth grade prior to July 1, 2014. 88

Except as provided in section 3313.614 of the Revised Code 89
for administration of an assessment to a person who has 90
fulfilled the curriculum requirement for a high school diploma 91
but has not passed one or more of the required assessments, the 92
assessments prescribed under division (B) (1) of section 93
3301.0710 of the Revised Code shall not be administered after 94
the date specified in the rules adopted by the state board of 95
education under division (D) (1) of section 3301.0712 of the 96
Revised Code. 97

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 98
of this section, administer the assessments prescribed by 99
division (B) (2) of section 3301.0710 and section 3301.0712 of 100
the Revised Code in accordance with the timeline and plan for 101
implementation of those assessments prescribed by rule of the 102
state board adopted under division (D) (1) of section 3301.0712 103
of the Revised Code; 104

(b) A student who has presented evidence to the district 105

or school of having satisfied the condition prescribed by 106
division (A) (1) of section 3313.618 of the Revised Code to 107
qualify for a high school diploma prior to the date of the 108
administration of the assessment prescribed under division (B) 109
(1) of section 3301.0712 of the Revised Code shall not be 110
required to take that assessment. However, no board shall 111
prohibit a student who is not required to take such assessment 112
from taking the assessment. 113

(c) A student shall not be required to retake the Algebra 114
I end-of-course examination or the English language arts II end- 115
of-course examination prescribed under division (B) (2) of 116
section 3301.0712 of the Revised Code in grades nine through 117
twelve if the student demonstrates at least a proficient level 118
of skill, as prescribed under division (B) (5) (a) of that 119
section, or achieves a competency score, as prescribed under 120
division (B) (10) of that section, in an administration of the 121
examination prior to grade nine. 122

(C) (1) (a) In the case of a student receiving special 123
education services under Chapter 3323. of the Revised Code, the 124
individualized education program developed for the student under 125
that chapter shall specify the manner in which the student will 126
participate in the assessments administered under this section, 127
except that a student with significant cognitive disabilities to 128
whom an alternate assessment is administered in accordance with 129
division (C) (1) of this section and a student determined to have 130
a disability that includes an intellectual disability as 131
outlined in guidance issued by the department shall not be 132
required to take the assessment prescribed under division (B) (1) 133
of section 3301.0712 of the Revised Code. The individualized 134
education program may excuse the student from taking any 135
particular assessment required to be administered under this 136

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

(b) Any alternate assessment approved by the department 147
for a student under this division shall produce measurable 148
results comparable to those produced by the assessment it 149
replaces in order to allow for the student's results to be 150
included in the data compiled for a school district or building 151
under section 3302.03 of the Revised Code. 152

(c) (i) Any student enrolled in a chartered nonpublic 153
school who has been identified, based on an evaluation conducted 154
in accordance with section 3323.03 of the Revised Code or 155
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 156
29 U.S.C.A. 794, as amended, as a child with a disability shall 157
be excused from taking any particular assessment required to be 158
administered under this section if either of the following 159
apply: 160

(I) A plan developed for the student pursuant to rules 161
adopted by the state board excuses the student from taking that 162
assessment. 163

(II) The chartered nonpublic school develops a written 164
plan in which the school, in consultation with the student's 165
parents, determines that an assessment or alternative assessment 166

with accommodations does not accurately assess the student's 167
academic performance. The plan shall include an academic profile 168
of the student's academic performance and shall be reviewed 169
annually to determine if the student's needs continue to require 170
excusal from taking the assessment. 171

(ii) A student with significant cognitive disabilities to 172
whom an alternate assessment is administered in accordance with 173
division (C) (1) of this section and a student determined to have 174
a disability that includes an intellectual disability as 175
outlined in guidance issued by the department shall not be 176
required to take the assessment prescribed under division (B) (1) 177
of section 3301.0712 of the Revised Code. 178

(iii) In the case of any student so excused from taking an 179
assessment under division (C) (1) (c) of this section, the 180
chartered nonpublic school shall not prohibit the student from 181
taking the assessment. 182

(2) A district board may, for medical reasons or other 183
good cause, excuse a student from taking an assessment 184
administered under this section on the date scheduled, but that 185
assessment shall be administered to the excused student not 186
later than nine days following the scheduled date. The district 187
board shall annually report the number of students who have not 188
taken one or more of the assessments required by this section to 189
the state board not later than the thirtieth day of June. 190

(3) As used in this division, "English learner" has the 191
same meaning as in 20 U.S.C. 7801. 192

No school district board shall excuse any English learner 193
from taking any particular assessment required to be 194
administered under this section, except as follows: 195

(a) Any 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 shall not be required to take the assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code.

(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 225
excused under division (C) (4) of this section. 226

(D) (1) In the school year next succeeding the school year 227
in which the assessments prescribed by division (A) (1) or (B) (1) 228
of section 3301.0710 of the Revised Code or former division (A) 229
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 230
it existed prior to September 11, 2001, are administered to any 231
student, the board of education of any school district in which 232
the student is enrolled in that year shall provide to the 233
student intervention services commensurate with the student's 234
performance, including any intensive intervention required under 235
section 3313.608 of the Revised Code, in any skill in which the 236
student failed to demonstrate at least a score at the proficient 237
level on the assessment. 238

(2) Following any administration of the assessments 239
prescribed by division (D) of section 3301.0710 of the Revised 240
Code to ninth grade students, each school district that has a 241
three-year average graduation rate of not more than seventy-five 242
per cent shall determine for each high school in the district 243
whether the school shall be required to provide intervention 244
services to any students who took the assessments. In 245
determining which high schools shall provide intervention 246
services based on the resources available, the district shall 247
consider each school's graduation rate and scores on the 248
practice assessments. The district also shall consider the 249
scores received by ninth grade students on the English language 250
arts and mathematics assessments prescribed under division (A) 251
(1) (f) of section 3301.0710 of the Revised Code in the eighth 252
grade in determining which high schools shall provide 253
intervention services. 254

Each high school selected to provide intervention services 255
under this division shall provide intervention services to any 256
student whose results indicate that the student is failing to 257
make satisfactory progress toward being able to attain scores at 258
the proficient level on the Ohio graduation tests. Intervention 259
services shall be provided in any skill in which a student 260
demonstrates unsatisfactory progress and shall be commensurate 261
with the student's performance. Schools shall provide the 262
intervention services prior to the end of the school year, 263
during the summer following the ninth grade, in the next 264
succeeding school year, or at any combination of those times. 265

(E) Except as provided in section 3313.608 of the Revised 266
Code and division (N) of this section, no school district board 267
of education shall utilize any student's failure to attain a 268
specified score on an assessment administered under this section 269
as a factor in any decision to deny the student promotion to a 270
higher grade level. However, a district board may choose not to 271
promote to the next grade level any student who does not take an 272
assessment administered under this section or make up an 273
assessment as provided by division (C) (2) of this section and 274
who is not exempt from the requirement to take the assessment 275
under division (C) (3) of this section. 276

(F) No person shall be charged a fee for taking any 277
assessment administered under this section. 278

(G) (1) Each school district board shall designate one 279
location for the collection of assessments administered in the 280
spring under division (B) (1) of this section and those 281
administered under divisions (B) (2) to (7) of this section. Each 282
district board shall submit the assessments to the entity with 283
which the department contracts for the scoring of the 284

assessments as follows:	285
(a) If the district's total enrollment in grades	286
kindergarten through twelve during the first full school week of	287
October was less than two thousand five hundred, not later than	288
the Friday after all of the assessments have been administered;	289
(b) If the district's total enrollment in grades	290
kindergarten through twelve during the first full school week of	291
October was two thousand five hundred or more, but less than	292
seven thousand, not later than the Monday after all of the	293
assessments have been administered;	294
(c) If the district's total enrollment in grades	295
kindergarten through twelve during the first full school week of	296
October was seven thousand or more, not later than the Tuesday	297
after all of the assessments have been administered.	298
However, any assessment that a student takes during the	299
make-up period described in division (C) (2) of this section	300
shall be submitted not later than the Friday following the day	301
the student takes the assessment.	302
(2) The department or an entity with which the department	303
contracts for the scoring of the assessment shall send to each	304
school district board a list of the individual scores of all	305
persons taking a state achievement assessment as follows:	306
(a) Except as provided in division (G) (2) (b) or (c) of	307
this section, within forty-five days after the administration of	308
the assessments prescribed by sections 3301.0710 and 3301.0712	309
of the Revised Code, but in no case shall the scores be returned	310
later than the thirtieth day of June following the	311
administration;	312
(b) In the case of the third-grade English language arts	313

assessment, within forty-five days after the administration of 314
that assessment, but in no case shall the scores be returned 315
later than the fifteenth day of June following the 316
administration; 317

(c) In the case of the writing component of an assessment 318
or end-of-course examination in the area of English language 319
arts, except for the third-grade English language arts 320
assessment, the results may be sent after forty-five days of the 321
administration of the writing component, but in no case shall 322
the scores be returned later than the thirtieth day of June 323
following the administration. 324

(3) For assessments administered under this section by a 325
joint vocational school district, the department or entity shall 326
also send to each city, local, or exempted village school 327
district a list of the individual scores of any students of such 328
city, local, or exempted village school district who are 329
attending school in the joint vocational school district. 330

(4) Beginning with the 2019-2020 school year, a school 331
district, other public school, or chartered nonpublic school may 332
administer the third-grade English language arts or mathematics 333
assessment, or both, in a paper format in any school year for 334
which the district board of education or school governing body 335
adopts a resolution indicating that the district or school 336
chooses to administer the assessment in a paper format. The 337
board or governing body shall submit a copy of the resolution to 338
the department of education not later than the first day of May 339
prior to the school year for which it will apply. If the 340
resolution is submitted, the district or school shall administer 341
the assessment in a paper format to all students in the third 342
grade, except that any student whose individualized education 343

program or plan developed under section 504 of the 344
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 345
amended, specifies that taking the assessment in an online 346
format is an appropriate accommodation for the student may take 347
the assessment in an online format. 348

(H) Individual scores on any assessments administered 349
under this section shall be released by a district board only in 350
accordance with section 3319.321 of the Revised Code and the 351
rules adopted under division (A) of this section. No district 352
board or its employees shall utilize individual or aggregate 353
results in any manner that conflicts with rules for the ethical 354
use of assessments adopted pursuant to division (A) of this 355
section. 356

(I) Except as provided in division (G) of this section, 357
the department or an entity with which the department contracts 358
for the scoring of the assessment shall not release any 359
individual scores on any assessment administered under this 360
section. The state board shall adopt rules to ensure the 361
protection of student confidentiality at all times. The rules 362
may require the use of the data verification codes assigned to 363
students pursuant to division (D)(2) of section 3301.0714 of the 364
Revised Code to protect the confidentiality of student scores. 365

(J) Notwithstanding division (D) of section 3311.52 of the 366
Revised Code, this section does not apply to the board of 367
education of any cooperative education school district except as 368
provided under rules adopted pursuant to this division. 369

(1) In accordance with rules that the state board shall 370
adopt, the board of education of any city, exempted village, or 371
local school district with territory in a cooperative education 372
school district established pursuant to divisions (A) to (C) of 373

section 3311.52 of the Revised Code may enter into an agreement 374
with the board of education of the cooperative education school 375
district for administering any assessment prescribed under this 376
section to students of the city, exempted village, or local 377
school district who are attending school in the cooperative 378
education school district. 379

(2) In accordance with rules that the state board shall 380
adopt, the board of education of any city, exempted village, or 381
local school district with territory in a cooperative education 382
school district established pursuant to section 3311.521 of the 383
Revised Code shall enter into an agreement with the cooperative 384
district that provides for the administration of any assessment 385
prescribed under this section to both of the following: 386

(a) Students who are attending school in the cooperative 387
district and who, if the cooperative district were not 388
established, would be entitled to attend school in the city, 389
local, or exempted village school district pursuant to section 390
3313.64 or 3313.65 of the Revised Code; 391

(b) Persons described in division (B) (8) (b) of this 392
section. 393

Any assessment of students pursuant to such an agreement 394
shall be in lieu of any assessment of such students or persons 395
pursuant to this section. 396

(K) (1) (a) Except as otherwise provided in division (K) (1) 397
or (2) of this section, each chartered nonpublic school for 398
which at least sixty-five per cent of its total enrollment is 399
made up of students who are participating in state scholarship 400
programs shall administer the assessments prescribed by division 401
(A) of section 3301.0710 of the Revised Code or an alternative 402

standardized assessment determined by the department. In 403
accordance with procedures and deadlines prescribed by the 404
department, the parent or guardian of a student enrolled in the 405
school who is not participating in a state scholarship program 406
may submit notice to the chief administrative officer of the 407
school that the parent or guardian does not wish to have the 408
student take the assessments prescribed for the student's grade 409
level under division (A) of section 3301.0710 of the Revised 410
Code. If a parent or guardian submits an opt-out notice, the 411
school shall not administer the assessments to that student. 412
This option does not apply to any assessment required for a high 413
school diploma under section 3313.612 of the Revised Code. 414

(b) Any chartered nonpublic school that enrolls students 415
who are participating in state scholarship programs may 416
administer an alternative standardized assessment determined by 417
the department instead of the assessments prescribed by division 418
(A) of section 3301.0710 of the Revised Code. 419

Each chartered nonpublic school subject to division (K) (1) 420
(a) or (b) of this section shall report the results of each 421
assessment administered under those divisions to the department. 422

(2) A chartered nonpublic school may submit to the 423
superintendent of public instruction a request for a waiver from 424
administering the elementary assessments prescribed by division 425
(A) of section 3301.0710 of the Revised Code. The state 426
superintendent shall approve or disapprove a request for a 427
waiver submitted under division (K) (2) of this section. No 428
waiver shall be approved for any school year prior to the 2015- 429
2016 school year. 430

To be eligible to submit a request for a waiver, a 431
chartered nonpublic school shall meet the following conditions: 432

(a) At least ninety-five per cent of the students enrolled 433
in the school are children with disabilities, as defined under 434
section 3323.01 of the Revised Code, or have received a 435
diagnosis by a school district or from a physician, including a 436
neuropsychiatrist or psychiatrist, or a psychologist who is 437
authorized to practice in this or another state as having a 438
condition that impairs academic performance, such as dyslexia, 439
dyscalculia, attention deficit hyperactivity disorder, or 440
Asperger's syndrome. 441

(b) The school has solely served a student population 442
described in division (K) (1) (a) of this section for at least ten 443
years. 444

(c) The school provides to the department at least five 445
years of records of internal testing conducted by the school 446
that affords the department data required for accountability 447
purposes, including diagnostic assessments and nationally 448
standardized norm-referenced achievement assessments that 449
measure reading and math skills. 450

(3) Any chartered nonpublic school that is not subject to 451
division (K) (1) of this section may participate in the 452
assessment program by administering any of the assessments 453
prescribed by division (A) of section 3301.0710 of the Revised 454
Code. The chief administrator of the school shall specify which 455
assessments the school will administer. Such specification shall 456
be made in writing to the superintendent of public instruction 457
prior to the first day of August of any school year in which 458
assessments are administered and shall include a pledge that the 459
nonpublic school will administer the specified assessments in 460
the same manner as public schools are required to do under this 461
section and rules adopted by the department. 462

(4) The department of education shall furnish the 463
assessments prescribed by section 3301.0710 of the Revised Code 464
to each chartered nonpublic school that is subject to division 465
(K) (1) of this section or participates under division (K) (3) of 466
this section. 467

(L) If a chartered nonpublic school is educating students 468
in grades nine through twelve, the following shall apply: 469

(1) Except as provided in division (L) (4) of this section, 470
for a student who is enrolled in a chartered nonpublic school 471
that is accredited through the independent schools association 472
of the central states and who is attending the school under a 473
state scholarship program, the student shall either take all of 474
the assessments prescribed by division (B) of section 3301.0712 475
of the Revised Code or take an alternative assessment approved 476
by the department under section 3313.619 of the Revised Code. 477
However, a student who is excused from taking an assessment 478
under division (C) of this section or has presented evidence to 479
the chartered nonpublic school of having satisfied the condition 480
prescribed by division (A) (1) of section 3313.618 of the Revised 481
Code to qualify for a high school diploma prior to the date of 482
the administration of the assessment prescribed under division 483
(B) (1) of section 3301.0712 of the Revised Code shall not be 484
required to take that assessment. No governing authority of a 485
chartered nonpublic school shall prohibit a student who is not 486
required to take such assessment from taking the assessment. 487

(2) For a student who is enrolled in a chartered nonpublic 488
school that is accredited through the independent schools 489
association of the central states, and who is not attending the 490
school under a state scholarship program, the student shall not 491
be required to take any assessment prescribed under section 492

3301.0712 or 3313.619 of the Revised Code.	493
(3) (a) Except as provided in divisions (L) (3) (b) and (4)	494
of this section, for a student who is enrolled in a chartered	495
nonpublic school that is not accredited through the independent	496
schools association of the central states, regardless of whether	497
the student is attending or is not attending the school under a	498
state scholarship program, the student shall do one of the	499
following:	500
(i) Take all of the assessments prescribed by division (B)	501
of section 3301.0712 of the Revised Code;	502
(ii) Take only the assessment prescribed by division (B)	503
(1) of section 3301.0712 of the Revised Code, provided that the	504
student's school publishes the results of that assessment for	505
each graduating class. The published results of that assessment	506
shall include the overall composite scores, mean scores, twenty-	507
fifth percentile scores, and seventy-fifth percentile scores for	508
each subject area of the assessment.	509
(iii) Take an alternative assessment approved by the	510
department under section 3313.619 of the Revised Code.	511
(b) A student who is excused from taking an assessment	512
under division (C) of this section or has presented evidence to	513
the chartered nonpublic school of having satisfied the condition	514
prescribed by division (A) (1) of section 3313.618 of the Revised	515
Code to qualify for a high school diploma prior to the date of	516
the administration of the assessment prescribed under division	517
(B) (1) of section 3301.0712 of the Revised Code shall not be	518
required to take that assessment. No governing authority of a	519
chartered nonpublic school shall prohibit a student who is not	520
required to take such assessment from taking the assessment.	521

(4) The assessments prescribed by sections 3301.0712 and 3313.619 of the Revised Code shall not be administered to any student attending the school, if the school meets all of 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 neuropsychologist 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, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

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

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

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

(M) (1) The superintendent of the state school for the

blind and the superintendent of the state school for the deaf 551
shall administer the assessments described by sections 3301.0710 552
and 3301.0712 of the Revised Code. Each superintendent shall 553
administer the assessments in the same manner as district boards 554
are required to do under this section and rules adopted by the 555
department of education and in conformity with division (C) (1) 556
(a) of this section. 557

(2) The department of education shall furnish the 558
assessments described by sections 3301.0710 and 3301.0712 of the 559
Revised Code to each superintendent. 560

(N) Notwithstanding division (E) of this section, a school 561
district may use a student's failure to attain a score in at 562
least the proficient range on the mathematics assessment 563
described by division (A) (1) (a) of section 3301.0710 of the 564
Revised Code or on an assessment described by division (A) (1) 565
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 566
Code as a factor in retaining that student in the current grade 567
level. 568

(O) (1) In the manner specified in divisions (O) (3), (4), 569
(6), and (7) of this section, the assessments required by 570
division (A) (1) of section 3301.0710 of the Revised Code shall 571
become public records pursuant to section 149.43 of the Revised 572
Code on the thirty-first day of July following the school year 573
that the assessments were administered. 574

(2) The department may field test proposed questions with 575
samples of students to determine the validity, reliability, or 576
appropriateness of questions for possible inclusion in a future 577
year's assessment. The department also may use anchor questions 578
on assessments to ensure that different versions of the same 579
assessment are of comparable difficulty. 580

Field test questions and anchor questions shall not be 581
considered in computing scores for individual students. Field 582
test questions and anchor questions may be included as part of 583
the administration of any assessment required by division (A) (1) 584
or (B) of section 3301.0710 and division (B) of section 585
3301.0712 of the Revised Code. 586

(3) Any field test question or anchor question 587
administered under division (O) (2) of this section shall not be 588
a public record. Such field test questions and anchor questions 589
shall be redacted from any assessments which are released as a 590
public record pursuant to division (O) (1) of this section. 591

(4) This division applies to the assessments prescribed by 592
division (A) of section 3301.0710 of the Revised Code. 593

(a) The first administration of each assessment, as 594
specified in former section 3301.0712 of the Revised Code, shall 595
be a public record. 596

(b) For subsequent administrations of each assessment 597
prior to the 2011-2012 school year, not less than forty per cent 598
of the questions on the assessment that are used to compute a 599
student's score shall be a public record. The department shall 600
determine which questions will be needed for reuse on a future 601
assessment and those questions shall not be public records and 602
shall be redacted from the assessment prior to its release as a 603
public record. However, for each redacted question, the 604
department shall inform each city, local, and exempted village 605
school district of the statewide academic standard adopted by 606
the state board under section 3301.079 of the Revised Code and 607
the corresponding benchmark to which the question relates. The 608
preceding sentence does not apply to field test questions that 609
are redacted under division (O) (3) of this section. 610

(c) The administrations of each assessment in the 2011- 611
2012, 2012-2013, and 2013-2014 school years shall not be a 612
public record. 613

(5) Each assessment prescribed by division (B) (1) of 614
section 3301.0710 of the Revised Code shall not be a public 615
record. 616

(6) (a) Except as provided in division (O) (6) (b) of this 617
section, for the administrations in the 2014-2015, 2015-2016, 618
and 2016-2017 school years, questions on the assessments 619
prescribed under division (A) of section 3301.0710 and division 620
(B) (2) of section 3301.0712 of the Revised Code and the 621
corresponding preferred answers that are used to compute a 622
student's score shall become a public record as follows: 623

(i) Forty per cent of the questions and preferred answers 624
on the assessments on the thirty-first day of July following the 625
administration of the assessment; 626

(ii) Twenty per cent of the questions and preferred 627
answers on the assessment on the thirty-first day of July one 628
year after the administration of the assessment; 629

(iii) The remaining forty per cent of the questions and 630
preferred answers on the assessment on the thirty-first day of 631
July two years after the administration of the assessment. 632

The entire content of an assessment shall become a public 633
record within three years of its administration. 634

The department shall make the questions that become a 635
public record under this division readily accessible to the 636
public on the department's web site. Questions on the spring 637
administration of each assessment shall be released on an annual 638
basis, in accordance with this division. 639

(b) No questions and corresponding preferred answers shall 640
become a public record under division (O) (6) of this section 641
after July 31, 2017. 642

(7) Division (O) (7) of this section applies to the 643
assessments prescribed by division (A) of section 3301.0710 and 644
division (B) (2) of section 3301.0712 of the Revised Code. 645

Beginning with the assessments administered in the spring 646
of the 2017-2018 school year, not less than forty per cent of 647
the questions on each assessment that are used to compute a 648
student's score shall be a public record. The department shall 649
determine which questions will be needed for reuse on a future 650
assessment and those questions shall not be public records and 651
shall be redacted from the assessment prior to its release as a 652
public record. However, for each redacted question, the 653
department shall inform each city, local, and exempted village 654
school district of the corresponding statewide academic standard 655
adopted by the state board under section 3301.079 of the Revised 656
Code and the corresponding benchmark to which the question 657
relates. The department is not required to provide corresponding 658
standards and benchmarks to field test questions that are 659
redacted under division (O) (3) of this section. 660

(P) As used in this section: 661

(1) "Three-year average" means the average of the most 662
recent consecutive three school years of data. 663

(2) "Dropout" means a student who withdraws from school 664
before completing course requirements for graduation and who is 665
not enrolled in an education program approved by the state board 666
of education or an education program outside the state. 667
"Dropout" does not include a student who has departed the 668

country. 669

(3) "Graduation rate" means the ratio of students 670
receiving a diploma to the number of students who entered ninth 671
grade four years earlier. Students who transfer into the 672
district are added to the calculation. Students who transfer out 673
of the district for reasons other than dropout are subtracted 674
from the calculation. If a student who was a dropout in any 675
previous year returns to the same school district, that student 676
shall be entered into the calculation as if the student had 677
entered ninth grade four years before the graduation year of the 678
graduating class that the student joins. 679

(4) "State scholarship programs" means the educational 680
choice scholarship pilot program established under sections 681
3310.01 to 3310.17 of the Revised Code, the scholarship program 682
established under section 3310.31 of the Revised Code, the 683
autism scholarship program established under section 3310.41 of 684
the Revised Code, the Jon Peterson special needs scholarship 685
program established under sections 3310.51 to 3310.64 of the 686
Revised Code, and the pilot project scholarship program 687
established under sections 3313.974 to 3313.979 of the Revised 688
Code. 689

(5) "Other public school" means a community school 690
established under Chapter 3314., a STEM school established under 691
Chapter 3326., or a college-preparatory boarding school 692
established under Chapter 3328. of the Revised Code. 693

Sec. 3301.0714. (A) The state board of education shall 694
adopt rules for a statewide education management information 695
system. The rules shall require the state board to establish 696
guidelines for the establishment and maintenance of the system 697
in accordance with this section and the rules adopted under this 698

section. The guidelines shall include:	699
(1) Standards identifying and defining the types of data in the system in accordance with divisions (B) and (C) of this section;	700 701 702
(2) Procedures for annually collecting and reporting the data to the state board in accordance with division (D) of this section;	703 704 705
(3) Procedures for annually compiling the data in accordance with division (G) of this section;	706 707
(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;	708 709
(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.	710 711
(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:	712 713 714
(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:	715 716 717
(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific	718 719 720 721 722 723 724 725 726

subject, a specific type of student, or both, such as regular 727
instructional services in mathematics, remedial reading 728
instructional services, instructional services specifically for 729
students gifted in mathematics or some other subject area, or 730
instructional services for students with a specific type of 731
disability. The categories of instructional services required by 732
the guidelines under this division shall be the same as the 733
categories of instructional services used in determining cost 734
units pursuant to division (C) (3) of this section. 735

(b) The numbers of students receiving support or 736
extracurricular services for each of the support services or 737
extracurricular programs offered by the school district, such as 738
counseling services, health services, and extracurricular sports 739
and fine arts programs. The categories of services required by 740
the guidelines under this division shall be the same as the 741
categories of services used in determining cost units pursuant 742
to division (C) (4) (a) of this section. 743

(c) Average student grades in each subject in grades nine 744
through twelve; 745

(d) Academic achievement levels as assessed under sections 746
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 747

(e) The number of students designated as having a 748
disabling condition pursuant to division (C) (1) of section 749
3301.0711 of the Revised Code; 750

(f) The numbers of students reported to the state board 751
pursuant to division (C) (2) of section 3301.0711 of the Revised 752
Code; 753

(g) Attendance rates and the average daily attendance for 754
the year. For purposes of this division, a student shall be 755

counted as present for any field trip that is approved by the school administration.	756 757
(h) Expulsion rates;	758
(i) Suspension rates;	759
(j) Dropout rates;	760
(k) Rates of retention in grade;	761
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	762 763 764
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	765 766 767 768 769
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A) (2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	770 771 772 773 774 775 776 777 778
(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B) (4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was	779 780 781 782 783

directed. The person or persons shall be identified by the
respective classification at the district or school, such as
student, teacher, or nonteaching employee, but shall not be
identified by name.

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

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

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

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

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

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

for each school building as a whole, and for each grade in each school building. 813
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(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C) (4) (a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C) (4) (c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building. 815
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(c) The total number of regular classroom teachers teaching classes of regular education and the average number of pupils enrolled in each such class, in each of grades kindergarten through five in the district as a whole and in each school building in the school district. 827
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(d) The number of lead teachers employed by each school district and each school building. 832
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(3) (a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of English learners in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B) (1) of this section. Categories for data collected pursuant to division (B) 834
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(3) of this section shall conform, where appropriate, to 843
standard practices of agencies of the federal government. 844

(b) With respect to each student entering kindergarten, 845
whether the student previously participated in a public 846
preschool program, a private preschool program, or a head start 847
program, and the number of years the student participated in 848
each of these programs. 849

(4) Any data required to be collected pursuant to federal 850
law. 851

(C) The education management information system shall 852
include cost accounting data for each district as a whole and 853
for each school building in each school district. The guidelines 854
adopted under this section shall require the cost data for each 855
school district to be maintained in a system of mutually 856
exclusive cost units and shall require all of the costs of each 857
school district to be divided among the cost units. The 858
guidelines shall require the system of mutually exclusive cost 859
units to include at least the following: 860

(1) Administrative costs for the school district as a 861
whole. The guidelines shall require the cost units under this 862
division (C) (1) to be designed so that each of them may be 863
compiled and reported in terms of average expenditure per pupil 864
in formula ADM in the school district, as determined pursuant to 865
section 3317.03 of the Revised Code. 866

(2) Administrative costs for each school building in the 867
school district. The guidelines shall require the cost units 868
under this division (C) (2) to be designed so that each of them 869
may be compiled and reported in terms of average expenditure per 870
full-time equivalent pupil receiving instructional or support 871

services in each building. 872

(3) Instructional services costs for each category of 873
instructional service provided directly to students and required 874
by guidelines adopted pursuant to division (B)(1)(a) of this 875
section. The guidelines shall require the cost units under 876
division (C)(3) of this section to be designed so that each of 877
them may be compiled and reported in terms of average 878
expenditure per pupil receiving the service in the school 879
district as a whole and average expenditure per pupil receiving 880
the service in each building in the school district and in terms 881
of a total cost for each category of service and, as a breakdown 882
of the total cost, a cost for each of the following components: 883

(a) The cost of each instructional services category 884
required by guidelines adopted under division (B)(1)(a) of this 885
section that is provided directly to students by a classroom 886
teacher; 887

(b) The cost of the instructional support services, such 888
as services provided by a speech-language pathologist, classroom 889
aide, multimedia aide, or librarian, provided directly to 890
students in conjunction with each instructional services 891
category; 892

(c) The cost of the administrative support services 893
related to each instructional services category, such as the 894
cost of personnel that develop the curriculum for the 895
instructional services category and the cost of personnel 896
supervising or coordinating the delivery of the instructional 897
services category. 898

(4) Support or extracurricular services costs for each 899
category of service directly provided to students and required 900

by guidelines adopted pursuant to division (B) (1) (b) of this 901
section. The guidelines shall require the cost units under 902
division (C) (4) of this section to be designed so that each of 903
them may be compiled and reported in terms of average 904
expenditure per pupil receiving the service in the school 905
district as a whole and average expenditure per pupil receiving 906
the service in each building in the school district and in terms 907
of a total cost for each category of service and, as a breakdown 908
of the total cost, a cost for each of the following components: 909

(a) The cost of each support or extracurricular services 910
category required by guidelines adopted under division (B) (1) (b) 911
of this section that is provided directly to students by a 912
licensed employee, such as services provided by a guidance 913
counselor or any services provided by a licensed employee under 914
a supplemental contract; 915

(b) The cost of each such services category provided 916
directly to students by a nonlicensed employee, such as 917
janitorial services, cafeteria services, or services of a sports 918
trainer; 919

(c) The cost of the administrative services related to 920
each services category in division (C) (4) (a) or (b) of this 921
section, such as the cost of any licensed or nonlicensed 922
employees that develop, supervise, coordinate, or otherwise are 923
involved in administering or aiding the delivery of each 924
services category. 925

(D) (1) The guidelines adopted under this section shall 926
require school districts to collect information about individual 927
students, staff members, or both in connection with any data 928
required by division (B) or (C) of this section or other 929
reporting requirements established in the Revised Code. The 930

guidelines may also require school districts to report 931
information about individual staff members in connection with 932
any data required by division (B) or (C) of this section or 933
other reporting requirements established in the Revised Code. 934
The guidelines shall not authorize school districts to request 935
social security numbers of individual students. The guidelines 936
shall prohibit the reporting under this section of a student's 937
name, address, and social security number to the state board of 938
education or the department of education. The guidelines shall 939
also prohibit the reporting under this section of any personally 940
identifiable information about any student, except for the 941
purpose of assigning the data verification code required by 942
division (D) (2) of this section, to any other person unless such 943
person is employed by the school district or the information 944
technology center operated under section 3301.075 of the Revised 945
Code and is authorized by the district or technology center to 946
have access to such information or is employed by an entity with 947
which the department contracts for the scoring or the 948
development of state assessments. The guidelines may require 949
school districts to provide the social security numbers of 950
individual staff members and the county of residence for a 951
student. Nothing in this section prohibits the state board of 952
education or department of education from providing a student's 953
county of residence to the department of taxation to facilitate 954
the distribution of tax revenue. 955

(2) (a) The guidelines shall provide for each school 956
district or community school to assign a data verification code 957
that is unique on a statewide basis over time to each student 958
whose initial Ohio enrollment is in that district or school and 959
to report all required individual student data for that student 960
utilizing such code. The guidelines shall also provide for 961

assigning data verification codes to all students enrolled in 962
districts or community schools on the effective date of the 963
guidelines established under this section. The assignment of 964
data verification codes for other entities, as described in 965
division (D) (2) (d) of this section, the use of those codes, and 966
the reporting and use of associated individual student data 967
shall be coordinated by the department in accordance with state 968
and federal law. 969

School districts shall report individual student data to 970
the department through the information technology centers 971
utilizing the code. The entities described in division (D) (2) (d) 972
of this section shall report individual student data to the 973
department in the manner prescribed by the department. 974

(b) (i) Except as provided in sections 3301.941, 3310.11, 975
3310.31, 3310.42, 3310.63, 3313.978, and 3317.20 of the Revised 976
Code, and in division (D) (2) (b) (ii) of this section, at no time 977
shall the state board or the department have access to 978
information that would enable any data verification code to be 979
matched to personally identifiable student data. 980

(ii) For the purpose of making per-pupil payments to 981
community schools under division (C) of section 3314.08 of the 982
Revised Code, the department shall have access to information 983
that would enable any data verification code to be matched to 984
personally identifiable student data. 985

(c) Each school district and community school shall ensure 986
that the data verification code is included in the student's 987
records reported to any subsequent school district, community 988
school, or state institution of higher education, as defined in 989
section 3345.011 of the Revised Code, in which the student 990
enrolls. Any such subsequent district or school shall utilize 991

the same identifier in its reporting of data under this section. 992

(d) The director of any state agency that administers a 993
publicly funded program providing services to children who are 994
younger than compulsory school age, as defined in section 995
3321.01 of the Revised Code, including the directors of health, 996
job and family services, mental health and addiction services, 997
and developmental disabilities, shall request and receive, 998
pursuant to sections 3301.0723 and 5123.0423 of the Revised 999
Code, a data verification code for a child who is receiving 1000
those services. 1001

(E) The guidelines adopted under this section may require 1002
school districts to collect and report data, information, or 1003
reports other than that described in divisions (A), (B), and (C) 1004
of this section for the purpose of complying with other 1005
reporting requirements established in the Revised Code. The 1006
other data, information, or reports may be maintained in the 1007
education management information system but are not required to 1008
be compiled as part of the profile formats required under 1009
division (G) of this section or the annual statewide report 1010
required under division (H) of this section. 1011

(F) Beginning with the school year that begins July 1, 1012
1991, the board of education of each school district shall 1013
annually collect and report to the state board, in accordance 1014
with the guidelines established by the board, the data required 1015
pursuant to this section. A school district may collect and 1016
report these data notwithstanding section 2151.357 or 3319.321 1017
of the Revised Code. 1018

(G) The state board shall, in accordance with the 1019
procedures it adopts, annually compile the data reported by each 1020
school district pursuant to division (D) of this section. The 1021

state board shall design formats for profiling each school 1022
district as a whole and each school building within each 1023
district and shall compile the data in accordance with these 1024
formats. These profile formats shall: 1025

(1) Include all of the data gathered under this section in 1026
a manner that facilitates comparison among school districts and 1027
among school buildings within each school district; 1028

(2) Present the data on academic achievement levels as 1029
assessed by the testing of student achievement maintained 1030
pursuant to division (B)(1)(d) of this section. 1031

(H)(1) The state board shall, in accordance with the 1032
procedures it adopts, annually prepare a statewide report for 1033
all school districts and the general public that includes the 1034
profile of each of the school districts developed pursuant to 1035
division (G) of this section. Copies of the report shall be sent 1036
to each school district. 1037

(2) The state board shall, in accordance with the 1038
procedures it adopts, annually prepare an individual report for 1039
each school district and the general public that includes the 1040
profiles of each of the school buildings in that school district 1041
developed pursuant to division (G) of this section. Copies of 1042
the report shall be sent to the superintendent of the district 1043
and to each member of the district board of education. 1044

(3) Copies of the reports received from the state board 1045
under divisions (H)(1) and (2) of this section shall be made 1046
available to the general public at each school district's 1047
offices. Each district board of education shall make copies of 1048
each report available to any person upon request and payment of 1049
a reasonable fee for the cost of reproducing the report. The 1050

board shall annually publish in a newspaper of general 1051
circulation in the school district, at least twice during the 1052
two weeks prior to the week in which the reports will first be 1053
available, a notice containing the address where the reports are 1054
available and the date on which the reports will be available. 1055

(I) Any data that is collected or maintained pursuant to 1056
this section and that identifies an individual pupil is not a 1057
public record for the purposes of section 149.43 of the Revised 1058
Code. 1059

(J) As used in this section: 1060

(1) "School district" means any city, local, exempted 1061
village, or joint vocational school district and, in accordance 1062
with section 3314.17 of the Revised Code, any community school. 1063
As used in division (L) of this section, "school district" also 1064
includes any educational service center or other educational 1065
entity required to submit data using the system established 1066
under this section. 1067

(2) "Cost" means any expenditure for operating expenses 1068
made by a school district excluding any expenditures for debt 1069
retirement except for payments made to any commercial lending 1070
institution for any loan approved pursuant to section 3313.483 1071
of the Revised Code. 1072

(K) Any person who removes data from the information 1073
system established under this section for the purpose of 1074
releasing it to any person not entitled under law to have access 1075
to such information is subject to section 2913.42 of the Revised 1076
Code prohibiting tampering with data. 1077

(L) (1) In accordance with division (L) (2) of this section 1078
and the rules adopted under division (L) (10) of this section, 1079

the department of education may sanction any school district 1080
that reports incomplete or inaccurate data, reports data that 1081
does not conform to data requirements and descriptions published 1082
by the department, fails to report data in a timely manner, or 1083
otherwise does not make a good faith effort to report data as 1084
required by this section. 1085

(2) If the department decides to sanction a school 1086
district under this division, the department shall take the 1087
following sequential actions: 1088

(a) Notify the district in writing that the department has 1089
determined that data has not been reported as required under 1090
this section and require the district to review its data 1091
submission and submit corrected data by a deadline established 1092
by the department. The department also may require the district 1093
to develop a corrective action plan, which shall include 1094
provisions for the district to provide mandatory staff training 1095
on data reporting procedures. 1096

(b) Withhold up to ten per cent of the total amount of 1097
state funds due to the district for the current fiscal year and, 1098
if not previously required under division (L) (2) (a) of this 1099
section, require the district to develop a corrective action 1100
plan in accordance with that division; 1101

(c) Withhold an additional amount of up to twenty per cent 1102
of the total amount of state funds due to the district for the 1103
current fiscal year; 1104

(d) Direct department staff or an outside entity to 1105
investigate the district's data reporting practices and make 1106
recommendations for subsequent actions. The recommendations may 1107
include one or more of the following actions: 1108

- (i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity; 1109
1110
- (ii) Conduct a site visit and evaluation of the district; 1111
- (iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year; 1112
1113
1114
- (iv) Continue monitoring the district's data reporting; 1115
- (v) Assign department staff to supervise the district's data management system; 1116
1117
- (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; 1118
1119
1120
- (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; 1121
1122
1123
1124
- (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; 1125
1126
1127
1128
1129
- (ix) Any other action designed to correct the district's data reporting problems. 1130
1131
- (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 1132
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maintain a copy of the report in its files. 1137

(4) If any action taken under division (L)(2) of this 1138
section resolves a school district's data reporting problems to 1139
the department's satisfaction, the department shall not take any 1140
further actions described by that division. If the department 1141
withheld funds from the district under that division, the 1142
department may release those funds to the district, except that 1143
if the department withheld funding under division (L)(2)(c) of 1144
this section, the department shall not release the funds 1145
withheld under division (L)(2)(b) of this section and, if the 1146
department withheld funding under division (L)(2)(d) of this 1147
section, the department shall not release the funds withheld 1148
under division (L)(2)(b) or (c) of this section. 1149

(5) Notwithstanding anything in this section to the 1150
contrary, the department may use its own staff or an outside 1151
entity to conduct an audit of a school district's data reporting 1152
practices any time the department has reason to believe the 1153
district has not made a good faith effort to report data as 1154
required by this section. If any audit conducted by an outside 1155
entity under division (L)(2)(d)(i) or (5) of this section 1156
confirms that a district has not made a good faith effort to 1157
report data as required by this section, the district shall 1158
reimburse the department for the full cost of the audit. The 1159
department may withhold state funds due to the district for this 1160
purpose. 1161

(6) Prior to issuing a revised report card for a school 1162
district under division (L)(2)(d)(viii) of this section, the 1163
department may hold a hearing to provide the district with an 1164
opportunity to demonstrate that it made a good faith effort to 1165
report data as required by this section. The hearing shall be 1166

conducted by a referee appointed by the department. Based on the 1167
information provided in the hearing, the referee shall recommend 1168
whether the department should issue a revised report card for 1169
the district. If the referee affirms the department's contention 1170
that the district did not make a good faith effort to report 1171
data as required by this section, the district shall bear the 1172
full cost of conducting the hearing and of issuing any revised 1173
report card. 1174

(7) If the department determines that any inaccurate data 1175
reported under this section caused a school district to receive 1176
excess state funds in any fiscal year, the district shall 1177
reimburse the department an amount equal to the excess funds, in 1178
accordance with a payment schedule determined by the department. 1179
The department may withhold state funds due to the district for 1180
this purpose. 1181

(8) Any school district that has funds withheld under 1182
division (L)(2) of this section may appeal the withholding in 1183
accordance with Chapter 119. of the Revised Code. 1184

(9) In all cases of a disagreement between the department 1185
and a school district regarding the appropriateness of an action 1186
taken under division (L)(2) of this section, the burden of proof 1187
shall be on the district to demonstrate that it made a good 1188
faith effort to report data as required by this section. 1189

(10) The state board of education shall adopt rules under 1190
Chapter 119. of the Revised Code to implement division (L) of 1191
this section. 1192

(M) No information technology center or school district 1193
shall acquire, change, or update its student administration 1194
software package to manage and report data required to be 1195

reported to the department unless it converts to a student 1196
software package that is certified by the department. 1197

(N) The state board of education, in accordance with 1198
sections 3319.31 and 3319.311 of the Revised Code, may suspend 1199
or revoke a license as defined under division (A) of section 1200
3319.31 of the Revised Code that has been issued to any school 1201
district employee found to have willfully reported erroneous, 1202
inaccurate, or incomplete data to the education management 1203
information system. 1204

(O) No person shall release or maintain any information 1205
about any student in violation of this section. Whoever violates 1206
this division is guilty of a misdemeanor of the fourth degree. 1207

(P) The department shall disaggregate the data collected 1208
under division (B) (1) (n) of this section according to the race 1209
and socioeconomic status of the students assessed. 1210

(Q) If the department cannot compile any of the 1211
information required by division (H) of section 3302.03 of the 1212
Revised Code based upon the data collected under this section, 1213
the department shall develop a plan and a reasonable timeline 1214
for the collection of any data necessary to comply with that 1215
division. 1216

Sec. 3310.31. (A) As used in this section: 1217

(1) "Chartered nonpublic school" means a nonpublic school 1218
that holds a valid charter issued by the state board of 1219
education under section 3301.16 of the Revised Code and meets 1220
the standards established for such schools in rules adopted by 1221
the state board. 1222

(2) "Eligible student" means a student whose parent is 1223
serving in the uniformed services at the time the student 1224

applies for a scholarship under this section. 1225

(3) "Parent" has the same meaning as in section 3313.98 of the Revised Code. 1226
1227

(4) "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. 1228
1229
1230

(5) "State share index" has the same meaning as in section 3317.02 of the Revised Code. 1231
1232

(6) "Uniformed services" has the same meaning as in section 5923.05 of the Revised Code. 1233
1234

(B) The department of education annually shall pay scholarships under this section for eligible students to use to pay tuition to school districts in which the students enroll in accordance with section 3317.08 of the Revised Code and to chartered nonpublic schools. 1235
1236
1237
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1239

(1) Scholarships shall be awarded annually in the following total amounts: 1240
1241

(a) If an eligible student is enrolled in grades kindergarten through eight, the lesser of six thousand dollars or the amount of the tuition of the school district in which the student is enrolled in accordance with section 3317.08 of the Revised Code or the chartered nonpublic school in which the student is enrolled; 1242
1243
1244
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1247

(b) If an eligible student is enrolled in grades nine through twelve, the lesser of ten thousand dollars or the amount of the tuition of the school district in which the student is enrolled in accordance with section 3317.08 of the Revised Code or the chartered nonpublic school in which the student is 1248
1249
1250
1251
1252

enrolled. 1253

(2) The department shall pay scholarships in accordance 1254
with division (C) of this section to the parent of each eligible 1255
student for whom a scholarship is awarded, or to the student if 1256
at least eighteen years of age, in periodic payments. The 1257
department shall proportionately reduce or terminate the 1258
payments for any student who withdraws from a chartered 1259
nonpublic school. 1260

(3) Scholarships awarded under this section may be used 1261
only to pay tuition to any school district in which an eligible 1262
student is enrolled in accordance with section 3317.08 of the 1263
Revised Code or chartered nonpublic school in which an eligible 1264
student is enrolled prior to the end of the school year. 1265

(4) The state board of education shall adopt rules in 1266
accordance with Chapter 119. of the Revised Code prescribing 1267
procedures for the awarding of scholarships under this section, 1268
including the form and manner in which students may apply for 1269
scholarships. 1270

(C) (1) For each eligible student who qualifies for a 1271
scholarship under this section, the department shall deduct from 1272
the payments made to the student's resident district under 1273
Chapter 3317., and if necessary, sections 321.24 and 323.156 of 1274
the Revised Code, and pay to the student's parent or the 1275
student, in accordance with division (B) (2) of this section, the 1276
following amount: 1277

The amount awarded for that student under division (B) (1) of 1278
this section X the state share index of the student's resident 1279
district 1280

If the department reduces or terminates payments to a 1281

parent or a student under division (B) (2) of this section, and 1282
the student enrolls in the schools of the student's resident 1283
district or in a community school, established under Chapter 1284
3314. of the Revised Code, or science, technology, engineering, 1285
or mathematics school, established under Chapter 3326. of the 1286
Revised Code, before the end of the school year, the department 1287
shall proportionally restore to the resident district the amount 1288
deducted for that student under this division. 1289

(2) For each eligible student who qualifies for a 1290
scholarship under this section, the department shall use funds 1291
appropriated by the general assembly for this purpose to pay the 1292
following additional amount to the student's parent or the 1293
student in accordance with division (B) (2) of this section: 1294

(The total amount awarded for that student under division (B) (1) 1295
of this section) - (the amount paid to the student's parent or 1296
the student for that student under division (C) (1) of this 1297
section) 1298

(D) (1) Except as provided in division (D) (2) of this 1299
section, each chartered nonpublic school that is not subject to 1300
division (K) (1) of section 3301.0711 of the Revised Code and 1301
enrolls students awarded scholarships under this section 1302
annually shall administer the assessments prescribed by sections 1303
3301.0710, 3301.0712, or 3313.619 of the Revised Code, as 1304
applicable, to each scholarship student enrolled in the school 1305
in accordance with section 3301.0711 of the Revised Code. Each 1306
chartered nonpublic school that is subject to this division 1307
shall report to the department the results of each assessment 1308
administered to each scholarship student under this division. 1309
Nothing in this division requires a chartered nonpublic school 1310
to administer any achievement assessment, except for the college 1311

and work ready assessment system prescribed by division (B) of 1312
section 3301.0712 of the Revised Code to any student enrolled in 1313
the school who is not a scholarship student. 1314

(2) A chartered nonpublic school that meets the conditions 1315
specified in division (K) (2) of section 3301.0711 of the Revised 1316
Code shall not be required to administer the elementary 1317
assessments prescribed by division (A) of section 3301.0710 of 1318
the Revised Code. 1319

(E) A student who receives a scholarship under this 1320
section remains an eligible student and may continue to receive 1321
scholarships in subsequent school years until the student 1322
completes grade twelve or the student reaches twenty-two years 1323
of age. 1324

Sec. 3310.311. (A) Only for the purpose of administering 1325
the scholarship program under section 3310.31 of the Revised 1326
Code, the department of education may request from any of the 1327
following entities the data verification code assigned under 1328
division (D) (2) of section 3301.0714 of the Revised Code to any 1329
child who is seeking a scholarship under the program: 1330

(1) The school district in which the child is entitled to 1331
attend school; 1332

(2) If applicable, the community school in which the child 1333
is enrolled; 1334

(3) The independent contractor engaged to create and 1335
maintain data verification codes. 1336

(B) Upon a request by the department under division (A) of 1337
this section for the data verification code of a child seeking a 1338
scholarship or a request by the child's parent for that code, 1339
the school district or community school shall submit that code 1340

to the department or parent in the manner specified by the 1341
department. If the child has not been assigned a code, because 1342
the child will be entering preschool or kindergarten during the 1343
school year for which the scholarship is sought, the district 1344
shall assign a code to that child and submit the code to the 1345
department or parent by a date specified by the department. If 1346
the district does not assign a code to the child by the 1347
specified date, the department shall assign a code to the child. 1348

The department annually shall submit to each school 1349
district the name and data verification code of each child 1350
residing in the district who is entering preschool or 1351
kindergarten, who has been awarded a scholarship under the 1352
program, and for whom the department has assigned a code under 1353
this division. 1354

(C) The department shall not release any data verification 1355
code that it receives under this section to any person except as 1356
provided by law. 1357

(D) Any document relative to the scholarship program 1358
established under section 3310.31 of the Revised Code that the 1359
department holds in its files that contains both a child's name 1360
or other personally identifiable information and the child's 1361
data verification code shall not be a public record under 1362
section 149.43 of the Revised Code. 1363

Sec. 3317.03. (A) The superintendent of each city, local, 1364
and exempted village school district shall report to the state 1365
board of education as of the last day of October, March, and 1366
June of each year the enrollment of students receiving services 1367
from schools under the superintendent's supervision, and the 1368
numbers of other students entitled to attend school in the 1369
district under section 3313.64 or 3313.65 of the Revised Code 1370

the superintendent is required to report under this section, so 1371
that the department of education can calculate the district's 1372
formula ADM, total ADM, category one through five career- 1373
technical education ADM, category one through three English 1374
learner ADM, category one through six special education ADM, 1375
preschool scholarship ADM, transportation ADM, and, for purposes 1376
of provisions of law outside of Chapter 3317. of the Revised 1377
Code, average daily membership. 1378

(1) The enrollment reported by the superintendent during 1379
the reporting period shall consist of the number of students in 1380
grades kindergarten through twelve receiving any educational 1381
services from the district, except that the following categories 1382
of students shall not be included in the determination: 1383

(a) Students enrolled in adult education classes; 1384

(b) Adjacent or other district students enrolled in the 1385
district under an open enrollment policy pursuant to section 1386
3313.98 of the Revised Code; 1387

(c) Students receiving services in the district pursuant 1388
to a compact, cooperative education agreement, or a contract, 1389
but who are entitled to attend school in another district 1390
pursuant to section 3313.64 or 3313.65 of the Revised Code; 1391

(d) Students for whom tuition is payable pursuant to 1392
sections 3317.081 and 3323.141 of the Revised Code; 1393

(e) Students receiving services in the district through a 1394
scholarship awarded under either section 3310.41 or sections 1395
3310.51 to 3310.64 of the Revised Code. 1396

When reporting students under division (A)(1) of this 1397
section, the superintendent also shall report the district where 1398
each student is entitled to attend school pursuant to sections 1399

3313.64 and 3313.65 of the Revised Code.	1400
(2) The department of education shall compile a list of	1401
all students reported to be enrolled in a district under	1402
division (A)(1) of this section and of the students entitled to	1403
attend school in the district pursuant to section 3313.64 or	1404
3313.65 of the Revised Code on an FTE basis but receiving	1405
educational services in grades kindergarten through twelve from	1406
one or more of the following entities:	1407
(a) A community school pursuant to Chapter 3314. of the	1408
Revised Code, including any participation in a college pursuant	1409
to Chapter 3365. of the Revised Code while enrolled in such	1410
community school;	1411
(b) An alternative school pursuant to sections 3313.974 to	1412
3313.979 of the Revised Code as described in division (I)(2)(a)	1413
or (b) of this section;	1414
(c) A college pursuant to Chapter 3365. of the Revised	1415
Code, except when the student is enrolled in the college while	1416
also enrolled in a community school pursuant to Chapter 3314., a	1417
science, technology, engineering, and mathematics school	1418
established under Chapter 3326., or a college-preparatory	1419
boarding school established under Chapter 3328. of the Revised	1420
Code;	1421
(d) An adjacent or other school district under an open	1422
enrollment policy adopted pursuant to section 3313.98 of the	1423
Revised Code;	1424
(e) An educational service center or cooperative education	1425
district;	1426
(f) Another school district under a cooperative education	1427
agreement, compact, or contract;	1428

(g) A chartered nonpublic school with a scholarship paid 1429
under section 3310.08 of the Revised Code, if the students 1430
qualified for the scholarship under section 3310.03 of the 1431
Revised Code; 1432

(h) An alternative public provider or a registered private 1433
provider with a scholarship awarded under either section 3310.41 1434
or sections 3310.51 to 3310.64 of the Revised Code. 1435

As used in this section, "alternative public provider" and 1436
"registered private provider" have the same meanings as in 1437
section 3310.41 or 3310.51 of the Revised Code, as applicable. 1438

(i) A science, technology, engineering, and mathematics 1439
school established under Chapter 3326. of the Revised Code, 1440
including any participation in a college pursuant to Chapter 1441
3365. of the Revised Code while enrolled in the school; 1442

(j) A college-preparatory boarding school established 1443
under Chapter 3328. of the Revised Code, including any 1444
participation in a college pursuant to Chapter 3365. of the 1445
Revised Code while enrolled in the school. 1446

(k) A chartered nonpublic school with a scholarship paid 1447
under section 3310.31 of the Revised Code. 1448

(3) The department also shall compile a list of the 1449
students entitled to attend school in the district under section 1450
3313.64 or 3313.65 of the Revised Code who are enrolled in a 1451
joint vocational school district or under a career-technical 1452
education compact, excluding any students so entitled to attend 1453
school in the district who are enrolled in another school 1454
district through an open enrollment policy as reported under 1455
division (A) (2) (d) of this section and then enroll in a joint 1456
vocational school district or under a career-technical education 1457

compact. 1458

The department shall provide each city, local, and 1459
exempted village school district with an opportunity to review 1460
the list of students compiled under divisions (A) (2) and (3) of 1461
this section to ensure that the students reported accurately 1462
reflect the enrollment of students in the district. 1463

(B) To enable the department of education to obtain the 1464
data needed to complete the calculation of payments pursuant to 1465
this chapter, each superintendent shall certify from the reports 1466
provided by the department under division (A) of this section 1467
all of the following: 1468

(1) The total student enrollment in regular learning day 1469
classes included in the report under division (A) (1) or (2) of 1470
this section for each of the individual grades kindergarten 1471
through twelve in schools under the superintendent's 1472
supervision; 1473

(2) The unduplicated count of the number of preschool 1474
children with disabilities enrolled in the district for whom the 1475
district is eligible to receive funding under section 3317.0213 1476
of the Revised Code adjusted for the portion of the year each 1477
child is so enrolled, in accordance with the disability 1478
categories prescribed in section 3317.013 of the Revised Code; 1479

(3) The number of children entitled to attend school in 1480
the district pursuant to section 3313.64 or 3313.65 of the 1481
Revised Code who are: 1482

(a) Participating in a pilot project scholarship program 1483
established under sections 3313.974 to 3313.979 of the Revised 1484
Code as described in division (I) (2) (a) or (b) of this section; 1485

(b) Enrolled in a college under Chapter 3365. of the 1486

Revised Code, except when the student is enrolled in the college	1487
while also enrolled in a community school pursuant to Chapter	1488
3314. of the Revised Code, a science, technology, engineering,	1489
and mathematics school established under Chapter 3326., or a	1490
college-preparatory boarding school established under Chapter	1491
3328. of the Revised Code;	1492
(c) Enrolled in an adjacent or other school district under	1493
section 3313.98 of the Revised Code;	1494
(d) Enrolled in a community school established under	1495
Chapter 3314. of the Revised Code that is not an internet- or	1496
computer-based community school as defined in section 3314.02 of	1497
the Revised Code, including any participation in a college	1498
pursuant to Chapter 3365. of the Revised Code while enrolled in	1499
such community school;	1500
(e) Enrolled in an internet- or computer-based community	1501
school, as defined in section 3314.02 of the Revised Code,	1502
including any participation in a college pursuant to Chapter	1503
3365. of the Revised Code while enrolled in the school;	1504
(f) Enrolled in a chartered nonpublic school with a	1505
scholarship paid under section 3310.08 of the Revised Code and	1506
who qualified for the scholarship under section 3310.03 of the	1507
Revised Code;	1508
(g) Enrolled in kindergarten through grade twelve in an	1509
alternative public provider or a registered private provider	1510
with a scholarship awarded under section 3310.41 of the Revised	1511
Code;	1512
(h) Enrolled as a preschool child with a disability in an	1513
alternative public provider or a registered private provider	1514
with a scholarship awarded under section 3310.41 of the Revised	1515

Code;	1516
(i) Participating in a program operated by a county board of developmental disabilities or a state institution;	1517 1518
(j) Enrolled in a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	1519 1520 1521 1522 1523
(k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	1524 1525 1526 1527
(l) Enrolled in an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	1528 1529 1530
<u>(m) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.31 of the Revised Code.</u>	1531 1532
(4) The total enrollment of pupils in joint vocational schools;	1533 1534
(5) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	1535 1536 1537 1538 1539 1540 1541 1542
(6) The combined enrollment of children with disabilities	1543

reported under division (A) (1) or (2) of this section receiving 1544
special education services for category two disabilities 1545
described in division (B) of section 3317.013 of the Revised 1546
Code, including children attending a special education program 1547
operated by an alternative public provider or a registered 1548
private provider with a scholarship awarded under sections 1549
3310.51 to 3310.64 of the Revised Code; 1550

(7) The combined enrollment of children with disabilities 1551
reported under division (A) (1) or (2) of this section receiving 1552
special education services for category three disabilities 1553
described in division (C) of section 3317.013 of the Revised 1554
Code, including children attending a special education program 1555
operated by an alternative public provider or a registered 1556
private provider with a scholarship awarded under sections 1557
3310.51 to 3310.64 of the Revised Code; 1558

(8) The combined enrollment of children with disabilities 1559
reported under division (A) (1) or (2) of this section receiving 1560
special education services for category four disabilities 1561
described in division (D) of section 3317.013 of the Revised 1562
Code, including children attending a special education program 1563
operated by an alternative public provider or a registered 1564
private provider with a scholarship awarded under sections 1565
3310.51 to 3310.64 of the Revised Code; 1566

(9) The combined enrollment of children with disabilities 1567
reported under division (A) (1) or (2) of this section receiving 1568
special education services for the category five disabilities 1569
described in division (E) of section 3317.013 of the Revised 1570
Code, including children attending a special education program 1571
operated by an alternative public provider or a registered 1572
private provider with a scholarship awarded under sections 1573

3310.51 to 3310.64 of the Revised Code;	1574
(10) The combined enrollment of children with disabilities reported under division (A) (1) or (2) and under division (B) (3) (h) of this section receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code;	1575 1576 1577 1578 1579 1580 1581 1582 1583
(11) The enrollment of pupils reported under division (A) (1) or (2) of this section on a full-time equivalency basis in category one career-technical education programs or classes, described in division (A) of section 3317.014 of the Revised Code, operated by the school district or by another district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (G) of section 3317.02 of the Revised Code and division (C) (3) of this section;	1584 1585 1586 1587 1588 1589 1590 1591 1592 1593
(12) The enrollment of pupils reported under division (A) (1) or (2) of this section on a full-time equivalency basis in category two career-technical education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district that is a member of the district's career-technical planning district, other than a joint vocational school district, or by an educational service center, notwithstanding division (G) of section 3317.02 of the Revised Code and division (C) (3) of this section;	1594 1595 1596 1597 1598 1599 1600 1601 1602 1603

(13) The enrollment of pupils reported under division (A) 1604
(1) or (2) of this section on a full-time equivalency basis in 1605
category three career-technical education programs or services, 1606
described in division (C) of section 3317.014 of the Revised 1607
Code, operated by the school district or another school district 1608
that is a member of the district's career-technical planning 1609
district, other than a joint vocational school district, or by 1610
an educational service center, notwithstanding division (G) of 1611
section 3317.02 of the Revised Code and division (C) (3) of this 1612
section; 1613

(14) The enrollment of pupils reported under division (A) 1614
(1) or (2) of this section on a full-time equivalency basis in 1615
category four career-technical education programs or services, 1616
described in division (D) of section 3317.014 of the Revised 1617
Code, operated by the school district or another school district 1618
that is a member of the district's career-technical planning 1619
district, other than a joint vocational school district, or by 1620
an educational service center, notwithstanding division (G) of 1621
section 3317.02 of the Revised Code and division (C) (3) of this 1622
section; 1623

(15) The enrollment of pupils reported under division (A) 1624
(1) or (2) of this section on a full-time equivalency basis in 1625
category five career-technical education programs or services, 1626
described in division (E) of section 3317.014 of the Revised 1627
Code, operated by the school district or another school district 1628
that is a member of the district's career-technical planning 1629
district, other than a joint vocational school district, or by 1630
an educational service center, notwithstanding division (G) of 1631
section 3317.02 of the Revised Code and division (C) (3) of this 1632
section; 1633

(16) The enrollment of pupils reported under division (A) 1634
(1) or (2) of this section who are English learners described in 1635
division (A) of section 3317.016 of the Revised Code, excluding 1636
any student reported under division (B) (3) (e) of this section as 1637
enrolled in an internet- or computer-based community school; 1638

(17) The enrollment of pupils reported under division (A) 1639
(1) or (2) of this section who are English learners described in 1640
division (B) of section 3317.016 of the Revised Code, excluding 1641
any student reported under division (B) (3) (e) of this section as 1642
enrolled in an internet- or computer-based community school; 1643

(18) The enrollment of pupils reported under division (A) 1644
(1) or (2) of this section who are English learners described in 1645
division (C) of section 3317.016 of the Revised Code, excluding 1646
any student reported under division (B) (3) (e) of this section as 1647
enrolled in an internet- or computer-based community school; 1648

(19) The average number of children transported during the 1649
reporting period by the school district on board-owned or 1650
contractor-owned and -operated buses, reported in accordance 1651
with rules adopted by the department of education; 1652

(20) (a) The number of children, other than preschool 1653
children with disabilities, the district placed with a county 1654
board of developmental disabilities in fiscal year 1998. 1655
Division (B) (20) (a) of this section does not apply after fiscal 1656
year 2013. 1657

(b) The number of children with disabilities, other than 1658
preschool children with disabilities, placed with a county board 1659
of developmental disabilities in the current fiscal year to 1660
receive special education services for the category one 1661
disability described in division (A) of section 3317.013 of the 1662

Revised Code;	1663
(c) The number of children with disabilities, other than	1664
preschool children with disabilities, placed with a county board	1665
of developmental disabilities in the current fiscal year to	1666
receive special education services for category two disabilities	1667
described in division (B) of section 3317.013 of the Revised	1668
Code;	1669
(d) The number of children with disabilities, other than	1670
preschool children with disabilities, placed with a county board	1671
of developmental disabilities in the current fiscal year to	1672
receive special education services for category three	1673
disabilities described in division (C) of section 3317.013 of	1674
the Revised Code;	1675
(e) The number of children with disabilities, other than	1676
preschool children with disabilities, placed with a county board	1677
of developmental disabilities in the current fiscal year to	1678
receive special education services for category four	1679
disabilities described in division (D) of section 3317.013 of	1680
the Revised Code;	1681
(f) The number of children with disabilities, other than	1682
preschool children with disabilities, placed with a county board	1683
of developmental disabilities in the current fiscal year to	1684
receive special education services for the category five	1685
disabilities described in division (E) of section 3317.013 of	1686
the Revised Code;	1687
(g) The number of children with disabilities, other than	1688
preschool children with disabilities, placed with a county board	1689
of developmental disabilities in the current fiscal year to	1690
receive special education services for category six disabilities	1691

described in division (F) of section 3317.013 of the Revised Code. 1692
1693

(21) The enrollment of students who are economically 1694
disadvantaged, as defined by the department, excluding any 1695
student reported under division (B)(3)(e) of this section as 1696
enrolled in an internet- or computer-based community school. A 1697
student shall not be categorically excluded from the number 1698
reported under division (B)(21) of this section based on 1699
anything other than family income. 1700

(C)(1) The state board of education shall adopt rules 1701
necessary for implementing divisions (A), (B), and (D) of this 1702
section. 1703

(2) A student enrolled in a community school established 1704
under Chapter 3314., a science, technology, engineering, and 1705
mathematics school established under Chapter 3326., or a 1706
college-preparatory boarding school established under Chapter 1707
3328. of the Revised Code shall be counted in the formula ADM 1708
and, if applicable, the category one, two, three, four, five, or 1709
six special education ADM of the school district in which the 1710
student is entitled to attend school under section 3313.64 or 1711
3313.65 of the Revised Code for the same proportion of the 1712
school year that the student is counted in the enrollment of the 1713
community school, the science, technology, engineering, and 1714
mathematics school, or the college-preparatory boarding school 1715
for purposes of section 3314.08, 3326.33, or 3328.24 of the 1716
Revised Code. Notwithstanding the enrollment of students 1717
certified pursuant to division (B)(3)(d), (e), (j), or (k) of 1718
this section, the department may adjust the formula ADM of a 1719
school district to account for students entitled to attend 1720
school in the district under section 3313.64 or 3313.65 of the 1721

Revised Code who are enrolled in a community school, a science, 1722
technology, engineering, and mathematics school, or a college- 1723
preparatory boarding school for only a portion of the school 1724
year. 1725

(3) No child shall be counted as more than a total of one 1726
child in the sum of the enrollment of students of a school 1727
district under division (A), divisions (B) (1) to (22), or 1728
division (D) of this section, except as follows: 1729

(a) A child with a disability described in section 1730
3317.013 of the Revised Code may be counted both in formula ADM 1731
and in category one, two, three, four, five, or six special 1732
education ADM and, if applicable, in category one, two, three, 1733
four, or five career-technical education ADM. As provided in 1734
division (G) of section 3317.02 of the Revised Code, such a 1735
child shall be counted in category one, two, three, four, five, 1736
or six special education ADM in the same proportion that the 1737
child is counted in formula ADM. 1738

(b) A child enrolled in career-technical education 1739
programs or classes described in section 3317.014 of the Revised 1740
Code may be counted both in formula ADM and category one, two, 1741
three, four, or five career-technical education ADM and, if 1742
applicable, in category one, two, three, four, five, or six 1743
special education ADM. Such a child shall be counted in category 1744
one, two, three, four, or five career-technical education ADM in 1745
the same proportion as the percentage of time that the child 1746
spends in the career-technical education programs or classes. 1747

(4) Based on the information reported under this section, 1748
the department of education shall determine the total student 1749
count, as defined in section 3301.011 of the Revised Code, for 1750
each school district. 1751

(D) (1) The superintendent of each joint vocational school 1752
district shall report and certify to the superintendent of 1753
public instruction as of the last day of October, March, and 1754
June of each year the enrollment of students receiving services 1755
from schools under the superintendent's supervision so that the 1756
department can calculate the district's formula ADM, total ADM, 1757
category one through five career-technical education ADM, 1758
category one through three English learner ADM, category one 1759
through six special education ADM, and for purposes of 1760
provisions of law outside of Chapter 3317. of the Revised Code, 1761
average daily membership. 1762

The enrollment reported and certified by the 1763
superintendent, except as otherwise provided in this division, 1764
shall consist of the number of students in grades six through 1765
twelve receiving any educational services from the district, 1766
except that the following categories of students shall not be 1767
included in the determination: 1768

(a) Students enrolled in adult education classes; 1769

(b) Adjacent or other district joint vocational students 1770
enrolled in the district under an open enrollment policy 1771
pursuant to section 3313.98 of the Revised Code; 1772

(c) Students receiving services in the district pursuant 1773
to a compact, cooperative education agreement, or a contract, 1774
but who are entitled to attend school in a city, local, or 1775
exempted village school district whose territory is not part of 1776
the territory of the joint vocational district; 1777

(d) Students for whom tuition is payable pursuant to 1778
sections 3317.081 and 3323.141 of the Revised Code. 1779

(2) To enable the department of education to obtain the 1780

data needed to complete the calculation of payments pursuant to	1781
this chapter, each superintendent shall certify from the report	1782
provided under division (D) (1) of this section the enrollment	1783
for each of the following categories of students:	1784
(a) Students enrolled in each individual grade included in	1785
the joint vocational district schools;	1786
(b) Children with disabilities receiving special education	1787
services for the category one disability described in division	1788
(A) of section 3317.013 of the Revised Code;	1789
(c) Children with disabilities receiving special education	1790
services for the category two disabilities described in division	1791
(B) of section 3317.013 of the Revised Code;	1792
(d) Children with disabilities receiving special education	1793
services for category three disabilities described in division	1794
(C) of section 3317.013 of the Revised Code;	1795
(e) Children with disabilities receiving special education	1796
services for category four disabilities described in division	1797
(D) of section 3317.013 of the Revised Code;	1798
(f) Children with disabilities receiving special education	1799
services for the category five disabilities described in	1800
division (E) of section 3317.013 of the Revised Code;	1801
(g) Children with disabilities receiving special education	1802
services for category six disabilities described in division (F)	1803
of section 3317.013 of the Revised Code;	1804
(h) Students receiving category one career-technical	1805
education services, described in division (A) of section	1806
3317.014 of the Revised Code;	1807
(i) Students receiving category two career-technical	1808

education services, described in division (B) of section	1809
3317.014 of the Revised Code;	1810
(j) Students receiving category three career-technical	1811
education services, described in division (C) of section	1812
3317.014 of the Revised Code;	1813
(k) Students receiving category four career-technical	1814
education services, described in division (D) of section	1815
3317.014 of the Revised Code;	1816
(l) Students receiving category five career-technical	1817
education services, described in division (E) of section	1818
3317.014 of the Revised Code;	1819
(m) English learners described in division (A) of section	1820
3317.016 of the Revised Code;	1821
(n) English learners described in division (B) of section	1822
3317.016 of the Revised Code;	1823
(o) English learners described in division (C) of section	1824
3317.016 of the Revised Code;	1825
(p) Students who are economically disadvantaged, as	1826
defined by the department. A student shall not be categorically	1827
excluded from the number reported under division (D) (2) (p) of	1828
this section based on anything other than family income.	1829
The superintendent of each joint vocational school	1830
district shall also indicate the city, local, or exempted	1831
village school district in which each joint vocational district	1832
pupil is entitled to attend school pursuant to section 3313.64	1833
or 3313.65 of the Revised Code.	1834
(E) In each school of each city, local, exempted village,	1835
joint vocational, and cooperative education school district	1836

there shall be maintained a record of school enrollment, which 1837
record shall accurately show, for each day the school is in 1838
session, the actual enrollment in regular day classes. For the 1839
purpose of determining the enrollment of students, the 1840
enrollment figure of any school shall not include any pupils 1841
except those pupils described by division (A) of this section. 1842
The record of enrollment for each school shall be maintained in 1843
such manner that no pupil shall be counted as enrolled prior to 1844
the actual date of entry in the school and also in such manner 1845
that where for any cause a pupil permanently withdraws from the 1846
school that pupil shall not be counted as enrolled from and 1847
after the date of such withdrawal. There shall not be included 1848
in the enrollment of any school any of the following: 1849

(1) Any pupil who has graduated from the twelfth grade of 1850
a public or nonpublic high school; 1851

(2) Any pupil who is not a resident of the state; 1852

(3) Any pupil who was enrolled in the schools of the 1853
district during the previous school year when assessments were 1854
administered under section 3301.0711 of the Revised Code but did 1855
not take one or more of the assessments required by that section 1856
and was not excused pursuant to division (C)(1) or (3) of that 1857
section; 1858

(4) Any pupil who has attained the age of twenty-two 1859
years, except for veterans of the armed services whose 1860
attendance was interrupted before completing the recognized 1861
twelve-year course of the public schools by reason of induction 1862
or enlistment in the armed forces and who apply for reenrollment 1863
in the public school system of their residence not later than 1864
four years after termination of war or their honorable 1865
discharge; 1866

(5) Any pupil who has a certificate of high school 1867
equivalence as defined in section 5107.40 of the Revised Code. 1868

If, however, any veteran described by division (E) (4) of 1869
this section elects to enroll in special courses organized for 1870
veterans for whom tuition is paid under the provisions of 1871
federal laws, or otherwise, that veteran shall not be included 1872
in the enrollment of students determined under this section. 1873

Notwithstanding division (E) (3) of this section, the 1874
enrollment of any school may include a pupil who did not take an 1875
assessment required by section 3301.0711 of the Revised Code if 1876
the superintendent of public instruction grants a waiver from 1877
the requirement to take the assessment to the specific pupil and 1878
a parent is not paying tuition for the pupil pursuant to section 1879
3313.6410 of the Revised Code. The superintendent may grant such 1880
a waiver only for good cause in accordance with rules adopted by 1881
the state board of education. 1882

The formula ADM, total ADM, category one through five 1883
career-technical education ADM, category one through three 1884
English learner ADM, category one through six special education 1885
ADM, preschool scholarship ADM, transportation ADM, and, for 1886
purposes of provisions of law outside of Chapter 3317. of the 1887
Revised Code, average daily membership of any school district 1888
shall be determined in accordance with rules adopted by the 1889
state board of education. 1890

(F) (1) If a student attending a community school under 1891
Chapter 3314., a science, technology, engineering, and 1892
mathematics school established under Chapter 3326., or a 1893
college-preparatory boarding school established under Chapter 1894
3328. of the Revised Code is not included in the formula ADM 1895
calculated for the school district in which the student is 1896

entitled to attend school under section 3313.64 or 3313.65 of 1897
the Revised Code, the department of education shall adjust the 1898
formula ADM of that school district to include the student in 1899
accordance with division (C) (2) of this section, and shall 1900
recalculate the school district's payments under this chapter 1901
for the entire fiscal year on the basis of that adjusted formula 1902
ADM. 1903

(2) If a student awarded an educational choice scholarship 1904
is not included in the formula ADM of the school district from 1905
which the department deducts funds for the scholarship under 1906
section 3310.08 of the Revised Code, the department shall adjust 1907
the formula ADM of that school district to include the student 1908
to the extent necessary to account for the deduction, and shall 1909
recalculate the school district's payments under this chapter 1910
for the entire fiscal year on the basis of that adjusted formula 1911
ADM. 1912

(3) If a student awarded a scholarship under the Jon 1913
Peterson special needs scholarship program is not included in 1914
the formula ADM of the school district from which the department 1915
deducts funds for the scholarship under section 3310.55 of the 1916
Revised Code, the department shall adjust the formula ADM of 1917
that school district to include the student to the extent 1918
necessary to account for the deduction, and shall recalculate 1919
the school district's payments under this chapter for the entire 1920
fiscal year on the basis of that adjusted formula ADM. 1921

(4) If a student awarded a scholarship under section 1922
3310.31 of the Revised Code is not included in the formula ADM 1923
of the school district from which the department deducts funds 1924
for the scholarship, the department shall adjust the formula ADM 1925
of that school district to include the student to the extent 1926

necessary to account for the deduction, and shall recalculate 1927
the school district's payments under this chapter for the entire 1928
fiscal year on the basis of that adjusted formula ADM. 1929

(G) (1) (a) The superintendent of an institution operating a 1930
special education program pursuant to section 3323.091 of the 1931
Revised Code shall, for the programs under such superintendent's 1932
supervision, certify to the state board of education, in the 1933
manner prescribed by the superintendent of public instruction, 1934
both of the following: 1935

(i) The unduplicated count of the number of all children 1936
with disabilities other than preschool children with 1937
disabilities receiving services at the institution for each 1938
category of disability described in divisions (A) to (F) of 1939
section 3317.013 of the Revised Code adjusted for the portion of 1940
the year each child is so enrolled; 1941

(ii) The unduplicated count of the number of all preschool 1942
children with disabilities in classes or programs for whom the 1943
district is eligible to receive funding under section 3317.0213 1944
of the Revised Code adjusted for the portion of the year each 1945
child is so enrolled, reported according to the categories 1946
prescribed in section 3317.013 of the Revised Code. 1947

(b) The superintendent of an institution with career- 1948
technical education units approved under section 3317.05 of the 1949
Revised Code shall, for the units under the superintendent's 1950
supervision, certify to the state board of education the 1951
enrollment in those units, in the manner prescribed by the 1952
superintendent of public instruction. 1953

(2) The superintendent of each county board of 1954
developmental disabilities that maintains special education 1955

classes under section 3317.20 of the Revised Code or provides 1956
services to preschool children with disabilities pursuant to an 1957
agreement between the county board and the appropriate school 1958
district shall do both of the following: 1959

(a) Certify to the state board, in the manner prescribed 1960
by the board, the enrollment in classes under section 3317.20 of 1961
the Revised Code for each school district that has placed 1962
children in the classes; 1963

(b) Certify to the state board, in the manner prescribed 1964
by the board, the unduplicated count of the number of all 1965
preschool children with disabilities enrolled in classes for 1966
which the board is eligible to receive funding under section 1967
3317.0213 of the Revised Code adjusted for the portion of the 1968
year each child is so enrolled, reported according to the 1969
categories prescribed in section 3317.013 of the Revised Code, 1970
and the number of those classes. 1971

(H) Except as provided in division (I) of this section, 1972
when any city, local, or exempted village school district 1973
provides instruction for a nonresident pupil whose attendance is 1974
unauthorized attendance as defined in section 3327.06 of the 1975
Revised Code, that pupil's enrollment shall not be included in 1976
that district's enrollment figure used in calculating the 1977
district's payments under this chapter. The reporting official 1978
shall report separately the enrollment of all pupils whose 1979
attendance in the district is unauthorized attendance, and the 1980
enrollment of each such pupil shall be credited to the school 1981
district in which the pupil is entitled to attend school under 1982
division (B) of section 3313.64 or section 3313.65 of the 1983
Revised Code as determined by the department of education. 1984

(I) (1) A city, local, exempted village, or joint 1985

vocational school district admitting a scholarship student of a 1986
pilot project district pursuant to division (C) of section 1987
3313.976 of the Revised Code may count such student in its 1988
enrollment. 1989

(2) In any year for which funds are appropriated for pilot 1990
project scholarship programs, a school district implementing a 1991
state-sponsored pilot project scholarship program that year 1992
pursuant to sections 3313.974 to 3313.979 of the Revised Code 1993
may count in its enrollment: 1994

(a) All children residing in the district and utilizing a 1995
scholarship to attend kindergarten in any alternative school, as 1996
defined in section 3313.974 of the Revised Code; 1997

(b) All children who were enrolled in the district in the 1998
preceding year who are utilizing a scholarship to attend an 1999
alternative school. 2000

(J) The superintendent of each cooperative education 2001
school district shall certify to the superintendent of public 2002
instruction, in a manner prescribed by the state board of 2003
education, the applicable enrollments for all students in the 2004
cooperative education district, also indicating the city, local, 2005
or exempted village district where each pupil is entitled to 2006
attend school under section 3313.64 or 3313.65 of the Revised 2007
Code. 2008

(K) If the superintendent of public instruction determines 2009
that a component of the enrollment certified or reported by a 2010
district superintendent, or other reporting entity, is not 2011
correct, the superintendent of public instruction may order that 2012
the formula ADM used for the purposes of payments under any 2013
section of Title XXXIII of the Revised Code be adjusted in the 2014

amount of the error. 2015

Section 2. That existing sections 3301.0711, 3301.0714, 2016
and 3317.03 of the Revised Code are hereby repealed. 2017

Section 3. That Sections 265.10 and 265.210 of H.B. 166 of 2018
the 133rd General Assembly (as amended by S.B. 120 of the 133rd 2019
General Assembly) be amended to read as follows: 2020

Sec. 265.10. 2021

2022

1	2	3	4	5
A		EDU DEPARTMENT OF EDUCATION		
B		General Revenue Fund		
C	GRF 200321	Operating Expenses	\$ 15,153,032	\$ 16,565,951
D	GRF 200408	Early Childhood Education	\$ 68,116,789	\$ 68,116,789
E	GRF 200420	Information Technology Development and Support	\$ 4,004,299	\$ 4,026,960
F	GRF 200422	School Management Assistance	\$ 2,385,580	\$ 2,408,711
G	GRF 200424	Policy Analysis	\$ 458,232	\$ 457,676

H	GRF	200426	Ohio Educational Computer Network	\$	15,457,000	\$	15,457,000
I	GRF	200427	Academic Standards	\$	4,434,215	\$	4,483,525
J	GRF	200437	Student Assessment	\$	56,906,893	\$	56,948,365
K	GRF	200439	Accountability/ Report Cards	\$	7,517,406	\$	7,565,320
L	GRF	200442	Child Care Licensing	\$	2,156,322	\$	2,227,153
M	GRF	200446	Education Management Information System	\$	8,112,987	\$	8,174,415
N	GRF	200448	Educator Preparation	\$	11,785,384	\$	7,285,384
O	GRF	200455	Community Schools and Choice Programs	\$	4,867,763	\$	4,912,546
P	GRF	200465	Education Technology Resources	\$	5,179,664	\$	5,179,664

Q	GRF	200478	Industry- Recognized Credentials High School Students	\$	25,000,000	\$	25,000,000
R	GRF	200502	Pupil Transportation	\$	527,129,809	\$	527,129,809
S	GRF	200505	School Lunch Match	\$	8,963,500	\$	8,963,500
T	GRF	200511	Auxiliary Services	\$	154,939,134	\$	154,939,134
U	GRF	200532	Nonpublic Administrative Cost Reimbursement	\$	69,997,735	\$	69,997,735
V	GRF	200540	Special Education Enhancements	\$	152,600,000	\$	152,850,000
W	GRF	200545	Career- Technical Education Enhancements	\$	9,750,892	\$	9,750,892
X	GRF	200550	Foundation Funding	\$	6,942,880,845	\$	6,784,618,845 <u>6,790,368,845</u>
Y	GRF	200566	Literacy	\$	1,452,876	\$	1,452,172

		Improvement				
Z GRF	200572	Adult Education Programs	\$	10,207,674	\$	10,207,674
AA GRF	200573	EdChoice Expansion	\$	57,223,340	\$	121,017,418
AB GRF	200574	Half-Mill Maintenance Equalization	\$	18,849,207	\$	18,128,526
AC GRF	200576	Adaptive Sports Program	\$	250,000	\$	250,000
AD GRF	200597	Program and Project Support	\$	1,125,000	\$	625,000
AE GRF	657401	Medicaid in Schools	\$	297,978	\$	297,978
AF TOTAL GRF		General Revenue Fund	\$	8,187,203,556	\$	8,089,038,142 <u>8,094,788,142</u>
AG		Dedicated Purpose Fund Group				
AH 4520	200638	Charges and Reimbursements	\$	1,000,000	\$	1,000,000
AI 4550	200608	Commodity Foods	\$	1,000,000	\$	1,000,000
AJ 4L20	200681	Teacher Certification and Licensure	\$	13,795,827	\$	14,000,000

AK 5980	200659	Auxiliary Services Reimbursement	\$	1,300,000	\$	1,300,000
AL 5H30	200687	School District Solvency Assistance	\$	2,000,000	\$	2,000,000
AM 5KX0	200691	Ohio School Sponsorship Program	\$	1,250,000	\$	1,250,000
AN 5MM0	200677	Child Nutrition Refunds	\$	550,000	\$	550,000
AO 5U20	200685	National Education Statistics	\$	170,675	\$	175,000
AP 5VS0	200604	Student Wellness and Success	\$	275,000,000	\$	400,000,000
AQ 5VU0	200663	School Bus Purchase	\$	0	\$	20,000,000
AR 6200	200615	Educational Improvement Grants	\$	594,443	\$	600,000
AS TOTAL	DPF	Dedicated Purpose Fund Group	\$	296,660,945	\$	441,875,000

AT Internal Service Activity Fund Group

AU 1380 200606	Information Technology Development and Support	\$	7,939,104	\$	8,047,645
AV 4R70 200695	Indirect Operational Support	\$	7,856,766	\$	7,856,766
AW 4V70 200633	Interagency Program Support	\$	5,497,938	\$	5,500,000
AX TOTAL ISA	Internal Service Activity Fund Group	\$	21,293,808	\$	21,404,411

AY State Lottery Fund Group

AZ 7017 200602	School Climate Grants	\$	2,000,000	\$	2,000,000
BA 7017 200612	Foundation Funding	\$	1,081,400,000	\$	1,249,900,000
BB 7017 200614	Accelerate Great Schools	\$	1,500,000	\$	1,500,000
BC 7017 200631	Quality Community Schools Support	\$	30,000,000	\$	30,000,000
BD 7017 200636	Enrollment Growth	\$	15,500,000	\$	23,000,000

		Supplement				
BE 7017	200684	Community School Facilities	\$	20,600,000	\$	20,600,000
BF TOTAL	SLF	State Lottery Fund	\$	1,151,000,000	\$	1,327,000,000
		Group				
BG		Federal Fund Group				
BH 3670	200607	School Food Services	\$	11,469,730	\$	11,897,473
BI 3700	200624	Education of Exceptional Children	\$	2,000,000	\$	2,000,000
BJ 3AF0	657601	Schools Medicaid Administrative Claims	\$	295,500	\$	295,500
BK 3AN0	200671	School Improvement Grants	\$	17,000,000	\$	17,000,000
BL 3C50	200661	Early Childhood Education	\$	12,555,000	\$	12,555,000
BM 3EH0	200620	Migrant Education	\$	2,700,000	\$	2,700,000
BN 3EJ0	200622	Homeless	\$	3,295,203	\$	3,300,000

		Children Education				
BO	3FE0	200669	Striving Readers	\$	12,507,905	\$ 12,511,000
BP	3GE0	200674	Summer Food Service Program	\$	15,599,467	\$ 16,342,299
BQ	3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,911,207	\$ 5,145,074
BR	3HF0	200649	Federal Education Grants	\$	7,049,677	\$ 7,056,327
BS	3HI0	200634	Student Support and Academic Enrichment	\$	40,042,720	\$ 40,042,720
BT	3L60	200617	Federal School Lunch	\$	418,643,500	\$ 430,837,000
BU	3L70	200618	Federal School Breakfast	\$	158,726,966	\$ 163,350,081
BV	3L80	200619	Child/Adult Food Programs	\$	110,121,168	\$ 113,328,580
BW	3L90	200621	Career- Technical Education Basic	\$	45,946,927	\$ 46,000,000

		Grant				
BX 3M00	200623	ESEA Title 1A	\$	600,000,000	\$	600,000,000
BY 3M20	200680	Individuals with Disabilities Education Act	\$	454,770,591	\$	455,000,000
BZ 3T40	200613	Public Charter Schools	\$	7,000,000	\$	7,000,000
CA 3Y20	200688	21st Century Community Learning Centers	\$	47,500,000	\$	47,500,000
CB 3Y60	200635	Improving Teacher Quality	\$	85,000,000	\$	85,000,000
CC 3Y70	200689	English Language Acquisition	\$	10,500,000	\$	10,500,000
CD 3Y80	200639	Rural and Low Income Technical Assistance	\$	3,600,000	\$	3,600,000
CE 3Z20	200690	State Assessments	\$	12,000,000	\$	12,000,000
CF 3Z30	200645	Consolidated	\$	10,701,635	\$	10,900,000

Federal Grant
Administration

CG TOTAL FED Federal Fund Group \$	2,093,937,196	\$	2,115,861,054
CH TOTAL ALL BUDGET FUND GROUPS \$	11,750,095,505	\$	11,995,178,607
			<u>12,000,928,607</u>

Sec. 265.210. FOUNDATION FUNDING

2023

Of the foregoing appropriation item 200550, Foundation Funding, up to \$40,000,000 in each fiscal year shall be used to provide additional state aid to school districts, joint vocational school districts, community schools, and STEM schools for special education students under division (C) (3) of section 3314.08, section 3317.0214 and division (B) of section 3317.16 in accordance with the section of H.B. 166 of the 133rd General Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2021," and section 3326.34 of the Revised Code, except that the Controlling Board may increase these amounts if presented with such a request from the Department of Education at the final meeting of the fiscal year.

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Of the foregoing appropriation item 200550, Foundation Funding, up to \$3,800,000 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010.

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Of the foregoing appropriation item 200550, Foundation

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Funding, up to \$40,000,000 in each fiscal year shall be reserved 2045
to fund the state reimbursement of educational service centers 2046
under the section of H.B. 166 of the 133rd General Assembly 2047
entitled "EDUCATIONAL SERVICE CENTERS FUNDING." 2048

Of the foregoing appropriation item 200550, Foundation 2049
Funding, up to \$3,500,000 in each fiscal year shall be 2050
distributed to educational service centers for School 2051
Improvement Initiatives and for the provision of technical 2052
assistance to schools and districts consistent with requirements 2053
of section 3312.01 of the Revised Code. The Department may 2054
distribute these funds through a competitive grant process. 2055

Of the foregoing appropriation item 200550, Foundation 2056
Funding, up to \$7,000,000 in each fiscal year shall be reserved 2057
for payments under section 3317.029 of the Revised Code, in 2058
accordance with the section of H.B. 166 of the 133rd General 2059
Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and 2060
2021." If this amount is not sufficient, the Superintendent of 2061
Public Instruction may reallocate excess funds for other 2062
purposes supported by this appropriation item in order to fully 2063
pay the amounts required by that section, provided that the 2064
aggregate amount appropriated in appropriation item 200550, 2065
Foundation Funding, is not exceeded. 2066

Of the foregoing appropriation item 200550, Foundation 2067
Funding, up to \$26,400,000 in each fiscal year shall be used to 2068
support school choice programs. 2069

Of the portion of the funds distributed to the Cleveland 2070
Municipal School District under this section, up to \$23,501,887 2071
in each fiscal year shall be used to operate the school choice 2072
program in the Cleveland Municipal School District under 2073
sections 3313.974 to 3313.979 of the Revised Code. 2074

Notwithstanding divisions (B) and (C) of section 3313.978 and 2075
division (C) of section 3313.979 of the Revised Code, up to 2076
\$1,000,000 in each fiscal year of this amount shall be used by 2077
the Cleveland Municipal School District to provide tutorial 2078
assistance as provided in division (H) of section 3313.974 of 2079
the Revised Code. The Cleveland Municipal School District shall 2080
report the use of these funds in the district's three-year 2081
continuous improvement plan as described in section 3302.04 of 2082
the Revised Code in a manner approved by the Department. 2083

Of the foregoing appropriation item 200550, Foundation 2084
Funding, up to \$2,000,000 in each fiscal year may be used for 2085
payment of the College Credit Plus Program for students 2086
instructed at home pursuant to section 3321.04 of the Revised 2087
Code. An amount equal to the unexpended, unencumbered balance of 2088
this earmark at the end of fiscal year 2020 is hereby 2089
reappropriated for the same purpose for fiscal year 2021. 2090

Of the foregoing appropriation item 200550, Foundation 2091
Funding, an amount shall be available in each fiscal year to be 2092
paid to joint vocational school districts in accordance with the 2093
section of H.B. 166 of the 133rd General Assembly entitled 2094
"FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 2095

Of the foregoing appropriation item 200550, Foundation 2096
Funding, up to \$700,000 in each fiscal year shall be used by the 2097
Department for a program to pay for educational services for 2098
youth who have been assigned by a juvenile court or other 2099
authorized agency to any of the facilities described in division 2100
(A) of the section of H.B. 166 of the 133rd General Assembly 2101
entitled "PRIVATE TREATMENT FACILITY PROJECT." 2102

Of the foregoing appropriation item 200550, Foundation 2103
Funding, a portion may be used to pay college-preparatory 2104

boarding schools the per pupil boarding amount pursuant to 2105
section 3328.34 of the Revised Code. 2106

Of the foregoing appropriation item 200550, Foundation 2107
Funding, a portion in each fiscal year shall be used to pay 2108
community schools and STEM schools the amounts calculated for 2109
the graduation and third-grade reading bonuses under sections 2110
3314.085 and 3326.41 of the Revised Code, in accordance with the 2111
sections of H.B. 166 of the 133rd General Assembly entitled 2112
"FUNDING FOR COMMUNITY SCHOOLS" and "FUNDING FOR STEM SCHOOLS." 2113

Of the foregoing appropriation item 200550, Foundation 2114
Funding, up to \$1,172,000 in fiscal year 2020 and up to 2115
\$1,760,000 in fiscal year 2021 may be used by the Department for 2116
duties and activities related to the establishment of academic 2117
distress commissions under section 3302.10 of the Revised Code, 2118
to provide support and assistance to academic distress 2119
commissions to further their duties under Chapter 3302. of the 2120
Revised Code, and to provide technical assistance and tools to 2121
support districts subject to academic distress commissions. 2122

Of the foregoing appropriation item 200550, Foundation 2123
Funding, up to \$350,000 in fiscal year 2020 shall be used by the 2124
Department of Education to conduct return on investment studies 2125
for programming funded through student success and wellness 2126
funds and to provide technical assistance to school districts on 2127
implementing these strategies. 2128

Of the foregoing appropriation item 200550, Foundation 2129
Funding, up to \$100,000 in each fiscal year shall be used to 2130
make payments under section 3314.06 of the Revised Code to each 2131
community school that operates a program that uses the 2132
Montessori method endorsed by the American Montessori society, 2133
the Montessori Accreditation Council for Teacher Education, or 2134

the Association Montessori Internationale as its primary method 2135
of instruction for students younger than four years of age who 2136
are enrolled in the school. 2137

Of the foregoing appropriation item 200550, Foundation 2138
Funding, up to \$10,000,000 in fiscal year 2021 shall be used to 2139
pay scholarships awarded as follows. Notwithstanding anything in 2140
the Revised Code to the contrary, for applications for the 2020- 2141
2021 school year, the Department of Education shall accept, 2142
process, and award performance-based Educational Choice 2143
scholarships under section 3310.03 of the Revised Code as 2144
follows. An application period for students who are eligible for 2145
the first time for the 2020-2021 school year shall open April 1, 2146
2020, and run not less than sixty days or to the extent funds 2147
appropriated by the General Assembly under Section 265.10 of 2148
H.B. 166 of the 133rd General Assembly and this section remain 2149
available. The Department shall award scholarships in the order 2150
that it receives applications and shall continue to award 2151
scholarships to the extent the funds appropriated by the General 2152
Assembly under Section 265.10 of H.B. 166 of the 133rd General 2153
Assembly and this section remain available. An application 2154
period for students who were eligible for scholarships for the 2155
2019-2020 school year, regardless of whether the students 2156
received scholarships for that school year, and remain eligible 2157
for the 2020-2021 school year shall open April 1, 2020, and run 2158
not less than sixty days. These scholarships shall be funded and 2159
paid in accordance with section 3310.08 of the Revised Code. 2160

Of the foregoing appropriation item 200550, Foundation 2161
Funding, up to \$5,750,000 in fiscal year 2021 shall be used to 2162
make payments pursuant to division (C) (2) of section 3310.31 of 2163
the Revised Code. 2164

The remainder of the foregoing appropriation item 200550, 2165
Foundation Funding, shall be used to fund the payments included 2166
in the state funding allocation under division (A) (1) of the 2167
section of H.B. 166 of the 133rd General Assembly entitled 2168
"FUNDING FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 2169
DISTRICTS." 2170

Appropriation items 200502, Pupil Transportation, 200540, 2171
Special Education Enhancements, and 200550, Foundation Funding, 2172
other than specific set-asides, are collectively used in each 2173
fiscal year to pay state formula aid obligations for school 2174
districts, community schools, STEM schools, college preparatory 2175
boarding schools, and joint vocational school districts under 2176
~~this act~~H.B. 166 of the 133rd General Assembly. The first 2177
priority of these appropriation items, with the exception of 2178
specific set-asides, is to fund state formula aid obligations. 2179
It may be necessary to reallocate funds among these 2180
appropriation items or use excess funds from other general 2181
revenue fund appropriation items in the Department of 2182
Education's budget, including appropriation item 200903, 2183
Property Tax Reimbursement - Education, in each fiscal year in 2184
order to meet state formula aid obligations. If it is determined 2185
that it is necessary to transfer funds among these appropriation 2186
items or to transfer funds from other General Revenue Fund 2187
appropriations in the Department's budget to meet state formula 2188
aid obligations, the Superintendent of Public Instruction shall 2189
seek approval from the Director of Budget and Management to 2190
transfer funds as needed. 2191

The Superintendent of Public Instruction shall make 2192
payments, transfers, and deductions, as authorized by Title 2193
XXXIII of the Revised Code in amounts substantially equal to 2194
those made in the prior year, or otherwise, at the discretion of 2195

the Superintendent, until at least the effective date of the 2196
amendments and enactments made to Title XXXIII by H.B. 166 of 2197
the 133rd General Assembly. Any funds paid to districts or 2198
schools under this section shall be credited toward the annual 2199
funds calculated for the district or school after the changes 2200
made to Title XXXIII in H.B. 166 of the 133rd General Assembly 2201
are effective. Upon the effective date of changes made to Title 2202
XXXIII in H.B. 166 of the 133rd General Assembly, funds shall be 2203
calculated as an annual amount. 2204

Section 4. That existing Sections 265.10 and 265.210 of 2205
H.B. 166 of the 133rd General Assembly (as amended by S.B. 120 2206
of the 133rd General Assembly) are hereby repealed. 2207