

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 11

Representatives McClain, John

Cosponsors: Representatives Hall, Loychik, Gross, Jordan, Miller, K., Schmidt, Peterson, Demetriou, Click, Williams, Stoltzfus, Kick, Stein, Lear, King, Ferguson, Willis, Mathews, Wiggam, Powell, Klopfenstein, Merrin, Dean, Manchester, Plummer, Young, T., Cross

A BILL

To amend sections 125.04, 311.29, 3301.0711, 1
3301.0714, 3301.163, 3302.036, 3302.04, 3302.10, 2
3310.51, 3317.02, 3317.022, 3317.03, 3365.07, 3
5703.21, and 5747.70; to enact sections 3310.21, 4
3310.22, 3310.23, 3310.24, 3310.25, 3310.26, 5
3310.27, and 3321.042; and to repeal sections 6
3310.01, 3310.02, 3310.03, 3310.031, 3310.032, 7
3310.033, 3310.034, 3310.035, 3310.036, 3310.04, 8
3310.05, 3310.06, 3310.07, 3310.10, 3310.11, 9
3310.12, 3310.13, 3310.14, 3310.15, 3310.16, 10
3310.17, 3313.974, 3313.975, 3313.976, 3313.977, 11
3313.978, and 3313.979 of the Revised Code to 12
establish the Backpack Scholarship Program to 13
begin operating for the 2023-2024 school year, 14
to repeal the Educational Choice Scholarship 15
Pilot Program and the Pilot Project Scholarship 16
Program on July 1, 2024, and to make an 17
appropriation. 18

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

Section 1. That sections 3317.02, 3317.022, 3317.03, and 5747.70 be amended and sections 3310.21, 3310.22, 3310.23, 3310.24, 3310.25, 3310.26, 3310.27, and 3321.042 of the Revised Code be enacted to read as follows:

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

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

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

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

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

(a) A school district;

(b) A community school;

(c) A STEM school;

(d) A chartered nonpublic school;

(e) A nonchartered nonpublic school.

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

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

(E) "Participating school" means a chartered nonpublic school or nonchartered nonpublic school that participates in the backpack scholarship program in accordance with section 3310.25 of the Revised Code. 45
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(F) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 49
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(G) "Scholarship account" means an educational savings account established under section 3310.23 of the Revised Code. 52
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(H) "School district" means a city, local, or exempted village school district. 54
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(I) "STEM school" means a STEM school established under Chapter 3326. of the Revised Code. 56
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Sec. 3310.22. The backpack scholarship program is hereby established to begin operating for the 2024-2025 school year. 58
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The purpose of the program is to permit students to enroll in the educational environment that they and their parents determine is the best fit for them whether that be a traditional school, home education, or other educational option. Under the program, the treasurer of state shall establish an education savings account for each participating eligible student to purchase educational goods and services, including tuition at participating chartered and nonchartered nonpublic schools. 60
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Funding for each education savings account shall be transferred by the department of education from the backpack scholarship unit, as defined in section 3317.02 of the Revised Code, in accordance with section 3317.022 of the Revised Code. 68
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In administering the program, the treasurer of state shall do all of the following: 72
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(A) Contract with an entity to establish educational savings accounts in accordance with section 3310.23 of the Revised Code; 74
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(B) Execute any contracts or other instruments for necessary goods and services; 77
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(C) Employ necessary personnel and engage the services of private consultants, actuaries, auditors, counsel, managers, trustees, and any other contractor or professional needed for rendering professional and technical assistance and advice; 79
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(D) Establish a web site that includes information regarding the program and participating schools. The treasurer of state shall update the web site at least annually. The department of education shall provide a link to the web site on the department's web site; 83
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(E) Determine a method to ensure that all expenditures from scholarship accounts are in accordance with section 3310.24 of the Revised Code; 88
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(F) Determine penalties for any fraudulent activity by participating schools, other educational providers, students for whom a scholarship account is established, or the students' parents; 91
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(G) Collaborate with stakeholders and state agencies determined appropriate by the treasurer of state to promote the program to the parents of eligible students. 95
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Sec. 3310.23. (A) Not later than March 1, 2024, the treasurer of state shall develop an application procedure for the backpack scholarship program. Under the procedure, the treasurer of state shall open an application period for a school year on the first day of March immediately prior to the first 98
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day of July of that school year. The parent of an eligible 103
student may submit an application to participate in the program 104
during that application period. The application shall require 105
the parent to provide the student's and parent's names and 106
address, and other information determined necessary by the 107
treasurer of state. The treasurer of state shall accept and 108
process each application that is submitted. As provided in 109
section 3310.22 of the Revised Code, the treasurer may contract 110
with an entity to establish educational savings accounts. 111

(B) For an educational savings account sought for the 112
2024-2025 school year, and for each school year thereafter, the 113
treasurer of state shall approve a completed application 114
submitted on behalf of an eligible student, and establish an 115
educational savings account for that student, if either of the 116
following apply to the student for the school year for which an 117
account is sought: 118

(1) The student is enrolling in any of grades kindergarten 119
through twelve in a participating school. 120

(2) The student is excused from compulsory school 121
attendance for the purpose of home instruction under section 122
3321.04 of the Revised Code for the equivalent of any of grades 123
kindergarten through twelve. 124

(C) A student for whom an educational savings account is 125
established under this section for a school year shall be 126
required to reapply under this section to have an account 127
established for a subsequent school year. 128

(D) An eligible student who receives a scholarship under 129
the autism scholarship program established under section 3310.41 130
of the Revised Code or the Jon Peterson special needs 131

scholarship program established under sections 3310.51 to 132
3310.64 of the Revised Code also may apply to have an 133
educational savings account established under this section. 134

(E) An eligible student who received a scholarship under 135
the educational choice scholarship pilot program established 136
under sections 3310.01 to 3310.17 of the Revised Code, as those 137
sections existed prior to July 1, 2024, or the pilot project 138
scholarship program established under sections 3313.974 to 139
3313.979 of the Revised Code, as those sections existed prior to 140
that date, may apply for an educational savings account in 141
accordance with this section. However, the student's entitlement 142
to scholarship under either the educational choice scholarship 143
pilot program or the pilot project scholarship program shall 144
cease on July 1, 2024. 145

Sec. 3310.24. (A) Funds transferred by the department of 146
education under section 3317.022 of the Revised Code to a 147
scholarship account established for a student shall be used by 148
the student's parent for any of the following purposes: 149

(1) Tuition and fees at a participating school; 150

(2) Tuition and fees for a nonpublic online learning 151
program; 152

(3) Tutoring or intervention services by an individual or 153
educational facility, provided that the services are not 154
provided by an immediate family member of the student; 155

(4) Fees for nationally standardized assessments, advanced 156
placement examinations, and any examinations related to college 157
or university admission, as well as tuition or fees for 158
preparatory courses for those examinations; 159

(5) Tuition and fees for programs of study or the 160

<u>curriculum of courses that lead to an industry-recognized</u>	161
<u>credential that satisfies a workforce need;</u>	162
<u>(6) Educational services including occupational,</u>	163
<u>behavioral, physical, speech-language, and audiology therapies;</u>	164
<u>(7) Curriculum, textbooks, instructional materials, and</u>	165
<u>supplies;</u>	166
<u>(8) Fees for after-school and summer educational programs.</u>	167
<u>(B) Upon request of the parent of a student for whom a</u>	168
<u>scholarship account is established, the treasurer of state shall</u>	169
<u>disburse funds from that account by either of the following</u>	170
<u>methods as selected by the parent:</u>	171
<u>(1) The treasurer of state shall disburse funds directly</u>	172
<u>to an approved vendor who provides educational goods or services</u>	173
<u>described in division (A) of this section to the student. The</u>	174
<u>treasurer of state shall establish a process to solicit and</u>	175
<u>approve vendors for the purposes of this section. Under that</u>	176
<u>process, a participating school that complies with the</u>	177
<u>requirements prescribed under section 3310.25 of the Revised</u>	178
<u>Code shall be considered an approved vendor.</u>	179
<u>(2) The treasurer of state shall disburse funds to</u>	180
<u>reimburse the student's parent for any costs incurred by the</u>	181
<u>parent for educational goods or services described in division</u>	182
<u>(A) of this section for that student. Prior to disbursing funds</u>	183
<u>to reimburse a parent, the treasurer of state shall require that</u>	184
<u>the parent provide appropriate documentation, as determined by</u>	185
<u>the treasurer of state, that the costs incurred by the parent</u>	186
<u>are in accordance with division (A) of this section.</u>	187
<u>(C) Any refund or other repayment of funds by a</u>	188
<u>participating school or other educational provider shall be</u>	189

returned to the student's scholarship account. Such a refund or 190
repayment shall not be made directly to the student or the 191
student's parent. 192

(D) If a student for whom a scholarship account has been 193
established for a school year enrolls in a school district, 194
community school, or STEM school during that school year, the 195
treasurer of state shall transfer the balance of any funds in 196
the student's account, including any prorated refund from a 197
participating school, to the department of education, and the 198
department shall distribute those funds to the school district, 199
community school, or STEM school in which the student enrolls. 200

(E) If the parent of a student for whom a scholarship 201
account is established for a school year reapplies to have an 202
account established for the immediately subsequent school year, 203
the treasurer of state shall, on the thirtieth day of June of 204
the school year for which the account is established, transfer 205
to the student's new account fifty per cent of the balance of 206
funds in the student's old account. The treasurer of state shall 207
transfer any other funds remaining in the old account to the 208
general revenue fund. 209

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

student does not enroll in a school district, community school, 220
or STEM school in the subsequent school year, the department 221
shall distribute those funds to the student's resident district. 222

(G)(1) If the student for whom a scholarship account is 223
established for a school year completes grade twelve, or the 224
equivalent, in that school year, the student's parent may 225
request that the treasurer of state do either of the following 226
with regard to an amount equal to fifty per cent of the balance 227
of any funds remaining in the account: 228

(a) Transfer that amount to a scholarship account 229
established for the student's sibling for the immediately 230
subsequent school year; 231

(b) Use that amount to make a contribution to a qualified 232
education savings account established for the student pursuant 233
to 26 U.S.C. 529. 234

(2) In that event the student's parent submits a request 235
under division (G)(1) of this section, the treasurer of state 236
shall, on the thirtieth day of June of the school year for which 237
the student's account is established, do either of the 238
following: 239

(a) Transfer fifty per cent of the balance of any funds in 240
the student's account to the scholarship account established for 241
the student's sibling; 242

(b) Use fifty per cent of the balance of any funds in the 243
student's account to make a contribution to the student's 244
education savings account under 26 U.S.C. 529. 245

For any other funds remaining in the student's backpack 246
scholarship account after the transfer or contribution, the 247
treasurer of state shall transfer those funds to the general 248

<u>revenue fund.</u>	249
<u>(3) If the parent of a student described in division (F)</u>	250
<u>(1) of this section does not submit a request under that</u>	251
<u>division, the treasurer of state shall transfer the balance of</u>	252
<u>any funds in the student's account to the general revenue fund.</u>	253
<u>(H) Nothing in this section prohibits the parent of a</u>	254
<u>student for whom a backpack scholarship account is established</u>	255
<u>from making payments for the costs of educational goods and</u>	256
<u>services not covered by the funds in that account. However, the</u>	257
<u>parent of a student shall not deposit funds in the student's</u>	258
<u>backpack scholarship account.</u>	259
<u>Sec. 3310.25. (A) Not later than February 15, 2024, a</u>	260
<u>chartered nonpublic or nonchartered nonpublic school that elects</u>	261
<u>to participate in the backpack scholarship program for the 2024-</u>	262
<u>2025 school year shall notify the treasurer of state of that</u>	263
<u>fact. Thereafter, a chartered nonpublic or nonchartered</u>	264
<u>nonpublic school that elects to participate in the program for a</u>	265
<u>school year shall notify the treasurer of state of that fact not</u>	266
<u>later than the fifteenth day of February immediately prior to</u>	267
<u>the first day of July of that school year.</u>	268
<u>(B) Each chartered nonpublic or nonchartered nonpublic</u>	269
<u>school that elects to participate in the program shall do all of</u>	270
<u>the following:</u>	271
<u>(1) Administer to all students enrolled in any of grades</u>	272
<u>one through eight nationally recognized measures of achievement,</u>	273
<u>as determined by the school, in the subject areas or reading,</u>	274
<u>mathematics, and history at least every other year;</u>	275
<u>(2) For students enrolled in any of grades nine through</u>	276
<u>twelve in a chartered nonpublic school, annually administer to</u>	277

those students the assessments prescribed by sections 3301.0712 278
or 3313.619 of the Revised Code, as applicable, in accordance 279
with section 3301.0711 of the Revised Code; 280

(3) Report to the treasurer of state the aggregate results 281
of the measures and assessments administered under division (B) 282
of this section. The treasurer of state shall publish the 283
aggregate results and provide them to the parent of an eligible 284
student upon that parent's request. 285

(C) No chartered nonpublic or nonchartered nonpublic 286
school that elects to participate in the program shall charge 287
any student whose family income is at or below two hundred per 288
cent of the federal poverty guidelines, as defined in section 289
5101.46 of the Revised Code, a tuition that is greater than the 290
amount described for that student under (A) (14) (a) of section 291
3317.022 of the Revised Code. 292

(D) Each chartered nonpublic or nonchartered nonpublic 293
school that elects to participate in the program shall comply 294
with the requirements prescribed under this section. However, 295
such schools are autonomous and not an agent of the state or 296
federal governments. Therefore, all of the following shall 297
apply: 298

(1) The treasurer of state shall not regulate the 299
educational or instructional program of a chartered nonpublic or 300
nonchartered nonpublic school or other educational provider that 301
accepts funds under the program. 302

(2) The backpack scholarship program does not expand the 303
authority of the treasurer of state to impose on chartered 304
nonpublic or nonchartered nonpublic schools any additional 305
requirements beyond those prescribed under this section. 306

(3) Chartered nonpublic and nonchartered nonpublic schools 307
that elect to participate in the program shall be given maximum 308
freedom to provide for the educational needs of their students. 309

(E) The treasurer of state may remove a chartered 310
nonpublic or nonchartered nonpublic school from the list of 311
schools participating in the program if the treasurer determines 312
the school has routinely failed to comply with the requirements 313
prescribed under this section. 314

(F) Nothing in this section affects the state board of 315
education's authority to adopted minimum education standards or 316
minimum operating standards under division (D) of section 317
3301.07 of the Revised Code or issue charters pursuant to 318
section 3301.16 of the Revised Code. 319

Sec. 3310.26. (A) Only for the purpose of administering 320
the backpack scholarship program, the department of education 321
may request from any of the following entities the data 322
verification code assigned under division (D) (2) of section 323
3301.0714 of the Revised Code to any student who is seeking a 324
scholarship account under the program: 325

(1) The student's resident district; 326

(2) If applicable, the community school in which that 327
student is enrolled; 328

(3) The independent contractor engaged to create and 329
maintain student data verification codes. 330

(B) Upon a request by the department under division (A) of 331
this section for the data verification code of a student seeking 332
a scholarship or a request by the student's parent for that 333
code, the school district or community school shall submit that 334
code to the department or parent in the manner specified by the 335

department. If the student has not been assigned a code, because 336
the student will be entering kindergarten during the school year 337
for which the scholarship is sought, the district shall assign a 338
code to that student and submit the code to the department or 339
parent by a date specified by the department. If the district 340
does not assign a code to the student by the specified date, the 341
department shall assign a code to that student. 342

The department annually shall submit to each school 343
district the name and data verification code of each student 344
residing in the district who is entering kindergarten, for whom 345
a scholarship account is established under the program, and for 346
whom the department has assigned a code under this division. 347

(C) For the purpose of administering the applicable 348
assessments prescribed under section 3301.0712 of the Revised 349
Code, as required by section 3310.25 of the Revised Code, the 350
department shall provide to each chartered nonpublic school that 351
enrolls a student for whom a scholarship account has been 352
established the data verification code for that student. 353

(D) The department and each chartered nonpublic school 354
that receives a data verification code under this section shall 355
not release that code to any person except as provided by law. 356

Any document relative to this program that the department 357
holds in its files that contains both a student's name or other 358
personally identifiable information and the student's data 359
verification code is not a public record under section 149.43 of 360
the Revised Code. 361

Sec. 3310.27. The treasurer of state shall adopt rules in 362
accordance with Chapter 119. of the Revised Code for the 363
purposes of implementing sections 3310.21 to 3310.27 of the 364

<u>Revised Code.</u>	365
Sec. 3317.02. As used in this chapter:	366
(A) "Alternative school" has the same meaning as in section 3313.974 of the Revised Code.	367 368
(B) "Autism scholarship unit" means a unit that consists of all of the students for whom autism scholarships are awarded under section 3310.41 of the Revised Code.	369 370 371
(C) For fiscal years 2022 and 2023, a district's "base cost enrolled ADM" for a fiscal year means the greater of the following:	372 373 374
(1) The district's enrolled ADM for the previous fiscal year;	375 376
(2) The average of the district's enrolled ADM for the previous three fiscal years.	377 378
(D) (1) "Base cost per pupil" means the following for a city, local, or exempted village school district:	379 380
(a) For fiscal years 2022 and 2023, the aggregate base cost calculated for that district for that fiscal year under section 3317.011 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year;	381 382 383 384
(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	385 386 387
(2) "Base cost per pupil" means the following for a joint vocational school district:	388 389
(a) For fiscal years 2022 and 2023, the aggregate base cost calculated for that district for that fiscal year under	390 391

section 3317.012 of the Revised Code divided by the district's 392
base cost enrolled ADM for that fiscal year; 393

(b) For fiscal year 2024 and each fiscal year thereafter, 394
an amount calculated in a manner determined by the general 395
assembly. 396

(E) (1) "Category one career-technical education ADM" means 397
the enrollment of students during the school year on a full-time 398
equivalency basis in career-technical education programs 399
described in division (A) (1) of section 3317.014 of the Revised 400
Code and, in the case of a funding unit that is a city, local, 401
exempted village, or joint vocational school district, certified 402
under division (B) (11) or (D) (2) (h) of section 3317.03 of the 403
Revised Code or, in the case of the community and STEM school 404
unit, reported by all community and STEM schools statewide under 405
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 406
and division (D) of section 3326.32 of the Revised Code. 407

(2) "Category two career-technical education ADM" means 408
the enrollment of students during the school year on a full-time 409
equivalency basis in career-technical education programs 410
described in division (A) (2) of section 3317.014 of the Revised 411
Code and, in the case of a funding unit that is a city, local, 412
exempted village, or joint vocational school district, certified 413
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 414
Revised Code or, in the case of the community and STEM school 415
unit, reported by all community and STEM schools statewide under 416
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 417
and division (D) of section 3326.32 of the Revised Code. 418

(3) "Category three career-technical education ADM" means 419
the enrollment of students during the school year on a full-time 420
equivalency basis in career-technical education programs 421

described in division (A) (3) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (13) or (D) (2) (j) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

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

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

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

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

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

(G) (1) "Category one special education ADM" means the 482
full-time equivalent number of children with disabilities 483
receiving special education services for the disability 484
specified in division (A) of section 3317.013 of the Revised 485
Code and, in the case of a funding unit that is a city, local, 486
exempted village, or joint vocational school district, certified 487
under division (B) (5) or (D) (2) (b) of section 3317.03 of the 488
Revised Code or, in the case of the community and STEM school 489
unit, reported by all community and STEM schools statewide under 490
division (B) (3) of section 3314.08 of the Revised Code and 491
division (C) of section 3326.32 of the Revised Code. 492

(2) "Category two special education ADM" means the full- 493
time equivalent number of children with disabilities receiving 494
special education services for those disabilities specified in 495
division (B) of section 3317.013 of the Revised Code and, in the 496
case of a funding unit that is a city, local, exempted village, 497
or joint vocational school district, certified under division 498
(B) (6) or (D) (2) (c) of section 3317.03 of the Revised Code or, 499
in the case of the community and STEM school unit, reported by 500
all community and STEM schools statewide under division (B) (3) 501
of section 3314.08 of the Revised Code and division (C) of 502
section 3326.32 of the Revised Code. 503

(3) "Category three special education ADM" means the full- 504
time equivalent number of students receiving special education 505
services for those disabilities specified in division (C) of 506
section 3317.013 of the Revised Code, and, in the case of a 507
funding unit that is a city, local, exempted village, or joint 508
vocational school district, certified under division (B) (7) or 509
(D) (2) (d) of section 3317.03 of the Revised Code or, in the case 510
of the community and STEM school unit, reported by all community 511
and STEM schools statewide under division (B) (3) of section 512

3314.08 of the Revised Code and division (C) of section 3326.32 513
of the Revised Code. 514

(4) "Category four special education ADM" means the full- 515
time equivalent number of students receiving special education 516
services for those disabilities specified in division (D) of 517
section 3317.013 of the Revised Code and, in the case of a 518
funding unit that is a city, local, exempted village, or joint 519
vocational school district, certified under division (B) (8) or 520
(D) (2) (e) of section 3317.03 of the Revised Code or, in the case 521
of the community and STEM school unit, reported by all community 522
and STEM schools statewide under division (B) (3) of section 523
3314.08 of the Revised Code and division (C) of section 3326.32 524
of the Revised Code. 525

(5) "Category five special education ADM" means the full- 526
time equivalent number of students receiving special education 527
services for the disabilities specified in division (E) of 528
section 3317.013 of the Revised Code and, in the case of a 529
funding unit that is a city, local, exempted village, or joint 530
vocational school district, certified under division (B) (9) or 531
(D) (2) (f) of section 3317.03 of the Revised Code or, in the case 532
of the community and STEM school unit, reported by all community 533
and STEM schools statewide under division (B) (3) of section 534
3314.08 of the Revised Code and division (C) of section 3326.32 535
of the Revised Code. 536

(6) "Category six special education ADM" means the full- 537
time equivalent number of students receiving special education 538
services for the disabilities specified in division (F) of 539
section 3317.013 of the Revised Code and, in the case of a 540
funding unit that is a city, local, exempted village, or joint 541
vocational school district certified under division (B) (10) or 542

(D) (2) (g) of section 3317.03 of the Revised Code or, in the case 543
of the community and STEM school unit, reported by all community 544
and STEM schools statewide under division (B) (3) of section 545
3314.08 of the Revised Code and division (C) of section 3326.32 546
of the Revised Code. 547

(H) "Community and STEM school unit" means a unit that 548
consists of all of the students enrolled in community schools 549
established under Chapter 3314. of the Revised Code and science, 550
technology, engineering, and mathematics schools established 551
under Chapter 3326. of the Revised Code. 552

(I) (1) "Economically disadvantaged index for a school 553
district" means the following: 554

(a) For fiscal years 2022 and 2023, the square of the 555
quotient of that district's percentage of students in its 556
enrolled ADM who are identified as economically disadvantaged as 557
defined by the department of education, divided by the 558
percentage of students in the statewide ADM identified as 559
economically disadvantaged. For purposes of this calculation: 560

(i) For a city, local, or exempted village school 561
district, the "statewide ADM" equals the sum of the following: 562

(I) The enrolled ADM for all city, local, and exempted 563
village school districts combined; 564

(II) The statewide enrollment of students in community 565
schools established under Chapter 3314. of the Revised Code; 566

(III) The statewide enrollment of students in science, 567
technology, engineering, and mathematics schools established 568
under Chapter 3326. of the Revised Code. 569

(ii) For a joint vocational school district, the 570

"statewide ADM" equals the sum of the enrolled ADM for all joint vocational school districts combined. 571
572

(b) For fiscal year 2024 and each fiscal year thereafter, 573
an index calculated in a manner determined by the general 574
assembly. 575

(2) "Economically disadvantaged index for a community or STEM school" means the following: 576
577

(a) For fiscal years 2022 and 2023, the square of the 578
quotient of the percentage of students enrolled in the school 579
who are identified as economically disadvantaged as defined by 580
the department of education, divided by the percentage of 581
students in the statewide ADM identified as economically 582
disadvantaged. For purposes of this calculation, the "statewide 583
ADM" equals the "statewide ADM" for city, local, and exempted 584
village school districts described in division (I) (1) (a) (i) of 585
this section. 586

(b) For fiscal year 2024 and each fiscal year thereafter, 587
an index calculated in a manner determined by the general 588
assembly. 589

(J) Division (J) of this section does not apply on or after July 1, 2024. 590
591

"Educational choice scholarship unit" means a unit that 592
consists of all of the students for whom educational choice 593
scholarships are awarded under sections 3310.03 and 3310.032 of 594
the Revised Code. 595

(K) "Enrolled ADM" means the following: 596

(1) For a city, local, or exempted village school 597
district, the enrollment reported under division (A) of section 598

3317.03 of the Revised Code, as verified by the superintendent 599
of public instruction and adjusted if so ordered under division 600
(K) of that section, and as further adjusted by the department 601
of education, as follows: 602

(a) Add the students described in division (A) (1) (b) of 603
section 3317.03 of the Revised Code; 604

(b) Subtract the students counted under divisions (A) (2) 605
(a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of section 606
3317.03 of the Revised Code; 607

(c) Count only twenty per cent of the number of joint 608
vocational school district students counted under division (A) 609
(3) of section 3317.03 of the Revised Code; 610

(d) Add twenty per cent of the number of students who are 611
entitled to attend school in the district under section 3313.64 612
or 3313.65 of the Revised Code and are enrolled in another 613
school district under a career-technical education compact; 614

(e) Add twenty per cent of the number of students 615
described in division (A) (1) (b) of section 3317.03 of the 616
Revised Code who enroll in a joint vocational school district or 617
under a career-technical education compact. 618

(2) For a joint vocational school district, the final 619
number verified by the superintendent of public instruction, 620
based on the enrollment reported and certified under division 621
(D) of section 3317.03 of the Revised Code, as adjusted, if so 622
ordered, under division (K) of that section, and as further 623
adjusted by the department of education by adding the students 624
described in division (D) (1) (b) of section 3317.03 of the 625
Revised Code; 626

(3) For the community and STEM school unit, the sum of the 627

number of students reported as enrolled in community schools 628
under divisions (B) (1) and (2) of section 3314.08 of the Revised 629
Code and the number of students reported as enrolled in STEM 630
schools under division (A) of section 3326.32 of the Revised 631
Code; 632

(4) Division (K) (4) of this section does not apply on or 633
after July 1, 2024. 634

For the educational choice scholarship unit, the number of 635
students for whom educational choice scholarships are awarded 636
under sections 3310.03 and 3310.032 of the Revised Code as 637
reported under division (A) (2) (g) of section 3317.03 of the 638
Revised Code; 639

(5) Division (K) (5) of this section does not apply on or 640
after July 1, 2024. 641

For the pilot project scholarship unit, the number of 642
students for whom pilot project scholarships are awarded under 643
sections 3313.974 to 3313.979 of the Revised Code as reported 644
under division (A) (2) (b) of section 3317.03 of the Revised Code; 645

(6) For the autism scholarship unit, the number of 646
students for whom autism scholarships are awarded under section 647
3310.41 of the Revised Code as reported under division (A) (2) (h) 648
of section 3317.03 of the Revised Code; 649

(7) For the Jon Peterson special needs scholarship unit, 650
the number of students for whom Jon Peterson special needs 651
scholarships are awarded under sections 3310.51 to 3310.64 of 652
the Revised Code as reported under division (A) (2) (h) of section 653
3317.03 of the Revised Code; 654

(8) For the backpack scholarship unit, the number of 655
students for whom educational savings accounts are established 656

under sections 3310.21 to 3310.27 of the Revised Code as 657
reported under division (A) (2) (k) of section 3317.03 of the 658
Revised Code. 659

(L) (1) "Formula ADM" means, for a city, local, or exempted 660
village school district, the enrollment reported under division 661
(A) of section 3317.03 of the Revised Code, as verified by the 662
superintendent of public instruction and adjusted if so ordered 663
under division (K) of that section, and as further adjusted by 664
the department of education, as follows: 665

(a) Count only twenty per cent of the number of joint 666
vocational school district students counted under division (A) 667
(3) of section 3317.03 of the Revised Code; 668

(b) Add twenty per cent of the number of students who are 669
entitled to attend school in the district under section 3313.64 670
or 3313.65 of the Revised Code and are enrolled in another 671
school district under a career-technical education compact. 672

(2) "Formula ADM" means, for a joint vocational school 673
district, the final number verified by the superintendent of 674
public instruction, based on the enrollment reported and 675
certified under division (D) of section 3317.03 of the Revised 676
Code, as adjusted, if so ordered, under division (K) of that 677
section. 678

(M) "FTE basis" means a count of students based on full- 679
time equivalency, in accordance with rules adopted by the 680
department of education pursuant to section 3317.03 of the 681
Revised Code. In adopting its rules under this division, the 682
department shall provide for counting any student in category 683
one, two, three, four, five, or six special education ADM or in 684
category one, two, three, four, or five career-technical 685

education ADM in the same proportion the student is counted in 686
enrolled ADM and formula ADM. 687

(N) For fiscal years 2022 and 2023, "funding base" means, 688
for a city, local, or exempted village school district, the sum 689
of the following as calculated by the department: 690

(1) The district's "general funding base," which equals 691
the amount calculated as follows: 692

(a) Compute the sum of the following: 693

(i) The amount calculated for the district for fiscal year 694
2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 695
133rd general assembly after any adjustments required under 696
Section 265.227 of H.B. 166 of the 133rd general assembly and 697
prior to any funding reductions authorized by Executive Order 698
2020-19D, "Implementing Additional Spending Controls to Balance 699
the State Budget" issued on May 7, 2020; 700

(ii) Either of the following: 701

(I) For fiscal year 2022, the district's payments for 702
fiscal year 2020 under divisions (C) (1), (2), (3), and (4) of 703
section 3313.981 of the Revised Code as those divisions existed 704
prior to September 30, 2021; 705

(II) For fiscal year 2023, the district's payments for 706
fiscal year 2020 under divisions (C) (1), (3), and (4) of section 707
3313.981 of the Revised Code as those divisions existed prior to 708
September 30, 2021. 709

(b) Subtract from the amount calculated in division (N) (1) 710
(a) of this section the sum of the following: 711

(i) The following difference: 712

(The amount paid to the district under division (A) (5) of 713
section 3317.022 of the Revised Code, as that division existed 714
prior to September 30, 2021, for fiscal year 2019) - (the 715
amounts deducted from the district and paid to a community 716
school under division (C) (1) (e) of section 3314.08 of the 717
Revised Code or a science, technology, engineering, and 718
mathematics school under division (E) of section 3326.33 of the 719
Revised Code as those divisions existed prior to September 30, 720
2021, for fiscal year 2020 in accordance with division (A) of 721
Section 265.235 of H.B. 166 of the 133rd general assembly) 722

(ii) The payments deducted from the district and paid to a 723
community school for fiscal year 2020 under divisions (C) (1) (a), 724
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the 725
Revised Code as those divisions existed prior to September 30, 726
2021, in accordance with division (A) of Section 265.230 of H.B. 727
166 of the 133rd general assembly; 728

(iii) The payments deducted from the district and paid to 729
a science, technology, engineering, and mathematics school for 730
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 731
and (G) of section 3326.33 of the Revised Code as those 732
divisions existed prior to September 30, 2021, in accordance 733
with division (A) of Section 265.235 of H.B. 166 of the 133rd 734
general assembly; 735

(iv) The payments deducted from the district under 736
division (C) of section 3310.08 of the Revised Code as that 737
division existed prior to September 30, 2021, division (C) (2) of 738
section 3310.41 of the Revised Code as that division existed 739
prior to September 30, 2021, and former section 3310.55 of the 740
Revised Code for fiscal year 2020 and, in the case of a pilot 741
project school district as defined in section 3313.975 of the 742

Revised Code, the funds deducted from the district under Section 743
265.210 of H.B. 166 of the 133rd general assembly to operate the 744
pilot project scholarship program for fiscal year 2020 under 745
sections 3313.974 to 3313.979 of the Revised Code; 746

(v) Either of the following: 747

(I) For fiscal year 2022, the payments subtracted from the 748
district for fiscal year 2020 under divisions (B) (1), (2), and 749
(3) of section 3313.981 of the Revised Code as those divisions 750
existed prior to September 30, 2021; 751

(II) For fiscal year 2023, the payments subtracted from 752
the district for fiscal year 2020 under divisions (B) (1) and (3) 753
of section 3313.981 of the Revised Code as those divisions 754
existed prior to September 30, 2021. 755

(2) The district's "disadvantaged pupil impact aid funding 756
base," which equals the following difference: 757

(The amount paid to the district under division (A) (5) of 758
section 3317.022 of the Revised Code, as that division existed 759
prior to September 30, 2021, for fiscal year 2019) - (the 760
amounts deducted from the district and paid to a community 761
school under division (C) (1) (e) of section 3314.08 of the 762
Revised Code or a science, technology, engineering, and 763
mathematics school under division (E) of section 3326.33 of the 764
Revised Code as those divisions existed prior to September 30, 765
2021, for fiscal year 2020 in accordance with division (A) of 766
Section 265.235 of H.B. 166 of the 133rd general assembly) 767

(O) For fiscal years 2022 and 2023, "funding base" means, 768
for a joint vocational school district, the sum of the following 769
as calculated by the department: 770

(1) The district's "general funding base," which equals 771

the amount calculated as follows:	772
(a) Compute the sum of the following:	773
(i) The district's payments for fiscal year 2020 under Section 265.225 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly;	774 775 776 777
(ii) Either of the following:	778
(I) For fiscal year 2022, the district's payments for fiscal year 2020 under divisions (D) (1), (2), and (E) (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;	779 780 781 782
(II) For fiscal year 2023, the district's payments for fiscal year 2020 under divisions (D) (1) and (2) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.	783 784 785 786
(b) Subtract from the amount paid to the district under division (A) (3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019.	787 788 789 790
(2) The district's "disadvantaged pupil impact aid funding base," which equals the amount paid to the district under division (A) (3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019.	791 792 793 794 795
(P) For fiscal years 2022 and 2023, "funding base" for a community school means the following:	796 797
(1) For a community school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for	798 799

that fiscal year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly and the amount, if any, paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd general assembly;

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

(3) For a community school that was not in operation for fiscal year 2020, the amount that would have been paid to the school if it was in operation for that school year under division (C)(1) of section 3314.08 of the Revised Code as that division existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly if the school had been in operation for the entirety of that fiscal year, as calculated by the department, and the amount that would have been paid to the school for that fiscal year under section 3314.085 of the Revised Code in accordance with division (B) of Section 265.230 of H.B. 166 of the 133rd

general assembly, if any, if the school had been in operation 831
for the entirety of that fiscal year, as calculated by the 832
department. 833

(Q) For fiscal years 2022 and 2023, "funding base" for a 834
STEM school means the following: 835

(1) For a science, technology, engineering, and 836
mathematics school that was in operation for the entirety of 837
fiscal year 2020, the amount paid to the school for that fiscal 838
year under section 3326.33 of the Revised Code as that section 839
existed prior to September 30, 2021, in accordance with division 840
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 841
and the amount, if any, paid to the school for that fiscal year 842
under section 3326.41 of the Revised Code in accordance with 843
division (B) of Section 265.235 of H.B. 166 of the 133rd general 844
assembly; 845

(2) For a science, technology, engineering, and 846
mathematics school that was in operation for part of fiscal year 847
2020, the amount that would have been paid to the school for 848
that fiscal year under section 3326.33 of the Revised Code as 849
that section existed prior to September 30, 2021, in accordance 850
with division (A) of Section 265.235 of H.B. 166 of the 133rd 851
general assembly if the school had been in operation for the 852
entirety of that fiscal year, as calculated by the department, 853
and the amount that would have been paid to the school for that 854
fiscal year under section 3326.41 of the Revised Code in 855
accordance with division (B) of Section 265.235 of H.B. 166 of 856
the 133rd general assembly, if any, if the school had been in 857
operation for the entirety of that fiscal year, as calculated by 858
the department; 859

(3) For a science, technology, engineering, and 860

mathematics school that was not in operation for fiscal year 861
2020, the amount that would have been paid to the school if it 862
was in operation for that school year under section 3326.33 of 863
the Revised Code as that section existed prior to September 30, 864
2021, in accordance with division (A) of Section 265.235 of H.B. 865
166 of the 133rd general assembly if the school had been in 866
operation for the entirety of that fiscal year, as calculated by 867
the department, and the amount that would have been paid to the 868
school for that fiscal year under section 3326.41 of the Revised 869
Code in accordance with division (B) of Section 265.235 of H.B. 870
166 of the 133rd general assembly, if any, if the school had 871
been in operation for the entirety of that fiscal year, as 872
calculated by the department. 873

(R) "Funding unit" means any of the following: 874

(1) A city, local, exempted village, or joint vocational 875
school district; 876

(2) The community and STEM school unit; 877

(3) Division (R) (3) of this section does not apply on or 878
after July 1, 2024. 879

The educational choice scholarship unit; 880

(4) Division (R) (4) of this section does not apply on or 881
after July 1, 2024. 882

The pilot project scholarship unit; 883

(5) The autism scholarship unit; 884

(6) The Jon Peterson special needs scholarship unit; 885

(7) The backpack scholarship unit. 886

(S) "Jon Peterson special needs scholarship unit" means a 887

unit that consists of all of the students for whom Jon Peterson 888
scholarships are awarded under sections 3310.51 to 3310.64 of 889
the Revised Code. 890

(T) "Internet- or computer-based community school" has the 891
same meaning as in section 3314.02 of the Revised Code. 892

(U) "LRE student with a disability" means a child with a 893
disability who has an individualized education program providing 894
for the student to spend more than half of each school day in a 895
regular school setting with nondisabled students. For purposes 896
of this division, "individualized education program" and "child 897
with a disability" have the same meanings as in section 3323.01 898
of the Revised Code, and "LRE" is an abbreviation for "least 899
restrictive environment." 900

(V) "Medically fragile child" means a child to whom all of 901
the following apply: 902

(1) The child requires the services of a doctor of 903
medicine or osteopathic medicine at least once a week due to the 904
instability of the child's medical condition. 905

(2) The child requires the services of a registered nurse 906
on a daily basis. 907

(3) The child is at risk of institutionalization in a 908
hospital, skilled nursing facility, or intermediate care 909
facility for individuals with intellectual disabilities. 910

(W) (1) A child may be identified as having an "other 911
health impairment-major" if the child's condition meets the 912
definition of "other health impaired" established in rules 913
previously adopted by the state board of education and if either 914
of the following apply: 915

(a) The child is identified as having a medical condition 916
that is among those listed by the superintendent of public 917
instruction as conditions where a substantial majority of cases 918
fall within the definition of "medically fragile child." 919

(b) The child is determined by the superintendent of 920
public instruction to be a medically fragile child. A school 921
district superintendent may petition the superintendent of 922
public instruction for a determination that a child is a 923
medically fragile child. 924

(2) A child may be identified as having an "other health 925
impairment-minor" if the child's condition meets the definition 926
of "other health impaired" established in rules previously 927
adopted by the state board of education but the child's 928
condition does not meet either of the conditions specified in 929
division (W) (1) (a) or (b) of this section. 930

(X) (1) For fiscal years 2022 and 2023, a city, local, 931
exempted village, or joint vocational school district's, 932
community school's, or STEM school's "general phase-in 933
percentage" is equal to the percentage for that fiscal year that 934
is determined by the general assembly. 935

(2) For fiscal years 2022 and 2023, a city, local, 936
exempted village, or joint vocational school district's "phase- 937
in percentage for disadvantaged pupil impact aid" is equal to 938
the percentage for that fiscal year that is determined by the 939
general assembly. 940

(Y) Division (Y) of this section does not apply on or 941
after July 1, 2024. 942

"Pilot project scholarship unit" means a unit that 943
consists of all of the students for whom pilot project 944

scholarships are awarded under sections 3313.974 to 3313.979 of 945
the Revised Code. 946

(Z) "Preschool child with a disability" means a child with 947
a disability, as defined in section 3323.01 of the Revised Code, 948
who is at least age three but is not of compulsory school age, 949
as defined in section 3321.01 of the Revised Code, and who is 950
not currently enrolled in kindergarten. 951

(AA) "Related services" includes: 952

(1) Child study, special education supervisors and 953
coordinators, speech and hearing services, adaptive physical 954
development services, occupational or physical therapy, teacher 955
assistants for children with disabilities whose disabilities are 956
described in division (B) of section 3317.013 or division (G) (3) 957
of this section, behavioral intervention, interpreter services, 958
work study, nursing services, and specialized integrative 959
services as those terms are defined by the department; 960

(2) Speech and language services provided to any student 961
with a disability, including any student whose primary or only 962
disability is a speech and language disability; 963

(3) Any related service not specifically covered by other 964
state funds but specified in federal law, including but not 965
limited to, audiology and school psychological services; 966

(4) Any service included in units funded under former 967
division (O) (1) of section 3317.024 of the Revised Code; 968

(5) Any other related service needed by children with 969
disabilities in accordance with their individualized education 970
programs. 971

(BB) "School district," unless otherwise specified, means 972

city, local, and exempted village school districts.	973
(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code.	974 975
(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	976 977
(EE) (1) "State share percentage" means the following for a city, local, or exempted village school district:	978 979
(a) For fiscal years 2022 and 2023, the state share percentage calculated under section 3317.017 of the Revised Code;	980 981 982
(b) For fiscal year 2024 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.	983 984 985
(2) "State share percentage" means the following for a joint vocational school district:	986 987
(a) For fiscal years 2022 and 2023, the percentage calculated in accordance with the following formula:	988 989
The amount computed for the district under division (A) (1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code	990 991 992 993
(b) For fiscal year 2024 and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.	994 995 996
(FF) "Statewide average base cost per pupil" means the following:	997 998
(1) For fiscal years 2022 and 2023, the statewide average	999

base cost per pupil calculated under division (A) of section	1000
3317.018 of the Revised Code;	1001
(2) For fiscal year 2024 and each fiscal year thereafter,	1002
an amount calculated in a manner determined by the general	1003
assembly.	1004
(GG) "Statewide average career-technical base cost per	1005
pupil" means the following:	1006
(1) For fiscal years 2022 and 2023, the statewide average	1007
career-technical base cost per pupil calculated under division	1008
(B) of section 3317.018 of the Revised Code;	1009
(2) For fiscal year 2024 and each fiscal year thereafter,	1010
an amount calculated in a manner determined by the general	1011
assembly.	1012
(HH) "STEM school" means a science, technology,	1013
engineering, and mathematics school established under Chapter	1014
3326. of the Revised Code.	1015
(II) "Taxes charged and payable" means the taxes charged	1016
and payable against real and public utility property after	1017
making the reduction required by section 319.301 of the Revised	1018
Code, plus the taxes levied against tangible personal property.	1019
(JJ) For purposes of sections 3317.017 and 3317.16 of the	1020
Revised Code, "three-year average valuation" for a fiscal year	1021
means the average of total taxable value for the three most	1022
recent tax years for which data is available, as certified under	1023
section 3317.021 of the Revised Code.	1024
(KK) "Total ADM" means, for a city, local, or exempted	1025
village school district, the enrollment reported under division	1026
(A) of section 3317.03 of the Revised Code minus the enrollment	1027

reported under divisions (A) (2) (a), (b), (g), (h), ~~and (i)~~, and
(k) of that section, as verified by the superintendent of public
instruction and adjusted if so ordered under division (K) of
that section.

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

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

(NN) "Tuition discount" means any deduction from the base
tuition amount per student charged by a chartered nonpublic
school, to which the student's family is entitled due to one or
more of the following conditions:

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

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

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

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

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

Sec. 3317.022. The department of education shall compute 1056
and distribute state core foundation funding to each eligible 1057
funding unit that is a city, local, or exempted village school 1058
district, the community and STEM school unit, the educational 1059
choice scholarship unit, the pilot project scholarship unit, the 1060
autism scholarship unit, ~~and~~ the Jon Peterson special needs 1061
scholarship unit, and the backpack scholarship unit for the 1062
fiscal year, using the information obtained under section 1063
3317.021 of the Revised Code in the calendar year in which the 1064
fiscal year begins in accordance with the following: 1065

For fiscal years 2022 and 2023, for a funding unit that is 1066
a city, local, or exempted village school district: 1067

The district's funding base + [(the district's state core 1068
foundation funding components for that fiscal year calculated 1069
under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this 1070
section - the district's general funding base calculated in 1071
accordance with division (N) (1) of section 3317.02 of the 1072
Revised Code) X the district's general phase-in percentage for 1073
that fiscal year] + [(the district's disadvantaged pupil impact 1074
aid for that fiscal year calculated under division (A) (4) of 1075
this section - the district's disadvantaged pupil impact aid 1076
funding base calculated in accordance with division (N) (2) of 1077
section 3317.02 of the Revised Code) X the district's phase-in 1078
percentage for disadvantaged pupil impact aid for that fiscal 1079
year] + the district's supplemental targeted assistance funds 1080
calculated under section 3317.0218 of the Revised Code 1081

For fiscal year 2024 and each fiscal year thereafter, for 1082
a funding unit that is a city, local, or exempted village school 1083
district, the sum of the district's state core foundation 1084
funding components for that fiscal year calculated under 1085

divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this 1086
section and the district's supplemental targeted assistance 1087
funds calculated under section 3317.0218 of the Revised Code, if 1088
the general assembly authorizes such payments to these funding 1089
units. 1090

For fiscal years 2022 and 2023, for the community and STEM 1091
school unit, an amount calculated in accordance with section 1092
3317.026 of the Revised Code. 1093

For fiscal years 2024 and each fiscal year thereafter, for 1094
the community and STEM school unit, an amount calculated in 1095
accordance with divisions (A) (1), (3), (4), (5), (7), (8), and 1096
(9) of this section, if the general assembly authorizes such 1097
payments to these funding units. 1098

For the educational choice scholarship unit, the amount 1099
calculated under division (A) (10) of this section. However, for 1100
fiscal year 2025 and each fiscal year thereafter, the department 1101
shall not compute and distribute state core foundation funding 1102
for the educational choice scholarship unit. 1103

For the pilot project scholarship unit, the amount 1104
calculated under division (A) (11) of this section. However, for 1105
fiscal year 2025 and each fiscal year thereafter, the department 1106
shall not compute and distribute state core foundation funding 1107
for the pilot project scholarship unit. 1108

For the autism scholarship unit, the amount calculated 1109
under division (A) (12) of this section. 1110

For the Jon Peterson special needs scholarship unit, the 1111
amount calculated under division (A) (13) of this section. 1112

For fiscal year 2025 and each year thereafter, for the 1113
backpack scholarship unit, the amount calculated under division 1114

<u>(A) (14) of this section.</u>	1115
(A) A funding unit's state core foundation funding components shall be the following:	1116 1117
(1) (a) If the funding unit is a city, local, or exempted village school district, the district's state share, which is equal to the following:	1118 1119 1120
(i) For fiscal years 2022 and 2023, the amount calculated under division (B) of section 3317.017 of the Revised Code;	1121 1122
(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	1123 1124 1125
(b) If the funding unit is the community and STEM school unit, the aggregate base cost for all schools in that unit, which is equal to the following:	1126 1127 1128
(i) For fiscal years 2022 and 2023, the amount calculated under section 3317.0110 of the Revised Code;	1129 1130
(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	1131 1132 1133
(2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following:	1134 1135 1136
(a) For fiscal years 2022 and 2023, an amount calculated under section 3317.0217 of the Revised Code;	1137 1138
(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	1139 1140 1141

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

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

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

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

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

(iv) The funding unit's category four special education
ADM X the multiple specified in division (D) of section 3317.013
of the Revised Code X the statewide average base cost per pupil
for that fiscal year X if the funding unit is a city, local, or

exempted village school district, the district's state share 1171
percentage; 1172

(v) The funding unit's category five special education ADM 1173
X the multiple specified in division (E) of section 3317.013 of 1174
the Revised Code X the statewide average base cost per pupil for 1175
that fiscal year X if the funding unit is a city, local, or 1176
exempted village school district, the district's state share 1177
percentage; 1178

(vi) The funding unit's category six special education ADM 1179
X the multiple specified in division (F) of section 3317.013 of 1180
the Revised Code X the statewide average base cost per pupil for 1181
that fiscal year X if the funding unit is a city, local, or 1182
exempted village school district, the district's state share 1183
percentage. 1184

(b) For fiscal year 2024 and each fiscal year thereafter, 1185
the sum of the following: 1186

(i) An amount calculated in a manner determined by the 1187
general assembly times the funding unit's category one special 1188
education ADM; 1189

(ii) An amount calculated in a manner determined by the 1190
general assembly times the funding unit's category two special 1191
education ADM; 1192

(iii) An amount calculated in a manner determined by the 1193
general assembly times the funding unit's category three special 1194
education ADM; 1195

(iv) An amount calculated in a manner determined by the 1196
general assembly times the funding unit's category four special 1197
education ADM; 1198

(v) An amount calculated in a manner determined by the 1199
general assembly times the funding unit's category five special 1200
education ADM; 1201

(vi) An amount calculated in a manner determined by the 1202
general assembly times the funding unit's category six special 1203
education ADM. 1204

(4) If the funding unit is a city, local, or exempted 1205
village school district or the community and STEM school unit, 1206
disadvantaged pupil impact aid calculated according to the 1207
following formula: 1208

(a) If the funding unit is a city, local, or exempted 1209
village school district, an amount equal to the following: 1210

(i) For fiscal years 2022 and 2023, the following product: 1211
\$422 X (the district's economically disadvantaged index) X the 1212
number of students who are economically disadvantaged as 1213
certified under division (B) (21) of section 3317.03 of the 1214
Revised Code 1215

(ii) For fiscal year 2024 and each fiscal year thereafter, 1216
an amount calculated in a manner determined by the general 1217
assembly. 1218

(b) If the funding unit is the community and STEM school 1219
unit, an amount equal to the following: 1220

(i) For fiscal years 2022 and 2023, an amount calculated 1221
as follows: 1222

(I) For each student in the funding unit's enrolled ADM 1223
who is economically disadvantaged and is not enrolled in an 1224
internet- or computer-based community school, multiply \$422 by 1225
the economically disadvantaged index of the school in which the 1226

student is enrolled; 1227

(II) Compute the funding unit's disadvantaged pupil impact 1228
aid by calculating the sum of the amounts determined under 1229
division (A) (4) (b) (i) (I) of this section. 1230

(ii) For fiscal year 2024 and each fiscal year thereafter, 1231
an amount calculated as follows: 1232

(I) For each student in the funding unit's enrolled ADM 1233
who is economically disadvantaged and is not enrolled in an 1234
internet- or computer-based community school, calculate an 1235
amount in the manner determined by the general assembly; 1236

(II) Compute the funding unit's disadvantaged pupil impact 1237
aid by calculating the sum of the amounts determined under 1238
division (A) (4) (b) (ii) (I) of this section. 1239

(5) If the funding unit is a city, local, or exempted 1240
village school district or the community and STEM school unit, 1241
English learner funds calculated as follows: 1242

(a) For fiscal years 2022 and 2023, the sum of the 1243
following: 1244

(i) The funding unit's category one English learner ADM X 1245
the multiple specified in division (A) of section 3317.016 of 1246
the Revised Code X the statewide average base cost per pupil for 1247
that fiscal year X if the funding unit is a city, local, or 1248
exempted village school district, the district's state share 1249
percentage; 1250

(ii) The funding unit's category two English learner ADM X 1251
the multiple specified in division (B) of section 3317.016 of 1252
the Revised Code X the statewide average base cost per pupil for 1253
that fiscal year X if the funding unit is a city, local, or 1254

exempted village school district, the district's state share	1255
percentage;	1256
(iii) The funding unit's category three English learner	1257
ADM X the multiple specified in division (C) of section 3317.016	1258
of the Revised Code X the statewide average base cost per pupil	1259
for that fiscal year X if the funding unit is a city, local, or	1260
exempted village school district, the district's state share	1261
percentage.	1262
(b) For fiscal year 2024 and each fiscal year thereafter,	1263
the sum of the following:	1264
(i) An amount calculated in a manner determined by the	1265
general assembly times the funding unit's category one English	1266
learner ADM;	1267
(ii) An amount calculated in a manner determined by the	1268
general assembly times the funding unit's category two English	1269
learner ADM;	1270
(iii) An amount calculated in a manner determined by the	1271
general assembly times the funding unit's category three English	1272
learner ADM.	1273
(6) (a) For fiscal years 2022 and 2023, if the funding unit	1274
is a city, local, or exempted village school district, all of	1275
the following:	1276
(i) Gifted identification funds calculated according to	1277
the following formula:	1278
\$24 X the district's enrolled ADM for grades kindergarten	1279
through six X the district's state share percentage	1280
(ii) Gifted referral funds calculated according to the	1281
following formula:	1282

\$2.50 X the district's enrolled ADM X the district's state share	1283
percentage	1284
(iii) Gifted professional development funds calculated	1285
according to the following formula:	1286
(The greater of the number of gifted students enrolled in the	1287
district as certified under division (B) (22) of section 3317.03	1288
of the Revised Code and ten per cent of the district's enrolled	1289
ADM) X the district's state share percentage X \$7, for fiscal	1290
year 2022, or \$14, for fiscal year 2023	1291
(iv) Gifted unit funding calculated under section 3317.051	1292
of the Revised Code.	1293
(b) For fiscal year 2024 and each fiscal year thereafter,	1294
all of the following:	1295
(i) Gifted identification funds calculated in a manner	1296
determined by the general assembly;	1297
(ii) Gifted referral funds calculated in a manner	1298
determined by the general assembly, if the general assembly	1299
authorizes such a payment;	1300
(iii) Gifted professional development funds calculated in	1301
a manner determined by the general assembly, if the general	1302
assembly authorizes such a payment;	1303
(iv) Gifted unit funding calculated in an amount	1304
determined by the general assembly.	1305
(7) If the funding unit is a city, local, or exempted	1306
village school district or the community and STEM school unit,	1307
career-technical education funds calculated under division (C)	1308
of section 3317.014 of the Revised Code.	1309

(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code.

(9) If the funding unit is the community and STEM school unit, an amount calculated as follows:

(a) For fiscal years 2022 and 2023, an amount equal to the following:

[The number of students in the funding unit's enrolled ADM who are reported under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for all schools in the funding unit for that fiscal year under section 3317.0110 of the Revised Code / the funding unit's enrolled ADM) X.20]

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

(10) Division (A)(10) of this section does not apply on or after July 1, 2024.

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

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

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

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

through twelve. 1338

The amounts specified in division (A) (10) (a) (ii) of this 1339
section shall increase in future fiscal years by the same 1340
percentage that the statewide average base cost per pupil 1341
increases in future fiscal years. 1342

(b) Compute the sum of the amounts calculated under 1343
division (A) (10) (a) of this section. 1344

(11) Division (A) (11) of this section does not apply on or 1345
after July 1, 2024. 1346

If the funding unit is the pilot project scholarship unit, 1347
an amount calculated as follows: 1348

(a) For each student in the funding unit's enrolled ADM, 1349
determine the lesser of the following: 1350

(i) The net tuition charges of the student's alternative 1351
school; 1352

(ii) \$5,500, if the student is in grades kindergarten 1353
through eight, or \$7,500, if the student is in grades nine 1354
through twelve. 1355

The amounts specified in division (A) (11) (a) (ii) of this 1356
section shall increase in future fiscal years by the same 1357
percentage that the statewide average base cost per pupil 1358
increases in future fiscal years. 1359

For purposes of division (A) (11) (a) of this section, the 1360
net tuition and fees charged to a student shall be the tuition 1361
amount specified by the alternative school minus all other 1362
financial aid, discounts, and adjustments received for the 1363
student. In cases where discounts are offered for multiple 1364
students from the same family, and not all students in the same 1365

family are scholarship recipients, the net tuition amount 1366
attributable to the scholarship recipient shall be the lowest 1367
net tuition to which the family is entitled. 1368

The department shall provide for an increase in the amount 1369
determined for any student who is an LRE student with a 1370
disability and shall further increase such amount in the case of 1371
any separately educated student with a disability, as that term 1372
is defined in section 3313.974 of the Revised Code. Such 1373
increases shall take into account the instruction, related 1374
services, and transportation costs of educating such students. 1375

(b) Compute the sum of the amounts calculated under 1376
division (A) (17) (a) of this section. 1377

(12) If the funding unit is the autism scholarship unit, 1378
an amount calculated as follows: 1379

(a) For each student in the funding unit's enrolled ADM, 1380
determine the lesser of the following: 1381

(i) The tuition charged for the student's special 1382
education program, as that term is defined in section 3310.41 of 1383
the Revised Code; 1384

(ii) \$31,500, for fiscal year 2022, and \$32,445, for 1385
fiscal year 2023 and each fiscal year thereafter. 1386

(b) Compute the sum of the amounts calculated under 1387
division (A) (12) (a) of this section. 1388

(13) If the funding unit is the Jon Peterson special needs 1389
scholarship unit, an amount calculated as follows: 1390

(a) For each student in the funding unit's enrolled ADM, 1391
determine the least of the following: 1392

(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code;	1393 1394 1395 1396
(ii) \$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023, plus an amount determined as follows:	1397 1398
(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, \$1,514, for fiscal year 2022, and \$1,562, for fiscal year 2023;	1399 1400 1401 1402
(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, \$3,841, for fiscal year 2022, and \$3,963, for fiscal year 2023;	1403 1404 1405 1406
(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, \$9,465, for fiscal year 2022, and \$9,522, for fiscal year 2023;	1407 1408 1409 1410
(IV) If the student is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code, \$12,644, for fiscal year 2022, and \$12,707, for fiscal year 2023;	1411 1412 1413 1414
(V) If the student is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code, \$17,193, for fiscal year 2022, and \$17,209, for fiscal year 2023;	1415 1416 1417 1418
(VI) If the student is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code, \$24,591, for fiscal year 2022, and	1419 1420 1421

\$25,370, for fiscal year 2023. 1422

(iii) \$27,000. 1423

The amount specified for fiscal year 2023 in division (A) 1424
(13) (a) (ii) of this section shall increase in future fiscal 1425
years by the same percentage that the statewide average base 1426
cost per pupil increases in future fiscal years. 1427

The amounts specified for fiscal year 2023 in divisions 1428
(A) (13) (a) (ii) (I) to (VI) of this section shall increase in 1429
future fiscal years by the same percentage that the amounts 1430
calculated by the general assembly for those categories of 1431
special education services under division (A) (3) of this section 1432
increase in future fiscal years. 1433

(b) Compute the sum of the amounts calculated under 1434
division (A) (13) (a) of this section. 1435

(14) If the funding unit is the backpack scholarship unit, 1436
an amount calculated as follows: 1437

(a) For each student in the funding unit's enrolled ADM, 1438
\$5,500, if the student is in grades kindergarten through eight 1439
or the equivalent, or \$7,500, if the student is in grades nine 1440
through twelve or the equivalent. 1441

The amounts specified in division (A) (14) (a) of this 1442
section apply for the 2024-2025 school year. Those amounts shall 1443
increase in future fiscal years by the same percentage that the 1444
statewide average base cost per pupil increases in future fiscal 1445
years. 1446

(b) Compute the sum of the amounts calculated under 1447
division (A) (14) (a) of this section. 1448

(B) In any fiscal year, a funding unit that is a city, 1449

local, or exempted village school district shall spend for 1450
purposes that the department designates as approved for special 1451
education and related services expenses at least the amount 1452
calculated as follows: 1453

(The base cost per pupil calculated for the district for that 1454
fiscal year X the total special education ADM) + (the district's 1455
category one special education ADM X the multiple specified in 1456
division (A) of section 3317.013 of the Revised Code X the 1457
statewide average base cost per pupil) + (the district's 1458
category two special education ADM X the multiple specified in 1459
division (B) of section 3317.013 of the Revised Code X the 1460
statewide average base cost per pupil) + (the district's 1461
category three special education ADM X the multiple specified in 1462
division (C) of section 3317.013 of the Revised Code X the 1463
statewide average base cost per pupil) + (the district's 1464
category four special education ADM X the multiple specified in 1465
division (D) of section 3317.013 of the Revised Code X the 1466
statewide average base cost per pupil) + (the district's 1467
category five special education ADM X the multiple specified in 1468
division (E) of section 3317.013 of the Revised Code X the 1469
statewide average base cost per pupil) + (the district's 1470
category six special education ADM X the multiple specified in 1471
division (F) of section 3317.013 of the Revised Code X the 1472
statewide average base cost per pupil) 1473

The purposes approved by the department for special 1474
education expenses shall include, but shall not be limited to, 1475
identification of children with disabilities, compliance with 1476
state rules governing the education of children with 1477
disabilities and prescribing the continuum of program options 1478
for children with disabilities, provision of speech language 1479
pathology services, and the portion of the school district's 1480

overall administrative and overhead costs that are attributable 1481
to the district's special education student population. 1482

(C) A funding unit that is a city, local, or exempted 1483
village school district shall spend the funds it receives under 1484
division (A) (4) of this section in accordance with section 1485
3317.25 of the Revised Code. 1486

(D) (1) Except as provided in division (B) of section 1487
3317.026 of the Revised Code, the department shall distribute to 1488
each community school established under Chapter 3314. of the 1489
Revised Code and to each STEM school established under Chapter 1490
3326. of the Revised Code, from the funds paid to the community 1491
and STEM school unit under this section, an amount for each 1492
student enrolled in the school equal to the sum of the 1493
following: 1494

(a) The school's base cost per pupil for that fiscal year, 1495
calculated as follows: 1496

(i) For fiscal years 2022 and 2023: 1497

The aggregate base cost calculated for the school for that 1498
fiscal year under section 3317.0110 of the Revised Code / the 1499
number of students enrolled in the school for that fiscal year 1500

(ii) For fiscal year 2024 and each fiscal year thereafter, 1501
an amount determined by the general assembly under division (A) 1502
(1) (b) (ii) of this section divided by the number of students 1503
enrolled in the school for that fiscal year. 1504

(b) If the student is a special education student: 1505

(i) For fiscal years 2022 and 2023, the multiple specified 1506
for the student's special education category under section 1507
3317.013 of the Revised Code times the statewide average base 1508

cost per pupil;	1509
(ii) For fiscal year 2024 and each fiscal year thereafter,	1510
the amount calculated for the student's special education	1511
category in a manner determined by the general assembly under	1512
division (A) (3) (b) of this section.	1513
(c) If the school is not an internet- or computer-based	1514
community school and the student is economically disadvantaged:	1515
(i) For fiscal years 2022 and 2023, the amount calculated	1516
for the student under division (A) (4) (b) (i) (I) of this section;	1517
(ii) For fiscal year 2024 and each fiscal year thereafter,	1518
an amount calculated for the student in the manner determined by	1519
the general assembly under division (A) (4) (b) (ii) (I) of this	1520
section.	1521
(d) If the school is not an internet- or computer-based	1522
community school and the student is an English learner:	1523
(i) For fiscal years 2022 and 2023, the multiple specified	1524
for the student's English learner category under section	1525
3317.016 of the Revised Code times the statewide average base	1526
cost per pupil;	1527
(ii) For fiscal year 2024 and each fiscal year thereafter,	1528
the amount calculated for the student's special education	1529
category in a manner determined by the general assembly under	1530
division (A) (5) (b) of this section.	1531
(e) If the student is a career-technical education	1532
student:	1533
(i) For fiscal years 2022 and 2023, the multiple specified	1534
for the student's career-technical education category under	1535
section 3317.014 of the Revised Code times the statewide average	1536

career-technical base cost per pupil; 1537

(ii) For fiscal year 2024 and each fiscal year thereafter, 1538
the amount calculated for the student's career-technical 1539
education category in a manner determined by the general 1540
assembly under section 3317.014 of the Revised Code. 1541

(f) If the student is a career-technical education 1542
student: 1543

(i) For fiscal years 2022 and 2023, the multiple for 1544
career-technical associated services specified under section 1545
3317.014 of the Revised Code times the statewide average career- 1546
technical base cost per pupil; 1547

(ii) For fiscal year 2024 and each fiscal year thereafter, 1548
the amount calculated for career-technical associated services 1549
in a manner determined by the general assembly under section 1550
3317.014 of the Revised Code. 1551

(2) The department shall distribute to each community 1552
school established under Chapter 3314. of the Revised Code and 1553
to each STEM school established under Chapter 3326. of the 1554
Revised Code, from the funds paid to the community and STEM 1555
school unit under this section, an amount equal to the amount 1556
calculated for the school under division (A) (9) of this section. 1557

(E) Division (E) of this section does not apply on or 1558
after July 1, 2024. 1559

The department shall distribute to the parent of each 1560
student for whom an educational choice scholarship is awarded 1561
under section 3310.03 or 3310.032 of the Revised Code, or to the 1562
student if at least eighteen years of age, from the funds paid 1563
to the educational choice scholarship unit under this section, a 1564
scholarship equal to the amount calculated for the student under 1565

division (A) (10) (a) of this section. The scholarship shall be 1566
distributed in monthly partial payments, and the department 1567
shall proportionately reduce or terminate the payments for any 1568
student who withdraws from a chartered nonpublic school prior to 1569
the end of the school year. 1570

For purposes of divisions (E) and (F) of this section, in 1571
the case of a student who is not living with the student's 1572
parent, the department shall distribute the scholarship payments 1573
to the student's guardian, legal custodian, kinship caregiver, 1574
foster caregiver, or caretaker. For the purposes of this 1575
division, "caretaker" has the same meaning as in section 1576
3310.033 of the Revised Code, "kinship caregiver" has the same 1577
meaning as in section 5101.85 of the Revised Code, and "foster 1578
caregiver" has the same meaning as in section 5103.02 of the 1579
Revised Code. 1580

(F) Division (F) of this section does not apply on or 1581
after July 1, 2024. 1582

If a student is awarded a pilot project scholarship under 1583
sections 3313.974 to 3313.979 of the Revised Code, the 1584
department shall distribute to the parent of the student, if the 1585
student is attending a registered private school as defined in 1586
section 3313.974 of the Revised Code, or the student's school 1587
district of attendance, if the scholarship is to be used for 1588
payments to a public school in a school district adjacent to the 1589
pilot project school district pursuant to section 3327.06 of the 1590
Revised Code, a scholarship from the funds paid to the pilot 1591
project scholarship unit under this section that is equal to the 1592
amount calculated for the student under division (A) (11) (a) of 1593
this section. 1594

In the case of a scholarship distributed to a student's 1595

parent, the scholarship shall be distributed in monthly partial 1596
payments. The scholarship amount shall be proportionately 1597
reduced in the case of any such student who is not enrolled in a 1598
registered private school, as that term is defined in section 1599
3313.974 of the Revised Code, for the entire school year. 1600

In the case of a scholarship distributed to a student's 1601
school district of attendance, the department shall, on behalf 1602
of the student's parents, use the scholarship to make the 1603
tuition payments required by section 3327.06 of the Revised Code 1604
to the student's school district of attendance, except that, 1605
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 1606
Revised Code, the total payments in any school year shall not 1607
exceed the scholarship amount calculated for the student under 1608
division (A)(11)(a) of this section. 1609

(G) The department shall distribute to the parent of each 1610
student for whom an autism scholarship is awarded under section 1611
3310.41 of the Revised Code, from the funds paid to the autism 1612
scholarship unit under this section, a scholarship equal to the 1613
amount calculated for the student under division (A)(12)(a) of 1614
this section. The scholarship shall be distributed from time to 1615
time in partial payments. The scholarship amount shall be 1616
proportionately reduced in the case of any student who is not 1617
enrolled in the special education program for which a 1618
scholarship was awarded under section 3310.41 of the Revised 1619
Code for the entire school year. The department shall make no 1620
payments to the parent of a student while any administrative or 1621
judicial mediation or proceedings with respect to the content of 1622
the student's individualized education program are pending. 1623

(H) The department shall distribute to the parent of each 1624
student for whom a Jon Peterson special needs scholarship is 1625

awarded under sections 3310.51 to 3310.64 of the Revised Code, 1626
from the funds paid to the Jon Peterson special needs 1627
scholarship unit under this section, a scholarship equal to the 1628
amount calculated for the student under division (A) (13) (a) of 1629
this section. The scholarship shall be distributed in periodic 1630
payments, and the department shall proportionately reduce or 1631
terminate the payments for any student who is not enrolled in 1632
the special education program of an alternative public provider 1633
or a registered private provider, as those terms are defined in 1634
section 3310.51 of the Revised Code, for the entire school year. 1635

(I) For fiscal years 2022 and 2023, a school district 1636
shall spend the funds it receives under division (A) (5) of this 1637
section only for services for English learners. 1638

(J) For fiscal years 2022 and 2023, a school district 1639
shall spend the funds it receives under division (A) (6) of this 1640
section only for the identification of gifted students, gifted 1641
coordinator services, gifted intervention specialist services, 1642
other service providers approved by the department of education, 1643
and gifted professional development. For fiscal years 2022 and 1644
2023, if the department determines that a district is not in 1645
compliance with this division, it shall reduce the district's 1646
payments for that fiscal year under this chapter by an amount 1647
equal to the amount paid to the district for that fiscal year 1648
under division (A) (6) of this section that was not spent in 1649
accordance with this division. 1650

(K) The department shall transfer to each educational 1651
savings account established for a student by the treasurer of 1652
state under sections 3310.21 to 3310.27 of the Revised Code, 1653
from the funds paid to the backpack scholarship unit under this 1654
section, an amount of funds equal to the amount calculated for 1655

the student under division (A) (14) (a) of this section. The 1656
department shall distribute those funds in two equal payments, 1657
the first on the fifteenth day of July of the school year for 1658
which an account is established and the second on the fifteenth 1659
day of January of that school year. 1660

Sec. 3317.03. (A) The superintendent of each city, local, 1661
and exempted village school district shall report to the state 1662
board of education as of the last day of October, March, and 1663
June of each year the enrollment of students receiving services 1664
from schools under the superintendent's supervision, and the 1665
numbers of other students entitled to attend school in the 1666
district under section 3313.64 or 3313.65 of the Revised Code 1667
the superintendent is required to report under this section, so 1668
that the department of education can calculate the district's 1669
enrolled ADM, formula ADM, total ADM, category one through five 1670
career-technical education ADM, category one through three 1671
English learner ADM, category one through six special education 1672
ADM, transportation ADM, and, for purposes of provisions of law 1673
outside of Chapter 3317. of the Revised Code, average daily 1674
membership. 1675

(1) The enrollment reported by the superintendent during 1676
the reporting period shall consist of the number of students in 1677
grades kindergarten through twelve receiving any educational 1678
services from the district, except that the following categories 1679
of students shall not be included in the determination: 1680

(a) Students enrolled in adult education classes; 1681

(b) Adjacent or other district students enrolled in the 1682
district under an open enrollment policy pursuant to section 1683
3313.98 of the Revised Code; 1684

(c) Students receiving services in the district pursuant 1685
to a compact, cooperative education agreement, or a contract, 1686
but who are entitled to attend school in another district 1687
pursuant to section 3313.64 or 3313.65 of the Revised Code; 1688

(d) Students for whom tuition is payable pursuant to 1689
sections 3317.081 and 3323.141 of the Revised Code; 1690

(e) Students receiving services in the district through a 1691
scholarship awarded under either section 3310.41 or sections 1692
3310.51 to 3310.64 of the Revised Code. 1693

When reporting students under division (A) (1) of this 1694
section, the superintendent also shall report the district where 1695
each student is entitled to attend school pursuant to sections 1696
3313.64 and 3313.65 of the Revised Code. 1697

(2) The department of education shall compile a list of 1698
all students reported to be enrolled in a district under 1699
division (A) (1) of this section and of the students entitled to 1700
attend school in the district pursuant to section 3313.64 or 1701
3313.65 of the Revised Code on an FTE basis but receiving 1702
educational services in grades kindergarten through twelve from 1703
one or more of the following entities: 1704

(a) A community school pursuant to Chapter 3314. of the 1705
Revised Code, including any participation in a college pursuant 1706
to Chapter 3365. of the Revised Code while enrolled in such 1707
community school; 1708

(b) Division (A) (2) (b) of this section does not apply on 1709
or after July 1, 2024. 1710

An alternative school pursuant to sections 3313.974 to 1711
3313.979 of the Revised Code. 1712

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

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

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

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

(g) Division (A) (2) (g) of this section does not apply on or after July 1, 2024.

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

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

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

(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code,

including any participation in a college pursuant to Chapter 1741
3365. of the Revised Code while enrolled in the school; 1742

(j) A college-preparatory boarding school established 1743
under Chapter 3328. of the Revised Code, including any 1744
participation in a college pursuant to Chapter 3365. of the 1745
Revised Code while enrolled in the school; 1746

(k) A chartered nonpublic school if the students have 1747
educational savings accounts established under sections 3310.21 1748
to 3310.27 of the Revised Code. 1749

(3) The department also shall compile a list of the 1750
students entitled to attend school in the district under section 1751
3313.64 or 3313.65 of the Revised Code who are enrolled in a 1752
joint vocational school district or under a career-technical 1753
education compact, excluding any students so entitled to attend 1754
school in the district who are enrolled in another school 1755
district through an open enrollment policy as reported under 1756
division (A) (2) (d) of this section and then enroll in a joint 1757
vocational school district or under a career-technical education 1758
compact. 1759

The department shall provide each city, local, and 1760
exempted village school district with an opportunity to review 1761
the list of students compiled under divisions (A) (2) and (3) of 1762
this section to ensure that the students reported accurately 1763
reflect the enrollment of students in the district. 1764

(B) To enable the department of education to obtain the 1765
data needed to complete the calculation of payments pursuant to 1766
this chapter, each superintendent shall certify from the reports 1767
provided by the department under division (A) of this section 1768
all of the following: 1769

- (1) The total student enrollment in regular learning day classes included in the report under division (A) (1) or (2), including any student described in division (A) (1) (b) of this section and excluding any student reported under divisions (A) (2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this section, of this section for each of the individual grades kindergarten through twelve in schools under the superintendent's supervision;
- (2) The unduplicated count of the number of preschool children with disabilities enrolled in the district for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, in accordance with the disability categories prescribed in section 3317.013 of the Revised Code;
- (3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are:
- (a) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code;
- (b) Participating in a program operated by a county board of developmental disabilities or a state institution~~+~~.
- (4) The total enrollment of pupils in joint vocational schools;
- (5) The combined enrollment of children with disabilities

reported under division (A) (1) or (2) of this section, including 1799
any student described in division (A) (1) (b) of this section and 1800
excluding any student reported under divisions (A) (2) (a), (b), 1801
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 1802
special education services for the category one disability 1803
described in division (A) of section 3317.013 of the Revised 1804
Code, including children attending a special education program 1805
operated by an alternative public provider or a registered 1806
private provider with a scholarship awarded under sections 1807
3310.51 to 3310.64 of the Revised Code; 1808

(6) The combined enrollment of children with disabilities 1809
reported under division (A) (1) or (2) of this section, including 1810
any student described in division (A) (1) (b) of this section and 1811
excluding any student reported under divisions (A) (2) (a), (b), 1812
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 1813
special education services for category two disabilities 1814
described in division (B) of section 3317.013 of the Revised 1815
Code, including children attending a special education program 1816
operated by an alternative public provider or a registered 1817
private provider with a scholarship awarded under sections 1818
3310.51 to 3310.64 of the Revised Code; 1819

(7) The combined enrollment of children with disabilities 1820
reported under division (A) (1) or (2) of this section, including 1821
any student described in division (A) (1) (b) of this section and 1822
excluding any student reported under divisions (A) (2) (a), (b), 1823
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 1824
special education services for category three disabilities 1825
described in division (C) of section 3317.013 of the Revised 1826
Code, including children attending a special education program 1827
operated by an alternative public provider or a registered 1828
private provider with a scholarship awarded under sections 1829

3310.51 to 3310.64 of the Revised Code; 1830

(8) The combined enrollment of children with disabilities 1831
reported under division (A)(1) or (2) of this section, including 1832
any student described in division (A)(1)(b) of this section and 1833
excluding any student reported under divisions (A)(2)(a), (b), 1834
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 1835
special education services for category four disabilities 1836
described in division (D) of section 3317.013 of the Revised 1837
Code, including children attending a special education program 1838
operated by an alternative public provider or a registered 1839
private provider with a scholarship awarded under sections 1840
3310.51 to 3310.64 of the Revised Code; 1841

(9) The combined enrollment of children with disabilities 1842
reported under division (A)(1) or (2) of this section, including 1843
any student described in division (A)(1)(b) of this section and 1844
excluding any student reported under divisions (A)(2)(a), (b), 1845
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 1846
special education services for the category five disabilities 1847
described in division (E) of section 3317.013 of the Revised 1848
Code, including children attending a special education program 1849
operated by an alternative public provider or a registered 1850
private provider with a scholarship awarded under sections 1851
3310.51 to 3310.64 of the Revised Code; 1852

(10) The combined enrollment of children with disabilities 1853
reported under division (A)(1) or (2) of this section, including 1854
any student described in division (A)(1)(b) of this section and 1855
excluding any student reported under divisions (A)(2)(a), (b), 1856
(d), (g), (h), (i), ~~and (j)~~, and (k) of this section, receiving 1857
special education services for category six disabilities 1858
described in division (F) of section 3317.013 of the Revised 1859

Code, including children attending a special education program 1860
operated by an alternative public provider or a registered 1861
private provider with a scholarship awarded under either section 1862
3310.41 or sections 3310.51 to 3310.64 of the Revised Code; 1863

(11) The enrollment of pupils reported under division (A) 1864
(1) or (2) of this section on a full-time equivalency basis, 1865
including any student described in division (A) (1) (b) of this 1866
section and excluding any student reported under divisions (A) 1867
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1868
section, in category one career-technical education programs or 1869
classes, described in division (A) (1) of section 3317.014 of the 1870
Revised Code, operated by the school district or by another 1871
district that is a member of the district's career-technical 1872
planning district, other than a joint vocational school 1873
district, or by an educational service center, notwithstanding 1874
division (M) of section 3317.02 of the Revised Code and division 1875
(C) (3) of this section; 1876

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

(13) The enrollment of pupils reported under division (A) 1890
(1) or (2) of this section on a full-time equivalency basis, 1891
including any student described in division (A) (1) (b) of this 1892
section and excluding any student reported under divisions (A) 1893
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1894
section, in category three career-technical education programs 1895
or services, described in division (A) (3) of section 3317.014 of 1896
the Revised Code, operated by the school district or another 1897
school district that is a member of the district's career- 1898
technical planning district, other than a joint vocational 1899
school district, or by an educational service center, 1900
notwithstanding division (M) of section 3317.02 of the Revised 1901
Code and division (C) (3) of this section; 1902

(14) The enrollment of pupils reported under division (A) 1903
(1) or (2) of this section on a full-time equivalency basis, 1904
including any student described in division (A) (1) (b) of this 1905
section and excluding any student reported under divisions (A) 1906
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1907
section, in category four career-technical education programs or 1908
services, described in division (A) (4) of section 3317.014 of 1909
the Revised Code, operated by the school district or another 1910
school district that is a member of the district's career- 1911
technical planning district, other than a joint vocational 1912
school district, or by an educational service center, 1913
notwithstanding division (M) of section 3317.02 of the Revised 1914
Code and division (C) (3) of this section; 1915

(15) The enrollment of pupils reported under division (A) 1916
(1) or (2) of this section on a full-time equivalency basis, 1917
including any student described in division (A) (1) (b) of this 1918
section and excluding any student reported under divisions (A) 1919
(2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this 1920

section, in category five career-technical education programs or 1921
services, described in division (A) (5) of section 3317.014 of 1922
the Revised Code, operated by the school district or another 1923
school district that is a member of the district's career- 1924
technical planning district, other than a joint vocational 1925
school district, or by an educational service center, 1926
notwithstanding division (M) of section 3317.02 of the Revised 1927
Code and division (C) (3) of this section; 1928

(16) The enrollment of pupils reported under division (A) 1929
(1) or (2) of this section who are English learners described in 1930
division (A) of section 3317.016 of the Revised Code, including 1931
any student described in division (A) (1) (b) of this section and 1932
excluding any student reported under divisions (A) (2) (a), (b), 1933
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section; 1934

(17) The enrollment of pupils reported under division (A) 1935
(1) or (2) of this section who are English learners described in 1936
division (B) of section 3317.016 of the Revised Code, including 1937
any student described in division (A) (1) (b) of this section and 1938
excluding any student reported under divisions (A) (2) (a), (b), 1939
(d), (g), (h), (i), ~~and~~ (j), and (k) of this section; 1940

(18) The enrollment of pupils reported under division (A) 1941
(1) or (2) of this section who are English learners described in 1942
division (C) of section 3317.016 of the Revised Code, including 1943
any student described in division (A) (1) (b) of this section and 1944
excluding any student reported under divisions (A) (2) (a), (b), 1945
(d), (g), (h), (i), and (j) of this section; 1946

(19) The average number of children transported during the 1947
reporting period by the school district on board-owned or 1948
contractor-owned and -operated buses, reported in accordance 1949
with rules adopted by the department of education; 1950

(20) (a) The number of children, other than preschool 1951
children with disabilities, the district placed with a county 1952
board of developmental disabilities in fiscal year 1998. 1953
Division (B) (20) (a) of this section does not apply after fiscal 1954
year 2013. 1955

(b) The number of children with disabilities, other than 1956
preschool children with disabilities, placed with a county board 1957
of developmental disabilities in the current fiscal year to 1958
receive special education services for the category one 1959
disability described in division (A) of section 3317.013 of the 1960
Revised Code; 1961

(c) The number of children with disabilities, other than 1962
preschool children with disabilities, placed with a county board 1963
of developmental disabilities in the current fiscal year to 1964
receive special education services for category two disabilities 1965
described in division (B) of section 3317.013 of the Revised 1966
Code; 1967

(d) The number of children with disabilities, other than 1968
preschool children with disabilities, placed with a county board 1969
of developmental disabilities in the current fiscal year to 1970
receive special education services for category three 1971
disabilities described in division (C) of section 3317.013 of 1972
the Revised Code; 1973

(e) The number of children with disabilities, other than 1974
preschool children with disabilities, placed with a county board 1975
of developmental disabilities in the current fiscal year to 1976
receive special education services for category four 1977
disabilities described in division (D) of section 3317.013 of 1978
the Revised Code; 1979

(f) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code; 1980
1981
1982
1983
1984
1985

(g) The number of children with disabilities, other than preschool children with disabilities, placed with a county board of developmental disabilities in the current fiscal year to receive special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code. 1986
1987
1988
1989
1990
1991

(21) The enrollment of students who are economically disadvantaged, as defined by the department, including any student described in divisions (A) (1) (b) of this section and excluding any student reported under divisions (A) (2) (a), (b), (d), (g), (h), (i), ~~and (j)~~, and (k) of this section. A student shall not be categorically excluded from the number reported under division (B) (21) of this section based on anything other than family income. 1992
1993
1994
1995
1996
1997
1998
1999

(22) The enrollment of students identified as gifted under division (A), (B), (C), or (D) of section 3324.03 of the Revised Code. 2000
2001
2002

(C) (1) The state board of education shall adopt rules necessary for implementing divisions (A), (B), and (D) of this section. 2003
2004
2005

(2) A student enrolled in a community school established under Chapter 3314., a science, technology, engineering, and mathematics school established under Chapter 3326., or a 2006
2007
2008

college-preparatory boarding school established under Chapter 2009
3328. of the Revised Code shall be counted in the formula ADM of 2010
the school district in which the student is entitled to attend 2011
school under section 3313.64 or 3313.65 of the Revised Code for 2012
the same proportion of the school year that the student is 2013
counted in the enrollment of the community school, the science, 2014
technology, engineering, and mathematics school, or the college- 2015
preparatory boarding school for purposes of section 3317.022 or 2016
3328.24 of the Revised Code. Notwithstanding the enrollment of 2017
students reported pursuant to division (A) (2) (a), (i), or (j) of 2018
this section, the department may adjust the formula ADM of a 2019
school district to account for students entitled to attend 2020
school in the district under section 3313.64 or 3313.65 of the 2021
Revised Code who are enrolled in a community school, a science, 2022
technology, engineering, and mathematics school, or a college- 2023
preparatory boarding school for only a portion of the school 2024
year. 2025

(3) No child shall be counted as more than a total of one 2026
child in the sum of the enrollment of students of a school 2027
district under division (A), divisions (B) (1) to (22), or 2028
division (D) of this section, except as follows: 2029

(a) (i) A child with a disability described in section 2030
3317.013 of the Revised Code may be counted both in formula ADM 2031
and in category one, two, three, four, five, or six special 2032
education ADM and, if applicable, in category one, two, three, 2033
four, or five career-technical education ADM. As provided in 2034
division (M) of section 3317.02 of the Revised Code, such a 2035
child shall be counted in category one, two, three, four, five, 2036
or six special education ADM in the same proportion that the 2037
child is counted in formula ADM. 2038

(ii) A child with a disability described in section 2039
3317.013 of the Revised Code may be counted both in enrolled ADM 2040
and in category one, two, three, four, five, or six special 2041
education ADM and, if applicable, in category one, two, three, 2042
four, or five career-technical education ADM. As provided in 2043
division (M) of section 3317.02 of the Revised Code, such a 2044
child shall be counted in category one, two, three, four, five, 2045
or six special education ADM in the same proportion that the 2046
child is counted in enrolled ADM. 2047

(b) (i) A child enrolled in career-technical education 2048
programs or classes described in section 3317.014 of the Revised 2049
Code may be counted both in formula ADM and category one, two, 2050
three, four, or five career-technical education ADM and, if 2051
applicable, in category one, two, three, four, five, or six 2052
special education ADM. Such a child shall be counted in category 2053
one, two, three, four, or five career-technical education ADM in 2054
the same proportion as the percentage of time that the child 2055
spends in the career-technical education programs or classes. 2056

(ii) A child enrolled in career-technical education 2057
programs or classes described in section 3317.014 of the Revised 2058
Code may be counted both in enrolled ADM and category one, two, 2059
three, four, or five career-technical education ADM and, if 2060
applicable, in category one, two, three, four, five, or six 2061
special education ADM. Such a child shall be counted in category 2062
one, two, three, four, or five career-technical education ADM in 2063
the same proportion as the percentage of time that the child 2064
spends in the career-technical education programs or classes. 2065

(4) Based on the information reported under this section, 2066
the department of education shall determine the total student 2067
count, as defined in section 3301.011 of the Revised Code, for 2068

each school district. 2069

(D) (1) The superintendent of each joint vocational school 2070
district shall report and certify to the superintendent of 2071
public instruction as of the last day of October, March, and 2072
June of each year the enrollment of students receiving services 2073
from schools under the superintendent's supervision so that the 2074
department can calculate the district's enrolled ADM, formula 2075
ADM, total ADM, category one through five career-technical 2076
education ADM, category one through three English learner ADM, 2077
category one through six special education ADM, and for purposes 2078
of provisions of law outside of Chapter 3317. of the Revised 2079
Code, average daily membership. 2080

The enrollment reported and certified by the 2081
superintendent, except as otherwise provided in this division, 2082
shall consist of the number of students in grades six through 2083
twelve receiving any educational services from the district, 2084
except that the following categories of students shall not be 2085
included in the determination: 2086

(a) Students enrolled in adult education classes; 2087

(b) Adjacent or other district joint vocational students 2088
enrolled in the district under an open enrollment policy 2089
pursuant to section 3313.98 of the Revised Code; 2090

(c) Students receiving services in the district pursuant 2091
to a compact, cooperative education agreement, or a contract, 2092
but who are entitled to attend school in a city, local, or 2093
exempted village school district whose territory is not part of 2094
the territory of the joint vocational district; 2095

(d) Students for whom tuition is payable pursuant to 2096
sections 3317.081 and 3323.141 of the Revised Code. 2097

(2) To enable the department of education to obtain the	2098
data needed to complete the calculation of payments pursuant to	2099
this chapter, each superintendent shall certify from the report	2100
provided under division (D) (1) of this section the enrollment	2101
for each of the following categories of students:	2102
(a) Students enrolled in each individual grade included in	2103
the joint vocational district schools, including any student	2104
described in division (D) (1) (b) of this section;	2105
(b) Children with disabilities receiving special education	2106
services for the category one disability described in division	2107
(A) of section 3317.013 of the Revised Code, including any	2108
student described in division (D) (1) (b) of this section;	2109
(c) Children with disabilities receiving special education	2110
services for the category two disabilities described in division	2111
(B) of section 3317.013 of the Revised Code, including any	2112
student described in division (D) (1) (b) of this section;	2113
(d) Children with disabilities receiving special education	2114
services for category three disabilities described in division	2115
(C) of section 3317.013 of the Revised Code, including any	2116
student described in division (D) (1) (b) of this section;	2117
(e) Children with disabilities receiving special education	2118
services for category four disabilities described in division	2119
(D) of section 3317.013 of the Revised Code, including any	2120
student described in division (D) (1) (b) of this section;	2121
(f) Children with disabilities receiving special education	2122
services for the category five disabilities described in	2123
division (E) of section 3317.013 of the Revised Code, including	2124
any student described in division (D) (1) (b) of this section;	2125
(g) Children with disabilities receiving special education	2126

services for category six disabilities described in division (F)	2127
of section 3317.013 of the Revised Code, including any student	2128
described in division (D) (1) (b) of this section;	2129
(h) Students receiving category one career-technical	2130
education services, described in division (A) (1) of section	2131
3317.014 of the Revised Code, including any student described in	2132
division (D) (1) (b) of this section;	2133
(i) Students receiving category two career-technical	2134
education services, described in division (A) (2) of section	2135
3317.014 of the Revised Code, including any student described in	2136
division (D) (1) (b) of this section;	2137
(j) Students receiving category three career-technical	2138
education services, described in division (A) (3) of section	2139
3317.014 of the Revised Code, including any student described in	2140
division (D) (1) (b) of this section;	2141
(k) Students receiving category four career-technical	2142
education services, described in division (A) (4) of section	2143
3317.014 of the Revised Code, including any student described in	2144
division (D) (1) (b) of this section;	2145
(l) Students receiving category five career-technical	2146
education services, described in division (A) (5) of section	2147
3317.014 of the Revised Code, including any student described in	2148
division (D) (1) (b) of this section;	2149
(m) English learners described in division (A) of section	2150
3317.016 of the Revised Code, including any student described in	2151
division (D) (1) (b) of this section;	2152
(n) English learners described in division (B) of section	2153
3317.016 of the Revised Code, including any student described in	2154
division (D) (1) (b) of this section;	2155

(o) English learners described in division (C) of section 2156
3317.016 of the Revised Code, including any student described in 2157
division (D) (1) (b) of this section; 2158

(p) Students who are economically disadvantaged, as 2159
defined by the department, including any student described in 2160
division (D) (1) (b) of this section. A student shall not be 2161
categorically excluded from the number reported under division 2162
(D) (2) (p) of this section based on anything other than family 2163
income. 2164

The superintendent of each joint vocational school 2165
district shall also indicate the city, local, or exempted 2166
village school district in which each joint vocational district 2167
pupil is entitled to attend school pursuant to section 3313.64 2168
or 3313.65 of the Revised Code. 2169

(E) In each school of each city, local, exempted village, 2170
joint vocational, and cooperative education school district 2171
there shall be maintained a record of school enrollment, which 2172
record shall accurately show, for each day the school is in 2173
session, the actual enrollment in regular day classes. For the 2174
purpose of determining the enrollment of students, the 2175
enrollment figure of any school shall not include any pupils 2176
except those pupils described by division (A) or (D) of this 2177
section. The record of enrollment for each school shall be 2178
maintained in such manner that no pupil shall be counted as 2179
enrolled prior to the actual date of entry in the school and 2180
also in such manner that where for any cause a pupil permanently 2181
withdraws from the school that pupil shall not be counted as 2182
enrolled from and after the date of such withdrawal. There shall 2183
not be included in the enrollment of any school any of the 2184
following: 2185

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;	2186 2187
(2) Any pupil who is not a resident of the state;	2188
(3) Any pupil who was enrolled in the schools of the district during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C) (1) or (3) of that section;	2189 2190 2191 2192 2193 2194
(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge;	2195 2196 2197 2198 2199 2200 2201 2202
(5) Any pupil who has a certificate of high school equivalence as defined in section 5107.40 of the Revised Code.	2203 2204
If, however, any veteran described by division (E) (4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section.	2205 2206 2207 2208 2209
Notwithstanding division (E) (3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the assessment to the specific pupil and	2210 2211 2212 2213 2214

a parent is not paying tuition for the pupil pursuant to section 2215
3313.6410 of the Revised Code. The superintendent may grant such 2216
a waiver only for good cause in accordance with rules adopted by 2217
the state board of education. 2218

The enrolled ADM, formula ADM, total ADM, category one 2219
through five career-technical education ADM, category one 2220
through three English learner ADM, category one through six 2221
special education ADM, transportation ADM, and, for purposes of 2222
provisions of law outside of Chapter 3317. of the Revised Code, 2223
average daily membership of any school district shall be 2224
determined in accordance with rules adopted by the state board 2225
of education. 2226

(F) (1) If a student attending a community school under 2227
Chapter 3314., a science, technology, engineering, and 2228
mathematics school established under Chapter 3326., or a 2229
college-preparatory boarding school established under Chapter 2230
3328. of the Revised Code is not included in the formula ADM 2231
calculated for the school district in which the student is 2232
entitled to attend school under section 3313.64 or 3313.65 of 2233
the Revised Code, the department of education shall adjust the 2234
formula ADM of that school district to include the student in 2235
accordance with division (C) (2) of this section. 2236

(2) Division (F) (2) of this section does not apply on or 2237
after July 1, 2024. 2238

If a student awarded an educational choice scholarship is 2239
not included in the formula ADM of the school district in which 2240
the student resides, the department shall adjust the formula ADM 2241
of that school district to include the student. 2242

(3) If a student awarded a scholarship under the Jon 2243

Peterson special needs scholarship program is not included in 2244
the formula ADM of the school district in which the student 2245
resides, the department shall adjust the formula ADM of that 2246
school district to include the student. 2247

(G) (1) (a) The superintendent of an institution operating a 2248
special education program pursuant to section 3323.091 of the 2249
Revised Code shall, for the programs under such superintendent's 2250
supervision, certify to the state board of education, in the 2251
manner prescribed by the superintendent of public instruction, 2252
both of the following: 2253

(i) The unduplicated count of the number of all children 2254
with disabilities other than preschool children with 2255
disabilities receiving services at the institution for each 2256
category of disability described in divisions (A) to (F) of 2257
section 3317.013 of the Revised Code adjusted for the portion of 2258
the year each child is so enrolled; 2259

(ii) The unduplicated count of the number of all preschool 2260
children with disabilities in classes or programs for whom the 2261
district is eligible to receive funding under section 3317.0213 2262
of the Revised Code adjusted for the portion of the year each 2263
child is so enrolled, reported according to the categories 2264
prescribed in section 3317.013 of the Revised Code. 2265

(b) The superintendent of an institution with career- 2266
technical education units approved under section 3317.05 of the 2267
Revised Code shall, for the units under the superintendent's 2268
supervision, certify to the state board of education the 2269
enrollment in those units, in the manner prescribed by the 2270
superintendent of public instruction. 2271

(2) The superintendent of each county board of 2272

developmental disabilities that maintains special education 2273
classes under section 3317.20 of the Revised Code or provides 2274
services to preschool children with disabilities pursuant to an 2275
agreement between the county board and the appropriate school 2276
district shall do both of the following: 2277

(a) Certify to the state board, in the manner prescribed 2278
by the board, the enrollment in classes under section 3317.20 of 2279
the Revised Code for each school district that has placed 2280
children in the classes; 2281

(b) Certify to the state board, in the manner prescribed 2282
by the board, the unduplicated count of the number of all 2283
preschool children with disabilities enrolled in classes for 2284
which the board is eligible to receive funding under section 2285
3317.0213 of the Revised Code adjusted for the portion of the 2286
year each child is so enrolled, reported according to the 2287
categories prescribed in section 3317.013 of the Revised Code, 2288
and the number of those classes. 2289

(H) Except as provided in division (I) of this section, 2290
when any city, local, or exempted village school district 2291
provides instruction for a nonresident pupil whose attendance is 2292
unauthorized attendance as defined in section 3327.06 of the 2293
Revised Code, that pupil's enrollment shall not be included in 2294
that district's enrollment figure used in calculating the 2295
district's payments under this chapter. The reporting official 2296
shall report separately the enrollment of all pupils whose 2297
attendance in the district is unauthorized attendance, and the 2298
enrollment of each such pupil shall be credited to the school 2299
district in which the pupil is entitled to attend school under 2300
division (B) of section 3313.64 or section 3313.65 of the 2301
Revised Code as determined by the department of education. 2302

(I) This division shall not apply on or after ~~the~~ 2303
~~effective date of this amendment~~ September 30, 2021. 2304

(1) A city, local, exempted village, or joint vocational 2305
school district admitting a scholarship student of a pilot 2306
project district pursuant to division (C) of section 3313.976 of 2307
the Revised Code may count such student in its enrollment. 2308

(2) In any year for which funds are appropriated for pilot 2309
project scholarship programs, a school district implementing a 2310
state-sponsored pilot project scholarship program that year 2311
pursuant to sections 3313.974 to 3313.979 of the Revised Code 2312
may count in its enrollment: 2313

(a) All children residing in the district and utilizing a 2314
scholarship to attend kindergarten in any alternative school, as 2315
defined in section 3313.974 of the Revised Code; 2316

(b) All children who were enrolled in the district in the 2317
preceding year who are utilizing a scholarship to attend an 2318
alternative school. 2319

(J) The superintendent of each cooperative education 2320
school district shall certify to the superintendent of public 2321
instruction, in a manner prescribed by the state board of 2322
education, the applicable enrollments for all students in the 2323
cooperative education district, also indicating the city, local, 2324
or exempted village district where each pupil is entitled to 2325
attend school under section 3313.64 or 3313.65 of the Revised 2326
Code. 2327

(K) If the superintendent of public instruction determines 2328
that a component of the enrollment certified or reported by a 2329
district superintendent, or other reporting entity, is not 2330
correct, the superintendent of public instruction may order that 2331

the district's enrolled ADM, formula ADM, or both be adjusted in 2332
the amount of the error. 2333

Sec. 3321.042. (A) A child is exempt from compulsory 2334
school attendance when receiving home education in the subject 2335
areas of English language arts, mathematics, science, history 2336
and government, and social studies as supervised and directed by 2337
the child's parent. Upon the commencement of home education or 2338
when moving into a new district, and annually thereafter within 2339
five days of the start of school in the child's school district 2340
of residence, the parent shall file a notice with the 2341
superintendent of the child's school district of residence. The 2342
notice shall include the parent's name and address, the child's 2343
name, and an assurance the child will receive instruction in the 2344
required subjects. Upon receipt of the notice, the exemption 2345
takes immediate effect, and the superintendent shall send a 2346
letter of acknowledgment to the parent. 2347

(B) A student that enrolls in a public school following 2348
any period of home education shall be placed in the appropriate 2349
grade level based on the policies of the student's resident 2350
school district. 2351

Sec. 5747.70. (A) In computing Ohio adjusted gross income, 2352
a deduction from federal adjusted gross income is allowed to a 2353
contributor for the amount contributed during the taxable year 2354
to a variable college savings program account and to a purchaser 2355
of tuition units under the Ohio college savings program created 2356
by Chapter 3334. of the Revised Code to the extent that the 2357
amounts of such contributions and purchases were not deducted in 2358
determining the contributor's or purchaser's federal adjusted 2359
gross income for the taxable year. The combined amount of 2360
contributions and purchases deducted in any taxable year by a 2361

taxpayer or the taxpayer and the taxpayer's spouse, regardless 2362
of whether the taxpayer and the taxpayer's spouse file separate 2363
returns or a joint return, is limited to four thousand dollars 2364
for each beneficiary for whom contributions or purchases are 2365
made. If the combined annual contributions and purchases for a 2366
beneficiary exceed four thousand dollars, the excess may be 2367
carried forward and deducted in future taxable years until the 2368
contributions and purchases have been fully deducted. 2369

(B) In computing Ohio adjusted gross income, a deduction 2370
from federal adjusted gross income is allowed for: 2371

(1) Income related to tuition units and contributions that 2372
as of the end of the taxable year have not been refunded 2373
pursuant to the termination of a tuition payment contract or 2374
variable college savings program account under section 3334.10 2375
of the Revised Code, to the extent that such income is included 2376
in federal adjusted gross income. 2377

(2) The excess of the total purchase price of tuition 2378
units refunded during the taxable year pursuant to the 2379
termination of a tuition payment contract under section 3334.10 2380
of the Revised Code over the amount of the refund, to the extent 2381
the amount of the excess was not deducted in determining federal 2382
adjusted gross income. Division (B)(2) of this section applies 2383
only to units for which no deduction was allowable under 2384
division (A) of this section. 2385

(C) In computing Ohio adjusted gross income, there shall 2386
be added to federal adjusted gross income the amount of loss 2387
related to tuition units and contributions that as of the end of 2388
the taxable year have not been refunded pursuant to the 2389
termination of a tuition payment contract or variable college 2390
savings program account under section 3334.10 of the Revised 2391

Code, to the extent that such loss was deducted in determining 2392
federal adjusted gross income. 2393

(D) No deduction shall be allowed under this section for 2394
amounts contributed by the treasurer of state under section 2395
3310.24 of the Revised Code during the taxable year to a 2396
variable college savings program account under the Ohio college 2397
savings program created by Chapter 3334. of the Revised Code. 2398

(E) For taxable years in which distributions or refunds 2399
are made under a tuition payment or variable college savings 2400
program contract for any reason other than payment of higher 2401
education expenses, or the beneficiary's death, disability, or 2402
receipt of a scholarship as described in section 3334.10 of the 2403
Revised Code: 2404

(1) If the distribution or refund is paid to the purchaser 2405
or contributor or beneficiary, any portion of the distribution 2406
or refund not included in the recipient's federal adjusted gross 2407
income shall be added to the recipient's federal adjusted gross 2408
income in determining the recipient's Ohio adjusted gross 2409
income, except that the amount added shall not exceed amounts 2410
previously deducted under division (A) of this section less any 2411
amounts added under division (D) (1) of this section in a prior 2412
taxable year. 2413

(2) If amounts paid by a purchaser or contributor on or 2414
after January 1, 2000, are distributed or refunded to someone 2415
other than the purchaser or contributor or beneficiary, the 2416
amount of the payment not included in the recipient's federal 2417
adjusted gross income, less any amounts added under division (D) 2418
of this section in a prior taxable year, shall be added to the 2419
recipient's federal adjusted gross income in determining the 2420
recipient's Ohio adjusted gross income. 2421

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

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

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

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

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

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

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

(d) "Political subdivision" means any county, township,
municipal corporation, school district, conservancy district,

township park district, park district created under Chapter 2451
1545. of the Revised Code, regional transit authority, regional 2452
airport authority, regional water and sewer district, or port 2453
authority. "Political subdivision" also includes any other 2454
political subdivision described in the Revised Code that has 2455
been approved by the department of administrative services to 2456
participate in the department's contracts under this division. 2457

(e) "Private fire company" has the same meaning as in 2458
section 9.60 of the Revised Code. 2459

(f) "State institution of higher education" has the 2460
meaning defined in section 3345.011 of the Revised Code. 2461

(2) Subject to division (C) of this section, the 2462
department of administrative services may permit a state 2463
institution of higher education, governmental agency, political 2464
subdivision, private fire company, private, nonprofit emergency 2465
medical service organization, or chartered nonpublic school to 2466
participate in contracts into which the department has entered 2467
for the purchase of supplies and services. The department may 2468
charge the entity a reasonable fee to cover the administrative 2469
costs the department incurs as a result of participation by the 2470
entity in such a purchase contract. 2471

A political subdivision desiring to participate in such 2472
purchase contracts shall file with the department a certified 2473
copy of an ordinance or resolution of the legislative authority 2474
or governing board of the political subdivision. The resolution 2475
or ordinance shall request that the political subdivision be 2476
authorized to participate in such contracts and shall agree that 2477
the political subdivision will be bound by such terms and 2478
conditions as the department prescribes and that it will 2479
directly pay the vendor under each purchase contract. A private 2480

fire company, private, nonprofit emergency medical service 2481
organization, or chartered nonpublic school desiring to 2482
participate in such purchase contracts shall file with the 2483
department a written request for inclusion in the program signed 2484
by the chief officer of the company, organization, or chartered 2485
nonpublic school. A governmental agency desiring to participate 2486
in such purchase contracts shall file with the department a 2487
written request for inclusion in the program. A state 2488
institution of higher education desiring to participate in such 2489
purchase contracts shall file with the department a certified 2490
copy of resolution of the board of trustees or similar 2491
authorizing body. The resolution shall request that the state 2492
institution of higher education be authorized to participate in 2493
such contracts. 2494

A request for inclusion shall include an agreement to be 2495
bound by such terms and conditions as the department prescribes 2496
and to make direct payments to the vendor under each purchase 2497
contract. 2498

(3) The board of elections of a county that is authorized 2499
to participate in contracts under division (B)(2) of this 2500
section may participate in contracts under that division under 2501
the same terms and conditions that apply to the county. 2502

(4) The department shall include in its annual report, an 2503
estimate of the purchases made by state institutions of higher 2504
education, governmental agencies, political subdivisions, boards 2505
of elections, private fire companies, private, nonprofit 2506
emergency medical service organizations, and chartered nonpublic 2507
schools from contracts pursuant to this division. The department 2508
may require such entities to file a report with the department, 2509
as often as it finds necessary, stating how many such contracts 2510

the entities participated in within a specified period of time, 2511
and any other information the department requires. 2512

(5) Purchases made by a political subdivision or a board 2513
of elections under this division are exempt from any competitive 2514
selection procedures otherwise required by law. No political 2515
subdivision shall make any purchase under this division when 2516
bids have been received for such purchase by the subdivision, 2517
unless such purchase can be made upon the same terms, 2518
conditions, and specifications at a lower price under division 2519
(B) (2) of this section. 2520

(C) A political subdivision as defined in division (B) of 2521
this section or a board of elections may purchase supplies or 2522
services from another party, including a political subdivision, 2523
instead of through participation in contracts described in 2524
division (B) of this section if the political subdivision or 2525
board of elections can purchase those supplies or services from 2526
the other party upon equivalent terms, conditions, and 2527
specifications but at a lower price than it can through those 2528
contracts. Purchases that a political subdivision or board of 2529
elections makes under this division are exempt from any 2530
competitive selection procedures otherwise required by law. A 2531
political subdivision or board of elections that makes any 2532
purchase under this division shall maintain sufficient 2533
information regarding the purchase to verify that the political 2534
subdivision or board of elections satisfied the conditions for 2535
making a purchase under this division. Nothing in this division 2536
restricts any action taken by a county or township as authorized 2537
by division (B) (1) of section 9.48 of the Revised Code. 2538

(D) This section does not apply to supplies or services 2539
purchased by a state agency directly as provided in section 2540

125.05 of the Revised Code, or to purchases of supplies or 2541
services for the emergency management agency or other state 2542
agencies as provided in section 125.061 of the Revised Code. 2543

Sec. 311.29. (A) As used in this section: 2544

(1) "Chartered nonpublic school" ~~has the same meaning~~ 2545
~~defined in section 3310.01 of the Revised Code~~ means a nonpublic 2546
school that holds a valid charter issued by the state board of 2547
education under section 3301.16 of the Revised Code and meets 2548
the standards established for such schools in rules adopted by 2549
the state board. 2550

(2) "Chautauqua assembly" has the same meaning as in 2551
section 4511.90 of the Revised Code. 2552

(3) "Community preventative education program" has the 2553
meaning defined in division (D) of section 2981.13 of the 2554
Revised Code. 2555

(4) "Community school" means a community school 2556
established under Chapter 3314. of the Revised Code. 2557

(B) The sheriff may, from time to time, enter into 2558
contracts with any municipal corporation, township, township 2559
police district, joint police district, metropolitan housing 2560
authority, port authority, water or sewer district, school 2561
district, community school governing authority, library 2562
district, health district, park district created pursuant to 2563
section 511.18 or 1545.01 of the Revised Code, soil and water 2564
conservation district, water conservancy district, or other 2565
taxing district or with the board of county commissioners of any 2566
contiguous county with the concurrence of the sheriff of the 2567
other county, and such subdivisions, authorities, and counties 2568
may enter into agreements with the sheriff pursuant to which the 2569

sheriff undertakes and is authorized by the contracting 2570
subdivision, authority, or county to perform any police 2571
function, exercise any police power, or render any police 2572
service in behalf of the contracting subdivision, authority, or 2573
county, or its legislative authority, that the subdivision, 2574
authority, or county, or its legislative authority, may perform, 2575
exercise, or render. 2576

Upon the execution of an agreement under this division and 2577
within the limitations prescribed by it, the sheriff may 2578
exercise the same powers as the contracting subdivision, 2579
authority, or county possesses with respect to such policing 2580
that by the agreement the sheriff undertakes to perform or 2581
render, and all powers necessary or incidental thereto, as amply 2582
as such powers are possessed and exercised by the contracting 2583
subdivision, authority, or county directly. 2584

Any agreement authorized by division (A), (B), or (C) of 2585
this section shall not suspend the possession by a contracting 2586
subdivision, authority, or county of any police power performed 2587
or exercised or police service rendered in pursuance to the 2588
agreement nor limit the authority of the sheriff. 2589

(C) The sheriff may enter into contracts with any 2590
Chautauqua assembly that has grounds located within the county, 2591
and the Chautauqua assembly may enter into agreements with the 2592
sheriff pursuant to which the sheriff undertakes to perform any 2593
police function, exercise any police power, or render any police 2594
service upon the grounds of the Chautauqua assembly that the 2595
sheriff is authorized by law to perform, exercise, or render in 2596
any other part of the county within the sheriff's territorial 2597
jurisdiction. Upon the execution of an agreement under this 2598
division, the sheriff may, within the limitations prescribed by 2599

the agreement, exercise such powers with respect to such 2600
policing upon the grounds of the Chautauqua assembly, provided 2601
that any limitation contained in the agreement shall not be 2602
construed to limit the authority of the sheriff. 2603

(D) Contracts entered into under division (A), (B), (C), 2604
or (F) of this section shall provide for the reimbursement of 2605
the county for the costs incurred by the sheriff for such 2606
policing including, but not limited to, the salaries of deputy 2607
sheriffs assigned to such policing, the current costs of funding 2608
retirement pensions and of providing workers' compensation, the 2609
cost of training, and the cost of equipment and supplies used in 2610
such policing, to the extent that such equipment and supplies 2611
are not directly furnished by the contracting subdivision, 2612
authority, county, or Chautauqua assembly. Each such contract 2613
shall provide for the ascertainment of such costs and shall be 2614
of any duration, not in excess of four years, and may contain 2615
any other terms that may be agreed upon. All payments pursuant 2616
to any such contract in reimbursement of the costs of such 2617
policing shall be made to the treasurer of the county to be 2618
credited to a special fund to be known as the "sheriff's 2619
policing revolving fund," hereby created. Any moneys coming into 2620
the fund shall be used for the purposes provided in divisions 2621
(A) to (D) and (F) of this section and paid out on vouchers by 2622
the county commissioners as other funds coming into their 2623
possession. Any moneys credited to the fund and not obligated at 2624
the termination of the contract shall be credited to the county 2625
general fund. 2626

The sheriff shall assign the number of deputies as may be 2627
provided for in any contract made pursuant to division (A), (B), 2628
(C), or (F) of this section. The number of deputies regularly 2629
assigned to such policing shall be in addition to and an 2630

enlargement of the sheriff's regular number of deputies. Nothing 2631
in divisions (A) to (D) or (F) of this section shall preclude 2632
the sheriff from temporarily increasing or decreasing the 2633
deputies so assigned as emergencies indicate a need for shifting 2634
assignments to the extent provided by the contracts. 2635

All such deputies shall have the same powers and duties, 2636
the same qualifications, and be appointed and paid and receive 2637
the same benefits and provisions and be governed by the same 2638
laws as all other deputy sheriffs. 2639

Contracts under division (A), (B), (C), or (F) of this 2640
section may be entered into jointly with the board of county 2641
commissioners, and sections 307.14 to 307.19 of the Revised Code 2642
apply to this section insofar as they may be applicable. 2643

(E) (1) As used in division (E) of this section: 2644

(a) "Ohio prisoner" has the same meaning as in section 2645
5120.64 of the Revised Code. 2646

(b) "Out-of-state prisoner" and "private contractor" have 2647
the same meanings as in section 9.07 of the Revised Code. 2648

(2) The sheriff may enter into a contract with a private 2649
person or entity for the return of Ohio prisoners who are the 2650
responsibility of the sheriff from outside of this state to a 2651
location in this state specified by the sheriff, if there are 2652
adequate funds appropriated by the board of county commissioners 2653
and there is a certification pursuant to division (D) of section 2654
5705.41 of the Revised Code that the funds are available for 2655
this purpose. A contract entered into under this division is 2656
within the coverage of section 325.07 of the Revised Code. If a 2657
sheriff enters into a contract as described in this division, 2658
subject to division (E) (3) of this section, the private person 2659

or entity in accordance with the contract may return Ohio 2660
prisoners from outside of this state to locations in this state 2661
specified by the sheriff. A contract entered into under this 2662
division shall include all of the following: 2663

(a) Specific provisions that assign the responsibility for 2664
costs related to medical care of prisoners while they are being 2665
returned that is not covered by insurance of the private person 2666
or entity; 2667

(b) Specific provisions that set forth the number of days, 2668
not exceeding ten, within which the private person or entity, 2669
after it receives the prisoner in the other state, must deliver 2670
the prisoner to the location in this state specified by the 2671
sheriff, subject to the exceptions adopted as described in 2672
division (E) (2) (c) of this section; 2673

(c) Any exceptions to the specified number of days for 2674
delivery specified as described in division (E) (2) (b) of this 2675
section; 2676

(d) A requirement that the private person or entity 2677
immediately report all escapes of prisoners who are being 2678
returned to this state, and the apprehension of all prisoners 2679
who are being returned and who have escaped, to the sheriff and 2680
to the local law enforcement agency of this state or another 2681
state that has jurisdiction over the place at which the escape 2682
occurs; 2683

(e) A schedule of fines that the sheriff shall impose upon 2684
the private person or entity if the private person or entity 2685
fails to perform its contractual duties, and a requirement that, 2686
if the private person or entity fails to perform its contractual 2687
duties, the sheriff shall impose a fine on the private person or 2688

entity from the schedule of fines and, in addition, may exercise 2689
any other rights the sheriff has under the contract. 2690

(f) If the contract is entered into on or after the 2691
effective date of the rules adopted by the department of 2692
rehabilitation and correction under section 5120.64 of the 2693
Revised Code, specific provisions that comport with all 2694
applicable standards that are contained in those rules. 2695

(3) If the private person or entity that enters into the 2696
contract fails to perform its contractual duties, the sheriff 2697
shall impose upon the private person or entity a fine from the 2698
schedule, the money paid in satisfaction of the fine shall be 2699
paid into the county treasury, and the sheriff may exercise any 2700
other rights the sheriff has under the contract. If a fine is 2701
imposed under this division, the sheriff may reduce the payment 2702
owed to the private person or entity pursuant to any invoice in 2703
the amount of the fine. 2704

(4) Upon the effective date of the rules adopted by the 2705
department of rehabilitation and correction under section 2706
5120.64 of the Revised Code, notwithstanding the existence of a 2707
contract entered into under division (E) (2) of this section, in 2708
no case shall the private person or entity that is a party to 2709
the contract return Ohio prisoners from outside of this state 2710
into this state for a sheriff unless the private person or 2711
entity complies with all applicable standards that are contained 2712
in the rules. 2713

(5) Divisions (E) (1) to (4) of this section do not apply 2714
regarding any out-of-state prisoner who is brought into this 2715
state to be housed pursuant to section 9.07 of the Revised Code 2716
in a correctional facility in this state that is managed and 2717
operated by a private contractor. 2718

(F) (1) A sheriff may enter into contracts with a chartered 2719
nonpublic school, located in the sheriff's territorial 2720
jurisdiction, to provide community preventive education 2721
programs. 2722

(2) A sheriff may enter into contracts with a private 2723
institution of higher education, located in the sheriff's 2724
territorial jurisdiction, to provide police services. 2725

Under these contracts, the sheriff may undertake to 2726
perform any police function, exercise any police power, or 2727
render any police service upon the grounds of the chartered 2728
nonpublic school or private institution of higher education that 2729
the sheriff is authorized by law to perform, exercise, or render 2730
in any other part of the county within the sheriff's territorial 2731
jurisdiction. Upon the execution of a contract under this 2732
division, the sheriff may, within the limitations prescribed by 2733
the contract, exercise such powers with respect to such policing 2734
provided that any limitation contained in the contract shall not 2735
be construed to limit the authority of the sheriff. 2736

(G) A sheriff may enter into contracts with a county court 2737
or a municipal court located in the sheriff's territorial 2738
jurisdiction for the transportation of persons between the 2739
county jail and a county court or municipal court. Each contract 2740
shall provide for the costs of providing transportation services 2741
from the county jail to the court and shall not apply to a 2742
period in excess of four years. 2743

Sec. 3301.0711. (A) The department of education shall: 2744

(1) Annually furnish to, grade, and score all assessments 2745
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 2746
the Revised Code to be administered by city, local, exempted 2747

village, and joint vocational school districts, except that each 2748
district shall score any assessment administered pursuant to 2749
division (B) (10) of this section. Each assessment so furnished 2750
shall include the data verification code of the student to whom 2751
the assessment will be administered, as assigned pursuant to 2752
division (D) (2) of section 3301.0714 of the Revised Code. In 2753
furnishing the practice versions of Ohio graduation tests 2754
prescribed by division (D) of section 3301.0710 of the Revised 2755
Code, the department shall make the tests available on its web 2756
site for reproduction by districts. In awarding contracts for 2757
grading assessments, the department shall give preference to 2758
Ohio-based entities employing Ohio residents. 2759

(2) Adopt rules for the ethical use of assessments and 2760
prescribing the manner in which the assessments prescribed by 2761
section 3301.0710 of the Revised Code shall be administered to 2762
students. 2763

(B) Except as provided in divisions (C) and (J) of this 2764
section, the board of education of each city, local, and 2765
exempted village school district shall, in accordance with rules 2766
adopted under division (A) of this section: 2767

(1) Administer the English language arts assessments 2768
prescribed under division (A) (1) (a) of section 3301.0710 of the 2769
Revised Code twice annually to all students in the third grade 2770
who have not attained the score designated for that assessment 2771
under division (A) (2) (c) of section 3301.0710 of the Revised 2772
Code. 2773

(2) Administer the mathematics assessment prescribed under 2774
division (A) (1) (a) of section 3301.0710 of the Revised Code at 2775
least once annually to all students in the third grade. 2776

(3) Administer the assessments prescribed under division	2777
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	2778
annually to all students in the fourth grade.	2779
(4) Administer the assessments prescribed under division	2780
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	2781
annually to all students in the fifth grade.	2782
(5) Administer the assessments prescribed under division	2783
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	2784
annually to all students in the sixth grade.	2785
(6) Administer the assessments prescribed under division	2786
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	2787
annually to all students in the seventh grade.	2788
(7) Administer the assessments prescribed under division	2789
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	2790
annually to all students in the eighth grade.	2791
(8) Except as provided in division (B) (9) of this section,	2792
administer any assessment prescribed under division (B) (1) of	2793
section 3301.0710 of the Revised Code as follows:	2794
(a) At least once annually to all tenth grade students and	2795
at least twice annually to all students in eleventh or twelfth	2796
grade who have not yet attained the score on that assessment	2797
designated under that division;	2798
(b) To any person who has successfully completed the	2799
curriculum in any high school or the individualized education	2800
program developed for the person by any high school pursuant to	2801
section 3323.08 of the Revised Code but has not received a high	2802
school diploma and who requests to take such assessment, at any	2803
time such assessment is administered in the district.	2804

(9) In lieu of the board of education of any city, local, 2805
or exempted village school district in which the student is also 2806
enrolled, the board of a joint vocational school district shall 2807
administer any assessment prescribed under division (B) (1) of 2808
section 3301.0710 of the Revised Code at least twice annually to 2809
any student enrolled in the joint vocational school district who 2810
has not yet attained the score on that assessment designated 2811
under that division. A board of a joint vocational school 2812
district may also administer such an assessment to any student 2813
described in division (B) (8) (b) of this section. 2814

(10) If the district has a three-year average graduation 2815
rate of not more than seventy-five per cent, administer each 2816
assessment prescribed by division (D) of section 3301.0710 of 2817
the Revised Code in September to all ninth grade students who 2818
entered ninth grade prior to July 1, 2014. 2819

Except as provided in section 3313.614 of the Revised Code 2820
for administration of an assessment to a person who has 2821
fulfilled the curriculum requirement for a high school diploma 2822
but has not passed one or more of the required assessments, the 2823
assessments prescribed under division (B) (1) of section 2824
3301.0710 of the Revised Code shall not be administered after 2825
the date specified in the rules adopted by the state board of 2826
education under division (D) (1) of section 3301.0712 of the 2827
Revised Code. 2828

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 2829
of this section, administer the assessments prescribed by 2830
division (B) (2) of section 3301.0710 and section 3301.0712 of 2831
the Revised Code in accordance with the timeline and plan for 2832
implementation of those assessments prescribed by rule of the 2833
state board adopted under division (D) (1) of section 3301.0712 2834

of the Revised Code; 2835

(b) A student who has presented evidence to the district 2836
or school of having satisfied the condition prescribed by 2837
division (A) (1) of section 3313.618 of the Revised Code to 2838
qualify for a high school diploma prior to the date of the 2839
administration of the assessment prescribed under division (B) 2840
(1) of section 3301.0712 of the Revised Code shall not be 2841
required to take that assessment. However, no board shall 2842
prohibit a student who is not required to take such assessment 2843
from taking the assessment. 2844

(c) A student shall not be required to retake the Algebra 2845
I end-of-course examination or the English language arts II end- 2846
of-course examination prescribed under division (B) (2) of 2847
section 3301.0712 of the Revised Code in grades nine through 2848
twelve if the student demonstrates at least a proficient level 2849
of skill, as prescribed under division (B) (5) (a) of that 2850
section, or achieves a competency score, as prescribed under 2851
division (B) (10) of that section, in an administration of the 2852
examination prior to grade nine. 2853

(C) (1) (a) In the case of a student receiving special 2854
education services under Chapter 3323. of the Revised Code, the 2855
individualized education program developed for the student under 2856
that chapter shall specify the manner in which the student will 2857
participate in the assessments administered under this section, 2858
except that a student with significant cognitive disabilities to 2859
whom an alternate assessment is administered in accordance with 2860
division (C) (1) of this section and a student determined to have 2861
a disability that includes an intellectual disability as 2862
outlined in guidance issued by the department shall not be 2863
required to take the assessment prescribed under division (B) (1) 2864

of section 3301.0712 of the Revised Code. The individualized 2865
education program may excuse the student from taking any 2866
particular assessment required to be administered under this 2867
section if it instead specifies an alternate assessment method 2868
approved by the department of education as conforming to 2869
requirements of federal law for receipt of federal funds for 2870
disadvantaged pupils. To the extent possible, the individualized 2871
education program shall not excuse the student from taking an 2872
assessment unless no reasonable accommodation can be made to 2873
enable the student to take the assessment. No board shall 2874
prohibit a student who is not required to take an assessment 2875
under division (C) (1) of this section from taking the 2876
assessment. 2877

(b) Any alternate assessment approved by the department 2878
for a student under this division shall produce measurable 2879
results comparable to those produced by the assessment it 2880
replaces in order to allow for the student's results to be 2881
included in the data compiled for a school district or building 2882
under section 3302.03 of the Revised Code. 2883

(c) (i) Any student enrolled in a chartered nonpublic 2884
school who has been identified, based on an evaluation conducted 2885
in accordance with section 3323.03 of the Revised Code or 2886
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 2887
29 U.S.C.A. 794, as amended, as a child with a disability shall 2888
be excused from taking any particular assessment required to be 2889
administered under this section if either of the following 2890
apply: 2891

(I) A plan developed for the student pursuant to rules 2892
adopted by the state board excuses the student from taking that 2893
assessment. 2894

(II) The chartered nonpublic school develops a written 2895
plan in which the school, in consultation with the student's 2896
parents, determines that an assessment or alternative assessment 2897
with accommodations does not accurately assess the student's 2898
academic performance. The plan shall include an academic profile 2899
of the student's academic performance and shall be reviewed 2900
annually to determine if the student's needs continue to require 2901
excusal from taking the assessment. 2902

(ii) A student with significant cognitive disabilities to 2903
whom an alternate assessment is administered in accordance with 2904
division (C)(1) of this section and a student determined to have 2905
a disability that includes an intellectual disability as 2906
outlined in guidance issued by the department shall not be 2907
required to take the assessment prescribed under division (B)(1) 2908
of section 3301.0712 of the Revised Code. 2909

(iii) In the case of any student so excused from taking an 2910
assessment under division (C)(1)(c) of this section, the 2911
chartered nonpublic school shall not prohibit the student from 2912
taking the assessment. 2913

(2) A district board may, for medical reasons or other 2914
good cause, excuse a student from taking an assessment 2915
administered under this section on the date scheduled, but that 2916
assessment shall be administered to the excused student not 2917
later than nine days following the scheduled date. The district 2918
board shall annually report the number of students who have not 2919
taken one or more of the assessments required by this section to 2920
the state board not later than the thirtieth day of June. 2921

(3) As used in this division, "English learner" has the 2922
same meaning as in 20 U.S.C. 7801. 2923

No school district board shall excuse any English learner 2924
from taking any particular assessment required to be 2925
administered under this section, except as follows: 2926

(a) Any English learner who has been enrolled in United 2927
States schools for less than two years and for whom no 2928
appropriate accommodations are available based on guidance 2929
issued by the department shall not be required to take the 2930
assessment prescribed under division (B) (1) of section 3301.0712 2931
of the Revised Code. 2932

(b) Any English learner who has been enrolled in United 2933
States schools for less than one full school year shall not be 2934
required to take any reading, writing, or English language arts 2935
assessment. 2936

However, no board shall prohibit an English learner who is 2937
not required to take an assessment under division (C) (3) of this 2938
section from taking the assessment. A board may permit any 2939
English learner to take an assessment required to be 2940
administered under this section with appropriate accommodations, 2941
as determined by the department. For each English learner, each 2942
school district shall annually assess that student's progress in 2943
learning English, in accordance with procedures approved by the 2944
department. 2945

(4) (a) The governing authority of a chartered nonpublic 2946
school may excuse an English learner from taking any assessment 2947
administered under this section. 2948

(b) No governing authority shall require an English 2949
learner who has been enrolled in United States schools for less 2950
than two years and for whom no appropriate accommodations are 2951
available based on guidance issued by the department to take the 2952

assessment prescribed under division (B) (1) of section 3301.0712 2953
of the Revised Code. 2954

(c) No governing authority shall prohibit an English 2955
learner from taking an assessment from which the student was 2956
excused under division (C) (4) of this section. 2957

(D) (1) In the school year next succeeding the school year 2958
in which the assessments prescribed by division (A) (1) or (B) (1) 2959
of section 3301.0710 of the Revised Code or former division (A) 2960
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 2961
it existed prior to September 11, 2001, are administered to any 2962
student, the board of education of any school district in which 2963
the student is enrolled in that year shall provide to the 2964
student intervention services commensurate with the student's 2965
performance, including any intensive intervention required under 2966
section 3313.608 of the Revised Code, in any skill in which the 2967
student failed to demonstrate at least a score at the proficient 2968
level on the assessment. 2969

(2) Following any administration of the assessments 2970
prescribed by division (D) of section 3301.0710 of the Revised 2971
Code to ninth grade students, each school district that has a 2972
three-year average graduation rate of not more than seventy-five 2973
per cent shall determine for each high school in the district 2974
whether the school shall be required to provide intervention 2975
services to any students who took the assessments. In 2976
determining which high schools shall provide intervention 2977
services based on the resources available, the district shall 2978
consider each school's graduation rate and scores on the 2979
practice assessments. The district also shall consider the 2980
scores received by ninth grade students on the English language 2981
arts and mathematics assessments prescribed under division (A) 2982

(1) (f) of section 3301.0710 of the Revised Code in the eighth 2983
grade in determining which high schools shall provide 2984
intervention services. 2985

Each high school selected to provide intervention services 2986
under this division shall provide intervention services to any 2987
student whose results indicate that the student is failing to 2988
make satisfactory progress toward being able to attain scores at 2989
the proficient level on the Ohio graduation tests. Intervention 2990
services shall be provided in any skill in which a student 2991
demonstrates unsatisfactory progress and shall be commensurate 2992
with the student's performance. Schools shall provide the 2993
intervention services prior to the end of the school year, 2994
during the summer following the ninth grade, in the next 2995
succeeding school year, or at any combination of those times. 2996

(E) Except as provided in section 3313.608 of the Revised 2997
Code and division (N) of this section, no school district board 2998
of education shall utilize any student's failure to attain a 2999
specified score on an assessment administered under this section 3000
as a factor in any decision to deny the student promotion to a 3001
higher grade level. However, a district board may choose not to 3002
promote to the next grade level any student who does not take an 3003
assessment administered under this section or make up an 3004
assessment as provided by division (C) (2) of this section and 3005
who is not exempt from the requirement to take the assessment 3006
under division (C) (3) of this section. 3007

(F) No person shall be charged a fee for taking any 3008
assessment administered under this section. 3009

(G) (1) Each school district board shall designate one 3010
location for the collection of assessments administered in the 3011
spring under division (B) (1) of this section and those 3012

administered under divisions (B) (2) to (7) of this section. Each 3013
district board shall submit the assessments to the entity with 3014
which the department contracts for the scoring of the 3015
assessments as follows: 3016

(a) If the district's total enrollment in grades 3017
kindergarten through twelve during the first full school week of 3018
October was less than two thousand five hundred, not later than 3019
the Friday after all of the assessments have been administered; 3020

(b) If the district's total enrollment in grades 3021
kindergarten through twelve during the first full school week of 3022
October was two thousand five hundred or more, but less than 3023
seven thousand, not later than the Monday after all of the 3024
assessments have been administered; 3025

(c) If the district's total enrollment in grades 3026
kindergarten through twelve during the first full school week of 3027
October was seven thousand or more, not later than the Tuesday 3028
after all of the assessments have been administered. 3029

However, any assessment that a student takes during the 3030
make-up period described in division (C) (2) of this section 3031
shall be submitted not later than the Friday following the day 3032
the student takes the assessment. 3033

(2) The department or an entity with which the department 3034
contracts for the scoring of the assessment shall send to each 3035
school district board a list of the individual scores of all 3036
persons taking a state achievement assessment as follows: 3037

(a) Except as provided in division (G) (2) (b) or (c) of 3038
this section, within forty-five days after the administration of 3039
the assessments prescribed by sections 3301.0710 and 3301.0712 3040
of the Revised Code, but in no case shall the scores be returned 3041

later than the thirtieth day of June following the 3042
administration; 3043

(b) In the case of the third-grade English language arts 3044
assessment, within forty-five days after the administration of 3045
that assessment, but in no case shall the scores be returned 3046
later than the fifteenth day of June following the 3047
administration; 3048

(c) In the case of the writing component of an assessment 3049
or end-of-course examination in the area of English language 3050
arts, except for the third-grade English language arts 3051
assessment, the results may be sent after forty-five days of the 3052
administration of the writing component, but in no case shall 3053
the scores be returned later than the thirtieth day of June 3054
following the administration. 3055

(3) For assessments administered under this section by a 3056
joint vocational school district, the department or entity shall 3057
also send to each city, local, or exempted village school 3058
district a list of the individual scores of any students of such 3059
city, local, or exempted village school district who are 3060
attending school in the joint vocational school district. 3061

(4) Beginning with the 2019-2020 school year, a school 3062
district, other public school, or chartered nonpublic school may 3063
administer the third-grade English language arts or mathematics 3064
assessment, or both, in a paper format in any school year for 3065
which the district board of education or school governing body 3066
adopts a resolution indicating that the district or school 3067
chooses to administer the assessment in a paper format. The 3068
board or governing body shall submit a copy of the resolution to 3069
the department of education not later than the first day of May 3070
prior to the school year for which it will apply. If the 3071

resolution is submitted, the district or school shall administer 3072
the assessment in a paper format to all students in the third 3073
grade, except that any student whose individualized education 3074
program or plan developed under section 504 of the 3075
"Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as 3076
amended, specifies that taking the assessment in an online 3077
format is an appropriate accommodation for the student may take 3078
the assessment in an online format. 3079

(H) Individual scores on any assessments administered 3080
under this section shall be released by a district board only in 3081
accordance with section 3319.321 of the Revised Code and the 3082
rules adopted under division (A) of this section. No district 3083
board or its employees shall utilize individual or aggregate 3084
results in any manner that conflicts with rules for the ethical 3085
use of assessments adopted pursuant to division (A) of this 3086
section. 3087

(I) Except as provided in division (G) of this section, 3088
the department or an entity with which the department contracts 3089
for the scoring of the assessment shall not release any 3090
individual scores on any assessment administered under this 3091
section. The state board shall adopt rules to ensure the 3092
protection of student confidentiality at all times. The rules 3093
may require the use of the data verification codes assigned to 3094
students pursuant to division (D) (2) of section 3301.0714 of the 3095
Revised Code to protect the confidentiality of student scores. 3096

(J) Notwithstanding division (D) of section 3311.52 of the 3097
Revised Code, this section does not apply to the board of 3098
education of any cooperative education school district except as 3099
provided under rules adopted pursuant to this division. 3100

(1) In accordance with rules that the state board shall 3101

adopt, the board of education of any city, exempted village, or 3102
local school district with territory in a cooperative education 3103
school district established pursuant to divisions (A) to (C) of 3104
section 3311.52 of the Revised Code may enter into an agreement 3105
with the board of education of the cooperative education school 3106
district for administering any assessment prescribed under this 3107
section to students of the city, exempted village, or local 3108
school district who are attending school in the cooperative 3109
education school district. 3110

(2) In accordance with rules that the state board shall 3111
adopt, the board of education of any city, exempted village, or 3112
local school district with territory in a cooperative education 3113
school district established pursuant to section 3311.521 of the 3114
Revised Code shall enter into an agreement with the cooperative 3115
district that provides for the administration of any assessment 3116
prescribed under this section to both of the following: 3117

(a) Students who are attending school in the cooperative 3118
district and who, if the cooperative district were not 3119
established, would be entitled to attend school in the city, 3120
local, or exempted village school district pursuant to section 3121
3313.64 or 3313.65 of the Revised Code; 3122

(b) Persons described in division (B) (8) (b) of this 3123
section. 3124

Any assessment of students pursuant to such an agreement 3125
shall be in lieu of any assessment of such students or persons 3126
pursuant to this section. 3127

(K) (1) (a) Except as otherwise provided in division (K) (1) 3128
or (2) of this section, each chartered nonpublic school for 3129
which at least sixty-five per cent of its total enrollment is 3130

made up of students who are participating in state scholarship 3131
programs shall administer the assessments prescribed by division 3132
(A) of section 3301.0710 of the Revised Code or an alternative 3133
standardized assessment determined by the department. In 3134
accordance with procedures and deadlines prescribed by the 3135
department, the parent or guardian of a student enrolled in the 3136
school who is not participating in a state scholarship program 3137
may submit notice to the chief administrative officer of the 3138
school that the parent or guardian does not wish to have the 3139
student take the assessments prescribed for the student's grade 3140
level under division (A) of section 3301.0710 of the Revised 3141
Code. If a parent or guardian submits an opt-out notice, the 3142
school shall not administer the assessments to that student. 3143
This option does not apply to any assessment required for a high 3144
school diploma under section 3313.612 of the Revised Code. 3145

(b) Any chartered nonpublic school that enrolls students 3146
who are participating in state scholarship programs may 3147
administer an alternative standardized assessment determined by 3148
the department instead of the assessments prescribed by division 3149
(A) of section 3301.0710 of the Revised Code. 3150

Each chartered nonpublic school subject to division (K) (1) 3151
(a) or (b) of this section shall report the results of each 3152
assessment administered under those divisions to the department. 3153

(2) A chartered nonpublic school may submit to the 3154
superintendent of public instruction a request for a waiver from 3155
administering the elementary assessments prescribed by division 3156
(A) of section 3301.0710 of the Revised Code. The state 3157
superintendent shall approve or disapprove a request for a 3158
waiver submitted under division (K) (2) of this section. No 3159
waiver shall be approved for any school year prior to the 2015- 3160

2016 school year. 3161

To be eligible to submit a request for a waiver, a 3162
chartered nonpublic school shall meet the following conditions: 3163

(a) At least ninety-five per cent of the students enrolled 3164
in the school are children with disabilities, as defined under 3165
section 3323.01 of the Revised Code, or have received a 3166
diagnosis by a school district or from a physician, including a 3167
neuropsychiatrist or psychiatrist, or a psychologist who is 3168
authorized to practice in this or another state as having a 3169
condition that impairs academic performance, such as dyslexia, 3170
dyscalculia, attention deficit hyperactivity disorder, or 3171
Asperger's syndrome. 3172

(b) The school has solely served a student population 3173
described in division (K)(1)(a) of this section for at least ten 3174
years. 3175

(c) The school provides to the department at least five 3176
years of records of internal testing conducted by the school 3177
that affords the department data required for accountability 3178
purposes, including diagnostic assessments and nationally 3179
standardized norm-referenced achievement assessments that 3180
measure reading and math skills. 3181

(3) Any chartered nonpublic school that is not subject to 3182
division (K)(1) of this section may participate in the 3183
assessment program by administering any of the assessments 3184
prescribed by division (A) of section 3301.0710 of the Revised 3185
Code. The chief administrator of the school shall specify which 3186
assessments the school will administer. Such specification shall 3187
be made in writing to the superintendent of public instruction 3188
prior to the first day of August of any school year in which 3189

assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department.

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

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

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

(2) For a student who is enrolled in a chartered nonpublic

school that is accredited through the independent schools 3220
association of the central states, and who is not attending the 3221
school under a state scholarship program, the student shall not 3222
be required to take any assessment prescribed under section 3223
3301.0712 or 3313.619 of the Revised Code. 3224

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 3225
of this section, for a student who is enrolled in a chartered 3226
nonpublic school that is not accredited through the independent 3227
schools association of the central states, regardless of whether 3228
the student is attending or is not attending the school under a 3229
state scholarship program, the student shall do one of the 3230
following: 3231

(i) Take all of the assessments prescribed by division (B) 3232
of section 3301.0712 of the Revised Code; 3233

(ii) Take only the assessment prescribed by division (B) 3234
(1) of section 3301.0712 of the Revised Code, provided that the 3235
student's school publishes the results of that assessment for 3236
each graduating class. The published results of that assessment 3237
shall include the overall composite scores, mean scores, twenty- 3238
fifth percentile scores, and seventy-fifth percentile scores for 3239
each subject area of the assessment. 3240

(iii) Take an alternative assessment approved by the 3241
department under section 3313.619 of the Revised Code. 3242

(b) A student who is excused from taking an assessment 3243
under division (C) of this section or has presented evidence to 3244
the chartered nonpublic school of having satisfied the condition 3245
prescribed by division (A) (1) of section 3313.618 of the Revised 3246
Code to qualify for a high school diploma prior to the date of 3247
the administration of the assessment prescribed under division 3248

(B) (1) of section 3301.0712 of the Revised Code shall not be 3249
required to take that assessment. No governing authority of a 3250
chartered nonpublic school shall prohibit a student who is not 3251
required to take such assessment from taking the assessment. 3252

(4) The assessments prescribed by sections 3301.0712 and 3253
3313.619 of the Revised Code shall not be administered to any 3254
student attending the school, if the school meets all of the 3255
following conditions: 3256

(a) At least ninety-five per cent of the students enrolled 3257
in the school are children with disabilities, as defined under 3258
section 3323.01 of the Revised Code, or have received a 3259
diagnosis by a school district or from a physician, including a 3260
neuropsychologist or psychiatrist, or a psychologist who is 3261
authorized to practice in this or another state as having a 3262
condition that impairs academic performance, such as dyslexia, 3263
dyscalculia, attention deficit hyperactivity disorder, or 3264
Asperger's syndrome. 3265

(b) The school has solely served a student population 3266
described in division (L) (4) (a) of this section for at least ten 3267
years. 3268

(c) The school makes available to the department at least 3269
five years of records of internal testing conducted by the 3270
school that affords the department data required for 3271
accountability purposes, including growth in student achievement 3272
in reading or mathematics, or both, as measured by nationally 3273
norm-referenced assessments that have developed appropriate 3274
standards for students. 3275

Division (L) (4) of this section applies to any student 3276
attending such school regardless of whether the student receives 3277

special education or related services and regardless of whether 3278
the student is attending the school under a state scholarship 3279
program. 3280

(M) (1) The superintendent of the state school for the 3281
blind and the superintendent of the state school for the deaf 3282
shall administer the assessments described by sections 3301.0710 3283
and 3301.0712 of the Revised Code. Each superintendent shall 3284
administer the assessments in the same manner as district boards 3285
are required to do under this section and rules adopted by the 3286
department of education and in conformity with division (C) (1) 3287
(a) of this section. 3288

(2) The department of education shall furnish the 3289
assessments described by sections 3301.0710 and 3301.0712 of the 3290
Revised Code to each superintendent. 3291

(N) Notwithstanding division (E) of this section, a school 3292
district may use a student's failure to attain a score in at 3293
least the proficient range on the mathematics assessment 3294
described by division (A) (1) (a) of section 3301.0710 of the 3295
Revised Code or on an assessment described by division (A) (1) 3296
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 3297
Code as a factor in retaining that student in the current grade 3298
level. 3299

(O) (1) In the manner specified in divisions (O) (3), (4), 3300
(6), and (7) of this section, the assessments required by 3301
division (A) (1) of section 3301.0710 of the Revised Code shall 3302
become public records pursuant to section 149.43 of the Revised 3303
Code on the thirty-first day of July following the school year 3304
that the assessments were administered. 3305

(2) The department may field test proposed questions with 3306

samples of students to determine the validity, reliability, or 3307
appropriateness of questions for possible inclusion in a future 3308
year's assessment. The department also may use anchor questions 3309
on assessments to ensure that different versions of the same 3310
assessment are of comparable difficulty. 3311

Field test questions and anchor questions shall not be 3312
considered in computing scores for individual students. Field 3313
test questions and anchor questions may be included as part of 3314
the administration of any assessment required by division (A) (1) 3315
or (B) of section 3301.0710 and division (B) of section 3316
3301.0712 of the Revised Code. 3317

(3) Any field test question or anchor question 3318
administered under division (O) (2) of this section shall not be 3319
a public record. Such field test questions and anchor questions 3320
shall be redacted from any assessments which are released as a 3321
public record pursuant to division (O) (1) of this section. 3322

(4) This division applies to the assessments prescribed by 3323
division (A) of section 3301.0710 of the Revised Code. 3324

(a) The first administration of each assessment, as 3325
specified in former section 3301.0712 of the Revised Code, shall 3326
be a public record. 3327

(b) For subsequent administrations of each assessment 3328
prior to the 2011-2012 school year, not less than forty per cent 3329
of the questions on the assessment that are used to compute a 3330
student's score shall be a public record. The department shall 3331
determine which questions will be needed for reuse on a future 3332
assessment and those questions shall not be public records and 3333
shall be redacted from the assessment prior to its release as a 3334
public record. However, for each redacted question, the 3335

department shall inform each city, local, and exempted village 3336
school district of the statewide academic standard adopted by 3337
the state board under section 3301.079 of the Revised Code and 3338
the corresponding benchmark to which the question relates. The 3339
preceding sentence does not apply to field test questions that 3340
are redacted under division (O) (3) of this section. 3341

(c) The administrations of each assessment in the 2011- 3342
2012, 2012-2013, and 2013-2014 school years shall not be a 3343
public record. 3344

(5) Each assessment prescribed by division (B) (1) of 3345
section 3301.0710 of the Revised Code shall not be a public 3346
record. 3347

(6) (a) Except as provided in division (O) (6) (b) of this 3348
section, for the administrations in the 2014-2015, 2015-2016, 3349
and 2016-2017 school years, questions on the assessments 3350
prescribed under division (A) of section 3301.0710 and division 3351
(B) (2) of section 3301.0712 of the Revised Code and the 3352
corresponding preferred answers that are used to compute a 3353
student's score shall become a public record as follows: 3354

(i) Forty per cent of the questions and preferred answers 3355
on the assessments on the thirty-first day of July following the 3356
administration of the assessment; 3357

(ii) Twenty per cent of the questions and preferred 3358
answers on the assessment on the thirty-first day of July one 3359
year after the administration of the assessment; 3360

(iii) The remaining forty per cent of the questions and 3361
preferred answers on the assessment on the thirty-first day of 3362
July two years after the administration of the assessment. 3363

The entire content of an assessment shall become a public 3364

record within three years of its administration. 3365

The department shall make the questions that become a 3366
public record under this division readily accessible to the 3367
public on the department's web site. Questions on the spring 3368
administration of each assessment shall be released on an annual 3369
basis, in accordance with this division. 3370

(b) No questions and corresponding preferred answers shall 3371
become a public record under division (O) (6) of this section 3372
after July 31, 2017. 3373

(7) Division (O) (7) of this section applies to the 3374
assessments prescribed by division (A) of section 3301.0710 and 3375
division (B) (2) of section 3301.0712 of the Revised Code. 3376

Beginning with the assessments administered in the spring 3377
of the 2017-2018 school year, not less than forty per cent of 3378
the questions on each assessment that are used to compute a 3379
student's score shall be a public record. The department shall 3380
determine which questions will be needed for reuse on a future 3381
assessment and those questions shall not be public records and 3382
shall be redacted from the assessment prior to its release as a 3383
public record. However, for each redacted question, the 3384
department shall inform each city, local, and exempted village 3385
school district of the corresponding statewide academic standard 3386
adopted by the state board under section 3301.079 of the Revised 3387
Code and the corresponding benchmark to which the question 3388
relates. The department is not required to provide corresponding 3389
standards and benchmarks to field test questions that are 3390
redacted under division (O) (3) of this section. 3391

(P) As used in this section: 3392

(1) "Three-year average" means the average of the most 3393

recent consecutive three school years of data. 3394

(2) "Dropout" means a student who withdraws from school 3395
before completing course requirements for graduation and who is 3396
not enrolled in an education program approved by the state board 3397
of education or an education program outside the state. 3398
"Dropout" does not include a student who has departed the 3399
country. 3400

(3) "Graduation rate" means the ratio of students 3401
receiving a diploma to the number of students who entered ninth 3402
grade four years earlier. Students who transfer into the 3403
district are added to the calculation. Students who transfer out 3404
of the district for reasons other than dropout are subtracted 3405
from the calculation. If a student who was a dropout in any 3406
previous year returns to the same school district, that student 3407
shall be entered into the calculation as if the student had 3408
entered ninth grade four years before the graduation year of the 3409
graduating class that the student joins. 3410

(4) ~~"State For purposes of division (L) of this section,~~ 3411
~~"state scholarship programs" means the educational choice~~ 3412
~~scholarship pilot program established under sections 3310.01 to~~ 3413
~~3310.17 of the Revised Code, the autism scholarship program~~ 3414
established under section 3310.41 of the Revised Code, and the 3415
Jon Peterson special needs scholarship program established under 3416
sections 3310.51 to 3310.64 of the Revised Code, ~~and the pilot~~ 3417
~~project scholarship program established under sections 3313.974~~ 3418
~~to 3313.979 of the Revised Code. For purposes of division (K) of~~ 3419
this section, "state scholarship programs" means the autism 3420
scholarship program established under section 3310.41 of the 3421
Revised Code, the Jon Peterson special needs scholarship program 3422
established under sections 3310.51 to 3310.64 of the Revised 3423

Code, and the backpack scholarship program established under 3424
sections 3310.21 to 3310.27 of the Revised Code. 3425

(5) "Other public school" means a community school 3426
established under Chapter 3314., a STEM school established under 3427
Chapter 3326., or a college-preparatory boarding school 3428
established under Chapter 3328. of the Revised Code. 3429

Sec. 3301.0714. (A) The state board of education shall 3430
adopt rules for a statewide education management information 3431
system. The rules shall require the state board to establish 3432
guidelines for the establishment and maintenance of the system 3433
in accordance with this section and the rules adopted under this 3434
section. The guidelines shall include: 3435

(1) Standards identifying and defining the types of data 3436
in the system in accordance with divisions (B) and (C) of this 3437
section; 3438

(2) Procedures for annually collecting and reporting the 3439
data to the state board in accordance with division (D) of this 3440
section; 3441

(3) Procedures for annually compiling the data in 3442
accordance with division (G) of this section; 3443

(4) Procedures for annually reporting the data to the 3444
public in accordance with division (H) of this section; 3445

(5) Standards to provide strict safeguards to protect the 3446
confidentiality of personally identifiable student data. 3447

(B) The guidelines adopted under this section shall 3448
require the data maintained in the education management 3449
information system to include at least the following: 3450

(1) Student participation and performance data, for each 3451

grade in each school district as a whole and for each grade in 3452
each school building in each school district, that includes: 3453

(a) The numbers of students receiving each category of 3454
instructional service offered by the school district, such as 3455
regular education instruction, vocational education instruction, 3456
specialized instruction programs or enrichment instruction that 3457
is part of the educational curriculum, instruction for gifted 3458
students, instruction for students with disabilities, and 3459
remedial instruction. The guidelines shall require instructional 3460
services under this division to be divided into discrete 3461
categories if an instructional service is limited to a specific 3462
subject, a specific type of student, or both, such as regular 3463
instructional services in mathematics, remedial reading 3464
instructional services, instructional services specifically for 3465
students gifted in mathematics or some other subject area, or 3466
instructional services for students with a specific type of 3467
disability. The categories of instructional services required by 3468
the guidelines under this division shall be the same as the 3469
categories of instructional services used in determining cost 3470
units pursuant to division (C) (3) of this section. 3471

(b) The numbers of students receiving support or 3472
extracurricular services for each of the support services or 3473
extracurricular programs offered by the school district, such as 3474
counseling services, health services, and extracurricular sports 3475
and fine arts programs. The categories of services required by 3476
the guidelines under this division shall be the same as the 3477
categories of services used in determining cost units pursuant 3478
to division (C) (4) (a) of this section. 3479

(c) Average student grades in each subject in grades nine 3480
through twelve; 3481

(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	3482 3483
(e) The number of students designated as having a disabling condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	3484 3485 3486
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	3487 3488 3489
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	3490 3491 3492 3493
(h) Expulsion rates;	3494
(i) Suspension rates;	3495
(j) Dropout rates;	3496
(k) Rates of retention in grade;	3497
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	3498 3499 3500
(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;	3501 3502 3503 3504 3505
(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	3506 3507 3508

kindergarten students. However, no district shall be required to 3509
report to the department the results of any diagnostic 3510
assessment administered to a kindergarten student, except for 3511
the language and reading assessment described in division (A) (2) 3512
of section 3301.0715 of the Revised Code, if the parent of that 3513
student requests the district not to report those results. 3514

(o) Beginning on July 1, 2018, for each disciplinary 3515
action which is required to be reported under division (B) (4) of 3516
this section, districts and schools also shall include an 3517
identification of the person or persons, if any, at whom the 3518
student's violent behavior that resulted in discipline was 3519
directed. The person or persons shall be identified by the 3520
respective classification at the district or school, such as 3521
student, teacher, or nonteaching employee, but shall not be 3522
identified by name. 3523

Division (B) (1) (o) of this section does not apply after 3524
the date that is two years following the submission of the 3525
report required by Section 733.13 of H.B. 49 of the 132nd 3526
general assembly. 3527

(p) The number of students earning each state diploma seal 3528
included in the system prescribed under division (A) of section 3529
3313.6114 of the Revised Code; 3530

(q) The number of students demonstrating competency for 3531
graduation using each option described in divisions (B) (1) (a) to 3532
(d) of section 3313.618 of the Revised Code; 3533

(r) The number of students completing each foundational 3534
and supporting option as part of the demonstration of competency 3535
for graduation pursuant to division (B) (1) (b) of section 3536
3313.618 of the Revised Code; 3537

(s) The number of students enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code.	3538 3539
(2) Personnel and classroom enrollment data for each school district, including:	3540 3541
(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.	3542 3543 3544 3545 3546 3547 3548 3549 3550 3551 3552
(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.	3553 3554 3555 3556 3557 3558 3559 3560 3561 3562 3563 3564
(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	3565 3566 3567

kindergarten through five in the district as a whole and in each 3568
school building in the school district. 3569

(d) The number of lead teachers employed by each school 3570
district and each school building. 3571

(3) (a) Student demographic data for each school district, 3572
including information regarding the gender ratio of the school 3573
district's pupils, the racial make-up of the school district's 3574
pupils, the number of English learners in the district, and an 3575
appropriate measure of the number of the school district's 3576
pupils who reside in economically disadvantaged households. The 3577
demographic data shall be collected in a manner to allow 3578
correlation with data collected under division (B) (1) of this 3579
section. Categories for data collected pursuant to division (B) 3580
(3) of this section shall conform, where appropriate, to 3581
standard practices of agencies of the federal government. 3582

(b) With respect to each student entering kindergarten, 3583
whether the student previously participated in a public 3584
preschool program, a private preschool program, or a head start 3585
program, and the number of years the student participated in 3586
each of these programs. 3587

(4) Any data required to be collected pursuant to federal 3588
law. 3589

(C) The education management information system shall 3590
include cost accounting data for each district as a whole and 3591
for each school building in each school district. The guidelines 3592
adopted under this section shall require the cost data for each 3593
school district to be maintained in a system of mutually 3594
exclusive cost units and shall require all of the costs of each 3595
school district to be divided among the cost units. The 3596

guidelines shall require the system of mutually exclusive cost units to include at least the following:

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

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

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

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

(b) The cost of the instructional support services, such 3626
as services provided by a speech-language pathologist, classroom 3627
aide, multimedia aide, or librarian, provided directly to 3628
students in conjunction with each instructional services 3629
category; 3630

(c) The cost of the administrative support services 3631
related to each instructional services category, such as the 3632
cost of personnel that develop the curriculum for the 3633
instructional services category and the cost of personnel 3634
supervising or coordinating the delivery of the instructional 3635
services category. 3636

(4) Support or extracurricular services costs for each 3637
category of service directly provided to students and required 3638
by guidelines adopted pursuant to division (B) (1) (b) of this 3639
section. The guidelines shall require the cost units under 3640
division (C) (4) of this section to be designed so that each of 3641
them may be compiled and reported in terms of average 3642
expenditure per pupil receiving the service in the school 3643
district as a whole and average expenditure per pupil receiving 3644
the service in each building in the school district and in terms 3645
of a total cost for each category of service and, as a breakdown 3646
of the total cost, a cost for each of the following components: 3647

(a) The cost of each support or extracurricular services 3648
category required by guidelines adopted under division (B) (1) (b) 3649
of this section that is provided directly to students by a 3650
licensed employee, such as services provided by a guidance 3651
counselor or any services provided by a licensed employee under 3652
a supplemental contract; 3653

(b) The cost of each such services category provided 3654
directly to students by a nonlicensed employee, such as 3655

janitorial services, cafeteria services, or services of a sports 3656
trainer; 3657

(c) The cost of the administrative services related to 3658
each services category in division (C) (4) (a) or (b) of this 3659
section, such as the cost of any licensed or nonlicensed 3660
employees that develop, supervise, coordinate, or otherwise are 3661
involved in administering or aiding the delivery of each 3662
services category. 3663

(D) (1) The guidelines adopted under this section shall 3664
require school districts to collect information about individual 3665
students, staff members, or both in connection with any data 3666
required by division (B) or (C) of this section or other 3667
reporting requirements established in the Revised Code. The 3668
guidelines may also require school districts to report 3669
information about individual staff members in connection with 3670
any data required by division (B) or (C) of this section or 3671
other reporting requirements established in the Revised Code. 3672
The guidelines shall not authorize school districts to request 3673
social security numbers of individual students. The guidelines 3674
shall prohibit the reporting under this section of a student's 3675
name, address, and social security number to the state board of 3676
education or the department of education. The guidelines shall 3677
also prohibit the reporting under this section of any personally 3678
identifiable information about any student, except for the 3679
purpose of assigning the data verification code required by 3680
division (D) (2) of this section, to any other person unless such 3681
person is employed by the school district or the information 3682
technology center operated under section 3301.075 of the Revised 3683
Code and is authorized by the district or technology center to 3684
have access to such information or is employed by an entity with 3685
which the department contracts for the scoring or the 3686

development of state assessments. The guidelines may require 3687
school districts to provide the social security numbers of 3688
individual staff members and the county of residence for a 3689
student. Nothing in this section prohibits the state board of 3690
education or department of education from providing a student's 3691
county of residence to the department of taxation to facilitate 3692
the distribution of tax revenue. 3693

(2) (a) The guidelines shall provide for each school 3694
district or community school to assign a data verification code 3695
that is unique on a statewide basis over time to each student 3696
whose initial Ohio enrollment is in that district or school and 3697
to report all required individual student data for that student 3698
utilizing such code. The guidelines shall also provide for 3699
assigning data verification codes to all students enrolled in 3700
districts or community schools on the effective date of the 3701
guidelines established under this section. The assignment of 3702
data verification codes for other entities, as described in 3703
division (D) (2) (d) of this section, the use of those codes, and 3704
the reporting and use of associated individual student data 3705
shall be coordinated by the department in accordance with state 3706
and federal law. 3707

School districts shall report individual student data to 3708
the department through the information technology centers 3709
utilizing the code. The entities described in division (D) (2) (d) 3710
of this section shall report individual student data to the 3711
department in the manner prescribed by the department. 3712

(b) (i) Except as provided in sections 3301.941, ~~3310.11,~~ 3713
3310.42, 3310.63, ~~3313.978,~~ 3317.20, and 5747.057 of the Revised 3714
Code, division (C) (2) of section 3365.07 of the Revised Code, 3715
and in division (D) (2) (b) (ii) of this section, at no time shall 3716

the state board or the department have access to information 3717
that would enable any data verification code to be matched to 3718
personally identifiable student data. 3719

(ii) For the purpose of making per-pupil payments to 3720
community schools under section 3317.022 of the Revised Code, 3721
the department shall have access to information that would 3722
enable any data verification code to be matched to personally 3723
identifiable student data. 3724

(c) Each school district and community school shall ensure 3725
that the data verification code is included in the student's 3726
records reported to any subsequent school district, community 3727
school, or state institution of higher education, as defined in 3728
section 3345.011 of the Revised Code, in which the student 3729
enrolls. Any such subsequent district or school shall utilize 3730
the same identifier in its reporting of data under this section. 3731

(d) The director of any state agency that administers a 3732
publicly funded program providing services to children who are 3733
younger than compulsory school age, as defined in section 3734
3321.01 of the Revised Code, including the directors of health, 3735
job and family services, mental health and addiction services, 3736
and developmental disabilities, shall request and receive, 3737
pursuant to sections 3301.0723 and 5123.0423 of the Revised 3738
Code, a data verification code for a child who is receiving 3739
those services. 3740

(E) The guidelines adopted under this section may require 3741
school districts to collect and report data, information, or 3742
reports other than that described in divisions (A), (B), and (C) 3743
of this section for the purpose of complying with other 3744
reporting requirements established in the Revised Code. The 3745
other data, information, or reports may be maintained in the 3746

education management information system but are not required to 3747
be compiled as part of the profile formats required under 3748
division (G) of this section or the annual statewide report 3749
required under division (H) of this section. 3750

(F) Beginning with the school year that begins July 1, 3751
1991, the board of education of each school district shall 3752
annually collect and report to the state board, in accordance 3753
with the guidelines established by the board, the data required 3754
pursuant to this section. A school district may collect and 3755
report these data notwithstanding section 2151.357 or 3319.321 3756
of the Revised Code. 3757

(G) The state board shall, in accordance with the 3758
procedures it adopts, annually compile the data reported by each 3759
school district pursuant to division (D) of this section. The 3760
state board shall design formats for profiling each school 3761
district as a whole and each school building within each 3762
district and shall compile the data in accordance with these 3763
formats. These profile formats shall: 3764

(1) Include all of the data gathered under this section in 3765
a manner that facilitates comparison among school districts and 3766
among school buildings within each school district; 3767

(2) Present the data on academic achievement levels as 3768
assessed by the testing of student achievement maintained 3769
pursuant to division (B) (1) (d) of this section. 3770

(H) (1) The state board shall, in accordance with the 3771
procedures it adopts, annually prepare a statewide report for 3772
all school districts and the general public that includes the 3773
profile of each of the school districts developed pursuant to 3774
division (G) of this section. Copies of the report shall be sent 3775

to each school district. 3776

(2) The state board shall, in accordance with the 3777
procedures it adopts, annually prepare an individual report for 3778
each school district and the general public that includes the 3779
profiles of each of the school buildings in that school district 3780
developed pursuant to division (G) of this section. Copies of 3781
the report shall be sent to the superintendent of the district 3782
and to each member of the district board of education. 3783

(3) Copies of the reports received from the state board 3784
under divisions (H)(1) and (2) of this section shall be made 3785
available to the general public at each school district's 3786
offices. Each district board of education shall make copies of 3787
each report available to any person upon request and payment of 3788
a reasonable fee for the cost of reproducing the report. The 3789
board shall annually publish in a newspaper of general 3790
circulation in the school district, at least twice during the 3791
two weeks prior to the week in which the reports will first be 3792
available, a notice containing the address where the reports are 3793
available and the date on which the reports will be available. 3794

(I) Any data that is collected or maintained pursuant to 3795
this section and that identifies an individual pupil is not a 3796
public record for the purposes of section 149.43 of the Revised 3797
Code. 3798

(J) As used in this section: 3799

(1) "School district" means any city, local, exempted 3800
village, or joint vocational school district and, in accordance 3801
with section 3314.17 of the Revised Code, any community school. 3802
As used in division (L) of this section, "school district" also 3803
includes any educational service center or other educational 3804

entity required to submit data using the system established 3805
under this section. 3806

(2) "Cost" means any expenditure for operating expenses 3807
made by a school district excluding any expenditures for debt 3808
retirement except for payments made to any commercial lending 3809
institution for any loan approved pursuant to section 3313.483 3810
of the Revised Code. 3811

(K) Any person who removes data from the information 3812
system established under this section for the purpose of 3813
releasing it to any person not entitled under law to have access 3814
to such information is subject to section 2913.42 of the Revised 3815
Code prohibiting tampering with data. 3816

(L) (1) In accordance with division (L) (2) of this section 3817
and the rules adopted under division (L) (10) of this section, 3818
the department of education may sanction any school district 3819
that reports incomplete or inaccurate data, reports data that 3820
does not conform to data requirements and descriptions published 3821
by the department, fails to report data in a timely manner, or 3822
otherwise does not make a good faith effort to report data as 3823
required by this section. 3824

(2) If the department decides to sanction a school 3825
district under this division, the department shall take the 3826
following sequential actions: 3827

(a) Notify the district in writing that the department has 3828
determined that data has not been reported as required under 3829
this section and require the district to review its data 3830
submission and submit corrected data by a deadline established 3831
by the department. The department also may require the district 3832
to develop a corrective action plan, which shall include 3833

provisions for the district to provide mandatory staff training 3834
on data reporting procedures. 3835

(b) Withhold up to ten per cent of the total amount of 3836
state funds due to the district for the current fiscal year and, 3837
if not previously required under division (L) (2) (a) of this 3838
section, require the district to develop a corrective action 3839
plan in accordance with that division; 3840

(c) Withhold an additional amount of up to twenty per cent 3841
of the total amount of state funds due to the district for the 3842
current fiscal year; 3843

(d) Direct department staff or an outside entity to 3844
investigate the district's data reporting practices and make 3845
recommendations for subsequent actions. The recommendations may 3846
include one or more of the following actions: 3847

(i) Arrange for an audit of the district's data reporting 3848
practices by department staff or an outside entity; 3849

(ii) Conduct a site visit and evaluation of the district; 3850

(iii) Withhold an additional amount of up to thirty per 3851
cent of the total amount of state funds due to the district for 3852
the current fiscal year; 3853

(iv) Continue monitoring the district's data reporting; 3854

(v) Assign department staff to supervise the district's 3855
data management system; 3856

(vi) Conduct an investigation to determine whether to 3857
suspend or revoke the license of any district employee in 3858
accordance with division (N) of this section; 3859

(vii) If the district is issued a report card under 3860

section 3302.03 of the Revised Code, indicate on the report card 3861
that the district has been sanctioned for failing to report data 3862
as required by this section; 3863

(viii) If the district is issued a report card under 3864
section 3302.03 of the Revised Code and incomplete or inaccurate 3865
data submitted by the district likely caused the district to 3866
receive a higher performance rating than it deserved under that 3867
section, issue a revised report card for the district; 3868

(ix) Any other action designed to correct the district's 3869
data reporting problems. 3870

(3) Any time the department takes an action against a 3871
school district under division (L) (2) of this section, the 3872
department shall make a report of the circumstances that 3873
prompted the action. The department shall send a copy of the 3874
report to the district superintendent or chief administrator and 3875
maintain a copy of the report in its files. 3876

(4) If any action taken under division (L) (2) of this 3877
section resolves a school district's data reporting problems to 3878
the department's satisfaction, the department shall not take any 3879
further actions described by that division. If the department 3880
withheld funds from the district under that division, the 3881
department may release those funds to the district, except that 3882
if the department withheld funding under division (L) (2) (c) of 3883
this section, the department shall not release the funds 3884
withheld under division (L) (2) (b) of this section and, if the 3885
department withheld funding under division (L) (2) (d) of this 3886
section, the department shall not release the funds withheld 3887
under division (L) (2) (b) or (c) of this section. 3888

(5) Notwithstanding anything in this section to the 3889

contrary, the department may use its own staff or an outside 3890
entity to conduct an audit of a school district's data reporting 3891
practices any time the department has reason to believe the 3892
district has not made a good faith effort to report data as 3893
required by this section. If any audit conducted by an outside 3894
entity under division (L) (2) (d) (i) or (5) of this section 3895
confirms that a district has not made a good faith effort to 3896
report data as required by this section, the district shall 3897
reimburse the department for the full cost of the audit. The 3898
department may withhold state funds due to the district for this 3899
purpose. 3900

(6) Prior to issuing a revised report card for a school 3901
district under division (L) (2) (d) (viii) of this section, the 3902
department may hold a hearing to provide the district with an 3903
opportunity to demonstrate that it made a good faith effort to 3904
report data as required by this section. The hearing shall be 3905
conducted by a referee appointed by the department. Based on the 3906
information provided in the hearing, the referee shall recommend 3907
whether the department should issue a revised report card for 3908
the district. If the referee affirms the department's contention 3909
that the district did not make a good faith effort to report 3910
data as required by this section, the district shall bear the 3911
full cost of conducting the hearing and of issuing any revised 3912
report card. 3913

(7) If the department determines that any inaccurate data 3914
reported under this section caused a school district to receive 3915
excess state funds in any fiscal year, the district shall 3916
reimburse the department an amount equal to the excess funds, in 3917
accordance with a payment schedule determined by the department. 3918
The department may withhold state funds due to the district for 3919
this purpose. 3920

(8) Any school district that has funds withheld under 3921
division (L) (2) of this section may appeal the withholding in 3922
accordance with Chapter 119. of the Revised Code. 3923

(9) In all cases of a disagreement between the department 3924
and a school district regarding the appropriateness of an action 3925
taken under division (L) (2) of this section, the burden of proof 3926
shall be on the district to demonstrate that it made a good 3927
faith effort to report data as required by this section. 3928

(10) The state board of education shall adopt rules under 3929
Chapter 119. of the Revised Code to implement division (L) of 3930
this section. 3931

(M) No information technology center or school district 3932
shall acquire, change, or update its student administration 3933
software package to manage and report data required to be 3934
reported to the department unless it converts to a student 3935
software package that is certified by the department. 3936

(N) The state board of education, in accordance with 3937
sections 3319.31 and 3319.311 of the Revised Code, may suspend 3938
or revoke a license as defined under division (A) of section 3939
3319.31 of the Revised Code that has been issued to any school 3940
district employee found to have willfully reported erroneous, 3941
inaccurate, or incomplete data to the education management 3942
information system. 3943

(O) No person shall release or maintain any information 3944
about any student in violation of this section. Whoever violates 3945
this division is guilty of a misdemeanor of the fourth degree. 3946

(P) The department shall disaggregate the data collected 3947
under division (B) (1) (n) of this section according to the race 3948
and socioeconomic status of the students assessed. 3949

(Q) If the department cannot compile any of the 3950
information required by division (I) of section 3302.03 of the 3951
Revised Code based upon the data collected under this section, 3952
the department shall develop a plan and a reasonable timeline 3953
for the collection of any data necessary to comply with that 3954
division. 3955

Sec. 3301.163. ~~(A) Beginning July 1, 2015, any third grade-~~ 3956
~~student who attends a chartered nonpublic school with a~~ 3957
~~scholarship awarded under either the educational choice~~ 3958
~~scholarship pilot program, prescribed in sections 3310.01 to~~ 3959
~~3310.17, or the pilot project scholarship program prescribed in~~ 3960
~~sections 3313.974 to 3313.979 of the Revised Code, shall be~~ 3961
~~subject to the third grade reading guarantee retention~~ 3962
~~provisions under division (A) (2) of section 3313.608 of the~~ 3963
~~Revised Code, including the exemptions prescribed by that~~ 3964
~~division. For purposes of determining if a child with a~~ 3965
~~disability is exempt from retention under this section, an~~ 3966
~~individual services plan created for the child that has been~~ 3967
~~reviewed by either the student's school district of residence or~~ 3968
~~the school district in which the chartered nonpublic school is~~ 3969
~~located and that specifies that the student is not subject to~~ 3970
~~retention shall be considered in the same manner as an~~ 3971
~~individualized education program or plan under section 504 of~~ 3972
~~the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794,~~ 3973
~~as amended, as prescribed by division (A) (2) of section 3313.608~~ 3974
~~of the Revised Code.~~ 3975

~~As used in this section, "child with a disability" and~~ 3976
~~"school district of residence" have the same meanings as in~~ 3977
~~section 3323.01 of the Revised Code.~~ 3978

~~(B) (1) (A) (1) Each chartered nonpublic school that enrolls~~ 3979

students in any of grades kindergarten through three and that 3980
accepts students under the ~~educational choice scholarship pilot~~ 3981
~~program or the pilot project~~ backpack scholarship program under 3982
sections 3310.21 to 3310.27 of the Revised Code shall adopt 3983
policies and procedures for the annual assessment of the reading 3984
skills of those students. Each school may use the diagnostic 3985
assessment to measure reading ability for the appropriate grade 3986
level prescribed in division (D) of section 3301.079 of the 3987
Revised Code. If the school uses such assessments, the 3988
department of education shall furnish them to the chartered 3989
nonpublic school. 3990

(2) For each student identified as having reading skills 3991
below grade level, the school shall do both of the following: 3992

(a) Provide to the student's parent or guardian, in 3993
writing, all of the following: 3994

(i) Notification that the student has been identified as 3995
having a substantial deficiency in reading; 3996

(ii) Notification that if the student attains a score in 3997
the range designated under division (A) (3) of section 3301.0710 3998
of the Revised Code on the assessment prescribed under that 3999
section to measure skill in English language arts expected at 4000
the end of third grade, the student shall be retained unless the 4001
student is exempt under division (A) (1) of section 3313.608 of 4002
the Revised Code. 4003

(b) Provide intensive reading instruction services, as 4004
determined appropriate by the school, to each student identified 4005
under this section. 4006

~~(C)~~ (B) Each chartered nonpublic school subject to this 4007
section annually shall report to the department the number of 4008

students identified as reading at grade level and the number of 4009
students identified as reading below grade level. 4010

Sec. 3302.036. (A) Notwithstanding anything in the Revised 4011
Code to the contrary, the department of education shall not 4012
assign an overall letter grade under division (C) (3) of section 4013
3302.03 of the Revised Code for any school district or building 4014
for the 2014-2015, 2015-2016, or 2016-2017 school years, may, at 4015
the discretion of the state board of education, not assign an 4016
individual grade to any component prescribed under division (C) 4017
(3) of section 3302.03 of the Revised Code, and shall not rank 4018
school districts, community schools established under Chapter 4019
3314. of the Revised Code, or STEM schools established under 4020
Chapter 3326. of the Revised Code under section 3302.21 of the 4021
Revised Code for those school years. The report card ratings 4022
issued for the 2014-2015, 2015-2016, or 2016-2017 school years 4023
shall not be considered in determining whether a school district 4024
or a school is subject to sanctions or penalties. However, the 4025
report card ratings of any previous or subsequent years shall be 4026
considered in determining whether a school district or building 4027
is subject to sanctions or penalties. Accordingly, the report 4028
card ratings for the 2014-2015, 2015-2016, or 2016-2017 school 4029
years shall have no effect in determining sanctions or 4030
penalties, but shall not create a new starting point for 4031
determinations that are based on ratings over multiple years. 4032

(B) The provisions from which a district or school is 4033
exempt under division (A) of this section shall be the 4034
following: 4035

(1) Any restructuring provisions established under this 4036
chapter, except as required under the "No Child Left Behind Act 4037
of 2001"; 4038

(2) Provisions for the Columbus city school pilot project	4039
under section 3302.042 of the Revised Code;	4040
(3) Provisions for academic distress commissions under	4041
former section 3302.10 of the Revised Code as it existed prior	4042
to October 15, 2015. The provisions of this section do not apply	4043
to academic distress commissions under the version of that	4044
section as it exists on or after October 15, 2015.	4045
(4) Provisions prescribing new buildings where students	4046
are eligible for the educational choice scholarships under	4047
<u>former</u> section 3310.03 of the Revised Code;	4048
(5) Provisions defining "challenged school districts" in	4049
which new start-up community schools were required to be	4050
located, as prescribed in section 3314.02 of the Revised Code as	4051
it existed prior to the effective date of this amendment	4052
<u>September 30, 2021</u> ;	4053
(6) Provisions prescribing community school closure	4054
requirements under section 3314.35 or 3314.351 of the Revised	4055
Code.	4056
(C) Notwithstanding anything in the Revised Code to the	4057
contrary and except as provided in Section 3 of H.B. 7 of the	4058
131st general assembly, no school district, community school, or	4059
STEM school shall utilize at any time during a student's	4060
academic career a student's score on any assessment administered	4061
under division (A) of section 3301.0710 or division (B) (2) of	4062
section 3301.0712 of the Revised Code in the 2014-2015, 2015-	4063
2016, or 2016-2017 school years as a factor in any decision to	4064
promote or to deny the student promotion to a higher grade level	4065
or in any decision to grant course credit. No individual student	4066
score reports on such assessments administered in the 2014-2015,	4067

2015-2016, or 2016-2017 school years shall be released, except 4068
to a student's school district or school or to the student or 4069
the student's parent or guardian. 4070

Sec. 3302.04. As used in divisions (A), (C), and (D) of 4071
this section, for the 2014-2015 school year, and for each school 4072
year thereafter, when a provision refers to a school district or 4073
school building in a state of academic emergency, it shall mean 4074
a district or building rated "F"; when a provision refers to a 4075
school district or school building under an academic watch, it 4076
shall mean a district or building rated "D"; and when a 4077
provision refers to a school district or school building in need 4078
of continuous improvement, it shall mean a district or building 4079
rated "C" as those letter grade ratings for overall performance 4080
are assigned under division (C) (3) of section 3302.03 of the 4081
Revised Code, as it exists on or after March 22, 2013. 4082

(A) The department of education shall establish a system 4083
of intensive, ongoing support for the improvement of school 4084
districts and school buildings. In accordance with the model of 4085
differentiated accountability described in section 3302.041 of 4086
the Revised Code, the system shall give priority to the 4087
following: 4088

(1) For any school year prior to the 2012-2013 school 4089
year, districts and buildings that have been declared to be 4090
under an academic watch or in a state of academic emergency 4091
under section 3302.03 of the Revised Code; 4092

(2) For the 2012-2013 school year, and for each school 4093
year thereafter, districts and buildings in the manner 4094
prescribed by any agreement currently in force between the 4095
department and the United States department of education. The 4096
department shall endeavor to include schools and buildings that 4097

receive grades or performance ratings under section 3302.03 of 4098
the Revised Code that the department considers to be low 4099
performing. 4100

The system shall include services provided to districts 4101
and buildings through regional service providers, such as 4102
educational service centers. The system may include the 4103
appointment of an improvement coordinator for any of the lowest 4104
performing districts, as determined by the department, to 4105
coordinate the district's academic improvement efforts and to 4106
build support among the community for those efforts. 4107

(B) This division does not apply to any school district 4108
after June 30, 2008. 4109

When a school district has been notified by the department 4110
pursuant to section 3302.03 of the Revised Code that the 4111
district or a building within the district has failed to make 4112
adequate yearly progress for two consecutive school years, the 4113
district shall develop a three-year continuous improvement plan 4114
for the district or building containing each of the following: 4115

(1) An analysis of the reasons for the failure of the 4116
district or building to meet any of the applicable performance 4117
indicators established under section 3302.02 of the Revised Code 4118
that it did not meet and an analysis of the reasons for its 4119
failure to make adequate yearly progress; 4120

(2) Specific strategies that the district or building will 4121
use to address the problems in academic achievement identified 4122
in division (B) (1) of this section; 4123

(3) Identification of the resources that the district will 4124
allocate toward improving the academic achievement of the 4125
district or building; 4126

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

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

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

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

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

(2) For the 2012-2013 school year, and for each school year thereafter, a district or building that meets the conditions for intervention prescribed by the agreement described in division (A) (2) of this section shall be subject to

any rules establishing such intervention. 4156

(D) (1) For any school year prior to the 2012-2013 school 4157
year, within one hundred twenty days after any school district 4158
or building is declared to be in a state of academic emergency 4159
under section 3302.03 of the Revised Code, the department may 4160
initiate a site evaluation of the building or school district. 4161

(2) For the 2012-2013 school year, and for each school 4162
year thereafter, the department may initiate a site evaluation 4163
of a building or school district that meets the conditions for a 4164
site evaluation prescribed by the agreement described in 4165
division (A) (2) of this section. 4166

(3) Division (D) (3) of this section does not apply to any 4167
school district after June 30, 2008. 4168

If any school district that is declared to be in a state 4169
of academic emergency or in a state of academic watch under 4170
section 3302.03 of the Revised Code or encompasses a building 4171
that is declared to be in a state of academic emergency or in a 4172
state of academic watch fails to demonstrate to the department 4173
satisfactory improvement of the district or applicable buildings 4174
or fails to submit to the department any information required 4175
under rules established by the state board of education, prior 4176
to approving a three-year continuous improvement plan under 4177
rules established by the state board of education, the 4178
department shall conduct a site evaluation of the school 4179
district or applicable buildings to determine whether the school 4180
district is in compliance with minimum standards established by 4181
law or rule. 4182

(4) Division (D) (4) of this section does not apply to any 4183
school district after June 30, 2008. Site evaluations conducted 4184

under divisions (D) (1), (2), and (3) of this section shall 4185
include, but not be limited to, the following: 4186

(a) Determining whether teachers are assigned to subject 4187
areas for which they are licensed or certified; 4188

(b) Determining pupil-teacher ratios; 4189

(c) Examination of compliance with minimum instruction 4190
time requirements for each school day and for each school year; 4191

(d) Determining whether materials and equipment necessary 4192
to implement the curriculum approved by the school district 4193
board are available; 4194

(e) Examination of whether the teacher and principal 4195
evaluation systems comply with sections 3311.80, 3311.84, 4196
3319.02, and 3319.111 of the Revised Code; 4197

(f) Examination of the adequacy of efforts to improve the 4198
cultural competency, as defined pursuant to section 3319.61 of 4199
the Revised Code, of teachers and other educators. 4200

(E) This division applies only to school districts that 4201
operate a school building that fails to make adequate yearly 4202
progress for two or more consecutive school years. It does not 4203
apply to any such district after June 30, 2008, except as 4204
provided in division (D) (2) of section 3313.97 of the Revised 4205
Code. 4206

(1) For any school building that fails to make adequate 4207
yearly progress for two consecutive school years, the district 4208
shall do all of the following: 4209

(a) Provide written notification of the academic issues 4210
that resulted in the building's failure to make adequate yearly 4211
progress to the parent or guardian of each student enrolled in 4212

the building. The notification shall also describe the actions 4213
being taken by the district or building to improve the academic 4214
performance of the building and any progress achieved toward 4215
that goal in the immediately preceding school year. 4216

(b) If the building receives funds under Title I, Part A 4217
of the "Elementary and Secondary Education Act of 1965," 20 4218
U.S.C. 6311 to 6339, from the district, in accordance with 4219
section 3313.97 of the Revised Code, offer all students enrolled 4220
in the building the opportunity to enroll in an alternative 4221
building within the district that is not in school improvement 4222
status as defined by the "No Child Left Behind Act of 2001." 4223
Notwithstanding Chapter 3327. of the Revised Code, the district 4224
shall spend an amount equal to twenty per cent of the funds it 4225
receives under Title I, Part A of the "Elementary and Secondary 4226
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 4227
transportation for students who enroll in alternative buildings 4228
under this division, unless the district can satisfy all demand 4229
for transportation with a lesser amount. If an amount equal to 4230
twenty per cent of the funds the district receives under Title 4231
I, Part A of the "Elementary and Secondary Education Act of 4232
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 4233
demand for transportation, the district shall grant priority 4234
over all other students to the lowest achieving students among 4235
the subgroup described in division (B) (3) of section 3302.01 of 4236
the Revised Code in providing transportation. Any district that 4237
does not receive funds under Title I, Part A of the "Elementary 4238
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 4239
shall not be required to provide transportation to any student 4240
who enrolls in an alternative building under this division. 4241

(2) For any school building that fails to make adequate 4242
yearly progress for three consecutive school years, the district 4243

shall do both of the following: 4244

(a) If the building receives funds under Title I, Part A 4245
of the "Elementary and Secondary Education Act of 1965," 20 4246
U.S.C. 6311 to 6339, from the district, in accordance with 4247
section 3313.97 of the Revised Code, provide all students 4248
enrolled in the building the opportunity to enroll in an 4249
alternative building within the district that is not in school 4250
improvement status as defined by the "No Child Left Behind Act 4251
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 4252
district shall provide transportation for students who enroll in 4253
alternative buildings under this division to the extent required 4254
under division (E) (2) of this section. 4255

(b) If the building receives funds under Title I, Part A 4256
of the "Elementary and Secondary Education Act of 1965," 20 4257
U.S.C. 6311 to 6339, from the district, offer supplemental 4258
educational services to students who are enrolled in the 4259
building and who are in the subgroup described in division (B) 4260
(3) of section 3302.01 of the Revised Code. 4261

The district shall spend a combined total of an amount 4262
equal to twenty per cent of the funds it receives under Title I, 4263
Part A of the "Elementary and Secondary Education Act of 1965," 4264
20 U.S.C. 6311 to 6339, to provide transportation for students 4265
who enroll in alternative buildings under division (E) (1) (b) or 4266
(E) (2) (a) of this section and to pay the costs of the 4267
supplemental educational services provided to students under 4268
division (E) (2) (b) of this section, unless the district can 4269
satisfy all demand for transportation and pay the costs of 4270
supplemental educational services for those students who request 4271
them with a lesser amount. In allocating funds between the 4272
requirements of divisions (E) (1) (b) and (E) (2) (a) and (b) of 4273

this section, the district shall spend at least an amount equal 4274
to five per cent of the funds it receives under Title I, Part A 4275
of the "Elementary and Secondary Education Act of 1965," 20 4276
U.S.C. 6311 to 6339, to provide transportation for students who 4277
enroll in alternative buildings under division (E) (1) (b) or (E) 4278
(2) (a) of this section, unless the district can satisfy all 4279
demand for transportation with a lesser amount, and at least an 4280
amount equal to five per cent of the funds it receives under 4281
Title I, Part A of the "Elementary and Secondary Education Act 4282
of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the 4283
supplemental educational services provided to students under 4284
division (E) (2) (b) of this section, unless the district can pay 4285
the costs of such services for all students requesting them with 4286
a lesser amount. If an amount equal to twenty per cent of the 4287
funds the district receives under Title I, Part A of the 4288
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 4289
to 6339, is insufficient to satisfy all demand for 4290
transportation under divisions (E) (1) (b) and (E) (2) (a) of this 4291
section and to pay the costs of all of the supplemental 4292
educational services provided to students under division (E) (2) 4293
(b) of this section, the district shall grant priority over all 4294
other students in providing transportation and in paying the 4295
costs of supplemental educational services to the lowest 4296
achieving students among the subgroup described in division (B) 4297
(3) of section 3302.01 of the Revised Code. 4298

Any district that does not receive funds under Title I, 4299
Part A of the "Elementary and Secondary Education Act of 1965," 4300
20 U.S.C. 6311 to 6339, shall not be required to provide 4301
transportation to any student who enrolls in an alternative 4302
building under division (E) (2) (a) of this section or to pay the 4303
costs of supplemental educational services provided to any 4304

student under division (E) (2) (b) of this section. 4305

No student who enrolls in an alternative building under 4306
division (E) (2) (a) of this section shall be eligible for 4307
supplemental educational services under division (E) (2) (b) of 4308
this section. 4309

(3) For any school building that fails to make adequate 4310
yearly progress for four consecutive school years, the district 4311
shall continue to comply with division (E) (2) of this section 4312
and shall implement at least one of the following options with 4313
respect to the building: 4314

(a) Institute a new curriculum that is consistent with the 4315
statewide academic standards adopted pursuant to division (A) of 4316
section 3301.079 of the Revised Code; 4317

(b) Decrease the degree of authority the building has to 4318
manage its internal operations; 4319

(c) Appoint an outside expert to make recommendations for 4320
improving the academic performance of the building. The district 4321
may request the department to establish a state intervention 4322
team for this purpose pursuant to division (G) of this section. 4323

(d) Extend the length of the school day or year; 4324

(e) Replace the building principal or other key personnel; 4325

(f) Reorganize the administrative structure of the 4326
building. 4327

(4) For any school building that fails to make adequate 4328
yearly progress for five consecutive school years, the district 4329
shall continue to comply with division (E) (2) of this section 4330
and shall develop a plan during the next succeeding school year 4331
to improve the academic performance of the building, which shall 4332

include at least one of the following options:	4333
(a) Reopen the school as a community school under Chapter 3314. of the Revised Code;	4334 4335
(b) Replace personnel;	4336
(c) Contract with a nonprofit or for-profit entity to operate the building;	4337 4338
(d) Turn operation of the building over to the department;	4339
(e) Other significant restructuring of the building's governance.	4340 4341
(5) For any school building that fails to make adequate yearly progress for six consecutive school years, the district shall continue to comply with division (E) (2) of this section and shall implement the plan developed pursuant to division (E) (4) of this section.	4342 4343 4344 4345 4346
(6) A district shall continue to comply with division (E) (1) (b) or (E) (2) of this section, whichever was most recently applicable, with respect to any building formerly subject to one of those divisions until the building makes adequate yearly progress for two consecutive school years.	4347 4348 4349 4350 4351
(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.	4352 4353 4354 4355
(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If	4356 4357 4358 4359 4360

the district does not have a continuous improvement plan, the 4361
district shall develop such a plan in accordance with division 4362
(B) of this section and provide a written description of the 4363
plan to the parent or guardian of each student enrolled in the 4364
district. 4365

(2) If a school district has been identified for 4366
improvement for two consecutive school years, the district shall 4367
continue to implement the continuous improvement plan developed 4368
by the district pursuant to division (B) or (F)(1) of this 4369
section. 4370

(3) If a school district has been identified for 4371
improvement for three consecutive school years, the department 4372
shall take at least one of the following corrective actions with 4373
respect to the district: 4374

(a) Withhold a portion of the funds the district is 4375
entitled to receive under Title I, Part A of the "Elementary and 4376
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339; 4377

(b) Direct the district to replace key district personnel; 4378

(c) Institute a new curriculum that is consistent with the 4379
statewide academic standards adopted pursuant to division (A) of 4380
section 3301.079 of the Revised Code; 4381

(d) Establish alternative forms of governance for 4382
individual school buildings within the district; 4383

(e) Appoint a trustee to manage the district in place of 4384
the district superintendent and board of education. 4385

The department shall conduct individual audits of a 4386
sampling of districts subject to this division to determine 4387
compliance with the corrective actions taken by the department. 4388

(4) If a school district has been identified for 4389
improvement for four consecutive school years, the department 4390
shall continue to monitor implementation of the corrective 4391
action taken under division (F) (3) of this section with respect 4392
to the district. 4393

(5) If a school district has been identified for 4394
improvement for five consecutive school years, the department 4395
shall take at least one of the corrective actions identified in 4396
division (F) (3) of this section with respect to the district, 4397
provided that the corrective action the department takes is 4398
different from the corrective action previously taken under 4399
division (F) (3) of this section with respect to the district. 4400

(G) The department may establish a state intervention team 4401
to evaluate all aspects of a school district or building, 4402
including management, curriculum, instructional methods, 4403
resource allocation, and scheduling. Any such intervention team 4404
shall be appointed by the department and shall include teachers 4405
and administrators recognized as outstanding in their fields. 4406
The intervention team shall make recommendations regarding 4407
methods for improving the performance of the district or 4408
building. 4409

The department shall not approve a district's request for 4410
an intervention team under division (E) (3) of this section if 4411
the department cannot adequately fund the work of the team, 4412
unless the district agrees to pay for the expenses of the team. 4413

(H) The department shall conduct individual audits of a 4414
sampling of community schools established under Chapter 3314. of 4415
the Revised Code to determine compliance with this section. 4416

~~(I) A school district in which the pilot project~~ 4417

~~scholarship program is operating under sections 3313.974 to 4418
3313.979 of the Revised Code shall report the use of funding for 4419
tutorial assistance grants under that program in the district's 4420
three year continuous improvement plan under this section in a 4421
manner approved by the department. 4422~~

~~(J) The state board shall adopt rules for implementing 4423
this section. 4424~~

Sec. 3302.10. (A) The superintendent of public instruction 4425
shall establish an academic distress commission for any school 4426
district that meets one of the following conditions: 4427

(1) The district has for three consecutive years received 4428
either of the following: 4429

(a) An overall grade of "F" under division (C) (3) of 4430
section 3302.03 of the Revised Code; 4431

(b) An overall performance rating of less than two stars 4432
under division (D) (3) of section 3302.03 of the Revised Code. 4433

(2) An academic distress commission established for the 4434
district under former section 3302.10 of the Revised Code was 4435
still in existence on October 15, 2015, and has been in 4436
existence for at least four years. 4437

(B) (1) The academic distress commission shall consist of 4438
five members as follows: 4439

(a) Three members appointed by the state superintendent, 4440
one of whom is a resident in the county in which a majority of 4441
the district's territory is located; 4442

(b) One member appointed by the president of the district 4443
board of education, who shall be a teacher employed by the 4444
district; 4445

(c) One member appointed by the mayor of the municipality 4446
in which a majority of the district's territory is located or, 4447
if no such municipality exists, by the mayor of a municipality 4448
selected by the state superintendent in which the district has 4449
territory. 4450

Appointments to the commission shall be made within thirty 4451
days after the district is notified that it is subject to this 4452
section. Members of the commission shall serve at the pleasure 4453
of their appointing authority. The state superintendent shall 4454
designate a chairperson for the commission from among the 4455
members appointed by the state superintendent. The chairperson 4456
shall call and conduct meetings, set meeting agendas, and serve 4457
as a liaison between the commission and the chief executive 4458
officer appointed under division (C)(1) of this section. 4459

(2) In the case of a school district that meets the 4460
condition in division (A)(2) of this section, the academic 4461
distress commission established for the district under former 4462
section 3302.10 of the Revised Code shall be abolished and a new 4463
academic distress commission shall be appointed for the district 4464
pursuant to division (B)(1) of this section. 4465

(C)(1) Within sixty days after the state superintendent 4466
has designated a chairperson for the academic distress 4467
commission, the commission shall appoint a chief executive 4468
officer for the district, who shall be paid by the department of 4469
education and shall serve at the pleasure of the commission. The 4470
individual appointed as chief executive officer shall have high- 4471
level management experience in the public or private sector. The 4472
chief executive officer shall exercise complete operational, 4473
managerial, and instructional control of the district, which 4474
shall include, but shall not be limited to, the following powers 4475

and duties, but the chief executive officer may delegate, in	4476
writing, specific powers or duties to the district board or	4477
district superintendent:	4478
(a) Replacing school administrators and central office	4479
staff;	4480
(b) Assigning employees to schools and approving	4481
transfers;	4482
(c) Hiring new employees;	4483
(d) Defining employee responsibilities and job	4484
descriptions;	4485
(e) Establishing employee compensation;	4486
(f) Allocating teacher class loads;	4487
(g) Conducting employee evaluations;	4488
(h) Making reductions in staff under section 3319.17,	4489
3319.171, or 3319.172 of the Revised Code;	4490
(i) Setting the school calendar;	4491
(j) Creating a budget for the district;	4492
(k) Contracting for services for the district;	4493
(l) Modifying policies and procedures established by the	4494
district board;	4495
(m) Establishing grade configurations of schools;	4496
(n) Determining the school curriculum;	4497
(o) Selecting instructional materials and assessments;	4498
(p) Setting class sizes;	4499

(q) Providing for staff professional development. 4500

(2) If an improvement coordinator was previously appointed 4501
for the district pursuant to division (A) of section 3302.04 of 4502
the Revised Code, that position shall be terminated. However, 4503
nothing in this section shall prohibit the chief executive 4504
officer from employing the same individual or other staff to 4505
perform duties or functions previously performed by the 4506
improvement coordinator. 4507

(D) The academic distress commission, in consultation with 4508
the state superintendent and the chief executive officer, shall 4509
be responsible for expanding high-quality school choice options 4510
in the district. The commission, in consultation with the state 4511
superintendent, may create an entity to act as a high-quality 4512
school accelerator for schools not operated by the district. The 4513
accelerator shall promote high-quality schools in the district, 4514
lead improvement efforts for underperforming schools, recruit 4515
high-quality sponsors for community schools, attract new high- 4516
quality schools to the district, and increase the overall 4517
capacity of schools to deliver a high-quality education for 4518
students. Any accelerator shall be an independent entity and the 4519
chief executive officer shall have no authority over the 4520
accelerator. 4521

(E) (1) Within thirty days after the chief executive 4522
officer is appointed, the chief executive officer shall convene 4523
a group of community stakeholders. The purpose of the group 4524
shall be to develop expectations for academic improvement in the 4525
district and to assist the district in building relationships 4526
with organizations in the community that can provide needed 4527
services to students. Members of the group shall include, but 4528
shall not be limited to, educators, civic and business leaders, 4529

and representatives of institutions of higher education and 4530
government service agencies. Within ninety days after the chief 4531
executive officer is appointed, the chief executive officer also 4532
shall convene a smaller group of community stakeholders for each 4533
school operated by the district to develop expectations for 4534
academic improvement in that school. The group convened for each 4535
school shall have teachers employed in the school and parents of 4536
students enrolled in the school among its members. 4537

(2) The chief executive officer shall create a plan to 4538
improve the district's academic performance. In creating the 4539
plan, the chief executive officer shall consult with the groups 4540
convened under division (E)(1) of this section. The chief 4541
executive officer also shall consider the availability of 4542
funding to ensure sustainability of the plan. The plan shall 4543
establish clear, measurable performance goals for the district 4544
and for each school operated by the district. The performance 4545
goals shall include, but not be limited to, the performance 4546
measures prescribed for report cards issued under section 4547
3302.03 of the Revised Code. Within ninety days after the chief 4548
executive officer is appointed, the chief executive officer 4549
shall submit the plan to the academic distress commission for 4550
approval. Within thirty days after the submission of the plan, 4551
the commission shall approve the plan or suggest modifications 4552
to the plan that will render it acceptable. If the commission 4553
suggests modifications, the chief executive officer may revise 4554
the plan before resubmitting it to the commission. The chief 4555
executive officer shall resubmit the plan, whether revised or 4556
not, within fifteen days after the commission suggests 4557
modifications. The commission shall approve the plan within 4558
thirty days after the plan is resubmitted. Upon approval of the 4559
plan by the commission, the chief executive officer shall 4560

implement the plan. 4561

(F) Notwithstanding any provision to the contrary in 4562
Chapter 4117. of the Revised Code, if the district board has 4563
entered into, modified, renewed, or extended a collective 4564
bargaining agreement on or after October 15, 2015, that contains 4565
provisions relinquishing one or more of the rights or 4566
responsibilities listed in division (C) of section 4117.08 of 4567
the Revised Code, those provisions are not enforceable and the 4568
chief executive officer and the district board shall resume 4569
holding those rights or responsibilities as if the district 4570
board had not relinquished them in that agreement until such 4571
time as both the academic distress commission ceases to exist 4572
and the district board agrees to relinquish those rights or 4573
responsibilities in a new collective bargaining agreement. For 4574
purposes of this section, "collective bargaining agreement" 4575
shall include any labor contract or agreement in effect with any 4576
applicable bargaining representative. The chief executive 4577
officer and the district board are not required to bargain on 4578
subjects reserved to the management and direction of the school 4579
district, including, but not limited to, the rights or 4580
responsibilities listed in division (C) of section 4117.08 of 4581
the Revised Code. The way in which these subjects and these 4582
rights or responsibilities may affect the wages, hours, terms 4583
and conditions of employment, or the continuation, modification, 4584
or deletion of an existing provision of a collective bargaining 4585
agreement is not subject to collective bargaining or effects 4586
bargaining under Chapter 4117. of the Revised Code. The 4587
provisions of this paragraph apply to a collective bargaining 4588
agreement entered into, modified, renewed, or extended on or 4589
after October 15, 2015, and those provisions are deemed to be 4590
part of that agreement regardless of whether the district 4591

satisfied the conditions prescribed in division (A) of this 4592
section at the time the district entered into that agreement. If 4593
the district board relinquished one or more of the rights or 4594
responsibilities listed in division (C) of section 4117.08 of 4595
the Revised Code in a collective bargaining agreement entered 4596
into prior to October 15, 2015, and had resumed holding those 4597
rights or responsibilities pursuant to division (K) of former 4598
section 3302.10 of the Revised Code, as it existed prior to that 4599
date, the district board shall continue to hold those rights or 4600
responsibilities until such time as both the new academic 4601
distress commission appointed under this section ceases to exist 4602
upon completion of the transition period specified in division 4603
(N) (1) of this section and the district board agrees to 4604
relinquish those rights or responsibilities in a new collective 4605
bargaining agreement. 4606

(G) In each school year that the district is subject to 4607
this section, the following shall apply: 4608

(1) The chief executive officer shall implement the 4609
improvement plan approved under division (E) (2) of this section 4610
and shall review the plan annually to determine if changes are 4611
needed. The chief executive officer may modify the plan upon the 4612
approval of the modifications by the academic distress 4613
commission. 4614

(2) The chief executive officer may implement innovative 4615
education programs to do any of the following: 4616

(a) Address the physical and mental well-being of students 4617
and their families; 4618

(b) Provide mentoring; 4619

(c) Provide job resources; 4620

- (d) Disseminate higher education information; 4621
- (e) Offer recreational or cultural activities; 4622
- (f) Provide any other services that will contribute to a 4623
successful learning environment. 4624

The chief executive officer shall establish a separate 4625
fund to support innovative education programs and shall deposit 4626
any moneys appropriated by the general assembly for the purposes 4627
of division (G) (2) of this section in the fund. The chief 4628
executive officer shall have sole authority to disburse moneys 4629
from the fund until the district is no longer subject to this 4630
section. All disbursements shall support the improvement plan 4631
approved under division (E) (2) of this section. 4632

(3) Beginning on July 1, 2024, division (G) (3) of this 4633
section no longer applies. 4634

If the district is not a school district in which the 4635
pilot project scholarship program is operating under sections 4636
3313.974 to 3313.979 of the Revised Code, each student who is 4637
entitled to attend school in the district under section 3313.64 4638
or 3313.65 of the Revised Code and is enrolled in a school 4639
operated by the district or in a community school, or will be 4640
both enrolling in any of grades kindergarten through twelve in 4641
this state for the first time and at least five years of age by 4642
the first day of January of the following school year, shall be 4643
eligible to participate in the educational choice scholarship 4644
pilot program established under sections 3310.01 to 3310.17 of 4645
the Revised Code and an application for the student may be 4646
submitted during the next application period. 4647

(4) Notwithstanding anything to the contrary in the 4648
Revised Code, the chief executive officer may limit, suspend, or 4649

alter any contract with an administrator that is entered into, 4650
modified, renewed, or extended by the district board on or after 4651
October 15, 2015, provided that the chief executive officer 4652
shall not reduce any salary or base hourly rate of pay unless 4653
such salary or base hourly rate reductions are part of a uniform 4654
plan affecting all district employees and shall not reduce any 4655
insurance benefits unless such insurance benefit reductions are 4656
also applicable generally to other employees of the district. 4657

(5) The chief executive officer shall represent the 4658
district board during any negotiations to modify, renew, or 4659
extend a collective bargaining agreement entered into by the 4660
board under Chapter 4117. of the Revised Code. 4661

(H) If the report card for the district has been issued 4662
under section 3302.03 of the Revised Code for the first school 4663
year that the district is subject to this section and the 4664
district does not meet the qualification in division (N) (1) of 4665
this section, the following shall apply: 4666

(1) The chief executive officer may reconstitute any 4667
school operated by the district. The chief executive officer 4668
shall present to the academic distress commission a plan that 4669
lists each school designated for reconstitution and explains how 4670
the chief executive officer plans to reconstitute the school. 4671
The chief executive officer may take any of the following 4672
actions to reconstitute a school: 4673

(a) Change the mission of the school or the focus of its 4674
curriculum; 4675

(b) Replace the school's principal and/or administrative 4676
staff; 4677

(c) Replace a majority of the school's staff, including 4678

teaching and nonteaching employees; 4679

(d) Contract with a nonprofit or for-profit entity to 4680
manage the operations of the school. The contract may provide 4681
for the entity to supply all or some of the staff for the 4682
school. 4683

(e) Reopen the school as a community school under Chapter 4684
3314. of the Revised Code or a science, technology, engineering, 4685
and mathematics school under Chapter 3326. of the Revised Code; 4686

(f) Permanently close the school. 4687

If the chief executive officer plans to reconstitute a 4688
school under division (H) (1) (e) or (f) of this section, the 4689
commission shall review the plan for that school and either 4690
approve or reject it by the thirtieth day of June of the school 4691
year. Upon approval of the plan by the commission, the chief 4692
executive officer shall reconstitute the school as outlined in 4693
the plan. 4694

(2) Notwithstanding any provision to the contrary in 4695
Chapter 4117. of the Revised Code, the chief executive officer, 4696
in consultation with the chairperson of the academic distress 4697
commission, may reopen any collective bargaining agreement 4698
entered into, modified, renewed, or extended on or after October 4699
15, 2015, for the purpose of renegotiating its terms. The chief 4700
executive officer shall have the sole discretion to designate 4701
any provisions of a collective bargaining agreement as subject 4702
to reopening by providing written notice to the bargaining 4703
representative. Any provisions designated for reopening by the 4704
chief executive officer shall be subject to collective 4705
bargaining as set forth in Chapter 4117. of the Revised Code. 4706
Any changes to the provisions subject to reopening shall take 4707

effect on the following first day of July or another date agreed 4708
to by the parties. The chief executive officer may reopen a 4709
collective bargaining agreement under division (H) (2) of this 4710
section as necessary to reconstitute a school under division (H) 4711
(1) of this section. 4712

(I) If the report card for the district has been issued 4713
under section 3302.03 of the Revised Code for the second school 4714
year that the district is subject to this section and the 4715
district does not meet the qualification in division (N) (1) of 4716
this section, the following shall apply: 4717

(1) The chief executive officer may exercise any of the 4718
powers authorized under division (H) of this section. 4719

(2) Notwithstanding any provision to the contrary in 4720
Chapter 4117. of the Revised Code, the chief executive officer 4721
may limit, suspend, or alter any provision of a collective 4722
bargaining agreement entered into, modified, renewed, or 4723
extended on or after October 15, 2015, provided that the chief 4724
executive officer shall not reduce any base hourly rate of pay 4725
and shall not reduce any insurance benefits. The decision to 4726
limit, suspend, or alter any provision of a collective 4727
bargaining agreement under this division is not subject to 4728
bargaining under Chapter 4117. of the Revised Code; however, the 4729
chief executive officer shall have the discretion to engage in 4730
effects bargaining on the way any such decision may affect 4731
wages, hours, or terms and conditions of employment. The chief 4732
executive officer may limit, suspend, or alter a provision of a 4733
collective bargaining agreement under division (I) (2) of this 4734
section as necessary to reconstitute a school under division (H) 4735
(1) of this section. 4736

(J) If the report card for the district has been issued 4737

under section 3302.03 of the Revised Code for the third school 4738
year that the district is subject to this section and the 4739
district does not meet the qualification in division (N) (1) of 4740
this section, the following shall apply: 4741

(1) The chief executive officer may exercise any of the 4742
powers authorized under division (H) or (I) of this section. 4743

(2) The chief executive officer may continue in effect a 4744
limitation, suspension, or alteration of a provision of a 4745
collective bargaining agreement issued under division (I) (2) of 4746
this section. Any such continuation shall be subject to the 4747
requirements and restrictions of that division. 4748

(K) If the report card for the district has been issued 4749
under section 3302.03 of the Revised Code for the fourth school 4750
year that the district is subject to this section and the 4751
district does not meet the qualification in division (N) (1) of 4752
this section, the following shall apply: 4753

(1) The chief executive officer may exercise any of the 4754
powers authorized under division (H), (I), or (J) of this 4755
section. 4756

(2) A new board of education shall be appointed for the 4757
district in accordance with section 3302.11 of the Revised Code. 4758
However, the chief executive officer shall retain complete 4759
operational, managerial, and instructional control of the 4760
district until the chief executive officer relinquishes that 4761
control to the district board under division (N) (1) of this 4762
section. 4763

(L) If the report card for the district has been issued 4764
under section 3302.03 of the Revised Code for the fifth school 4765
year, or any subsequent school year, that the district is 4766

subject to this section and the district does not meet the 4767
qualification in division (N) (1) of this section, the chief 4768
executive officer may exercise any of the powers authorized 4769
under division (H), (I), (J), or (K) (1) of this section. 4770

(M) If division (I), (J), (K), or (L) of this section 4771
applies to a district, community schools, STEM schools, 4772
chartered nonpublic schools, and other school districts that 4773
enroll students residing in the district and meet academic 4774
accountability standards shall be eligible to be paid an 4775
academic performance bonus in each fiscal year for which the 4776
general assembly appropriates funds for that purpose. The 4777
academic performance bonus is intended to give students residing 4778
in the district access to a high-quality education by 4779
encouraging high-quality schools to enroll those students. 4780

(N) (1) When a district subject to this section receives 4781
either an overall grade of "C" or higher under division (C) (3) 4782
of section 3302.03 of the Revised Code or an overall performance 4783
rating of three stars or higher under division (D) (3) of section 4784
3302.03 of the Revised Code, the district shall begin its 4785
transition out of being subject to this section. Except as 4786
provided in division (N) (2) of this section, the transition 4787
period shall last until the district has received either an 4788
overall grade higher than "F" under division (C) (3) of section 4789
3302.03 of the Revised Code or an overall performance rating of 4790
two stars or higher under division (D) (3) of section 3302.03 of 4791
the Revised Code for two consecutive school years after the 4792
transition period begins. The overall grade of "C" or higher or 4793
overall performance rating of three stars or higher that qualify 4794
the district to begin the transition period shall not count as 4795
one of the two consecutive school years. During the transition 4796
period, the conditions described in divisions (F) to (L) of this 4797

section for the school year prior to the school year in which 4798
the transition period begins shall continue to apply and the 4799
chief executive officer shall work closely with the district 4800
board and district superintendent to increase their ability to 4801
resume control of the district and sustain the district's 4802
academic improvement over time. Upon completion of the 4803
transition period, the chief executive officer shall relinquish 4804
all operational, managerial, and instructional control of the 4805
district to the district board and district superintendent and 4806
the academic distress commission shall cease to exist. 4807

(2) If the district receives either an overall grade of 4808
"F" under division (C) (3) of section 3302.03 of the Revised Code 4809
or an overall performance rating of less than two stars under 4810
division (D) (3) of section 3302.03 of the Revised Code at any 4811
time during the transition period, the transition period shall 4812
end and the district shall be fully subject to this section 4813
again. The district shall resume being fully subject to this 4814
section at the point it began its transition out of being 4815
subject to this section and the division in divisions (H) to (L) 4816
of this section that would have applied to the district had the 4817
district not qualified to begin its transition under division 4818
(N) (1) of this section shall apply to the district. 4819

(O) If at any time there are no longer any schools 4820
operated by the district due to reconstitution or other closure 4821
of the district's schools under this section, the academic 4822
distress commission shall cease to exist and the chief executive 4823
officer shall cease to exercise any powers with respect to the 4824
district. 4825

(P) Beginning on October 15, 2015, each collective 4826
bargaining agreement entered into by a school district board of 4827

education under Chapter 4117. of the Revised Code shall 4828
incorporate the provisions of this section. 4829

(Q) The chief executive officer, the members of the 4830
academic distress commission, the state superintendent, and any 4831
person authorized to act on behalf of or assist them shall not 4832
be personally liable or subject to any suit, judgment, or claim 4833
for damages resulting from the exercise of or failure to 4834
exercise the powers, duties, and functions granted to them in 4835
regard to their functioning under this section, but the chief 4836
executive officer, commission, state superintendent, and such 4837
other persons shall be subject to mandamus proceedings to compel 4838
performance of their duties under this section. 4839

(R) The state superintendent shall not exempt any district 4840
from this section by approving an application for an innovative 4841
education pilot program submitted by the district under section 4842
3302.07 of the Revised Code. 4843

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of 4844
the Revised Code: 4845

(A) "Alternative public provider" means either of the 4846
following providers that agrees to enroll a child in the 4847
provider's special education program to implement the child's 4848
individualized education program and to which the eligible 4849
applicant owes fees for the services provided to the child: 4850

(1) A school district that is not the school district in 4851
which the child is entitled to attend school or the child's 4852
school district of residence, if different; 4853

(2) A public entity other than a school district. 4854

(B) "Child with a disability" and "individualized 4855
education program" have the same meanings as in section 3323.01 4856

of the Revised Code. 4857

(C) "Eligible applicant" means any of the following: 4858

(1) Either of the natural or adoptive parents of a 4859
qualified special education child, except as otherwise specified 4860
in this division. When the marriage of the natural or adoptive 4861
parents of the student has been terminated by a divorce, 4862
dissolution of marriage, or annulment, or when the natural or 4863
adoptive parents of the student are living separate and apart 4864
under a legal separation decree, and a court has issued an order 4865
allocating the parental rights and responsibilities with respect 4866
to the child, "eligible applicant" means the residential parent 4867
as designated by the court. If the court issues a shared 4868
parenting decree, "eligible applicant" means either parent. 4869
"Eligible applicant" does not mean a parent whose custodial 4870
rights have been terminated. 4871

(2) The custodian of a qualified special education child, 4872
when a court has granted temporary, legal, or permanent custody 4873
of the child to an individual other than either of the natural 4874
or adoptive parents of the child or to a government agency; 4875

(3) The guardian of a qualified special education child, 4876
when a court has appointed a guardian for the child; 4877

(4) The grandparent of a qualified special education 4878
child, when the grandparent is the child's attorney in fact 4879
under a power of attorney executed under sections 3109.51 to 4880
3109.62 of the Revised Code or when the grandparent has executed 4881
a caretaker authorization affidavit under sections 3109.65 to 4882
3109.73 of the Revised Code; 4883

(5) The surrogate parent appointed for a qualified special 4884
education child pursuant to division (B) of section 3323.05 and 4885

section 3323.051 of the Revised Code; 4886

(6) A qualified special education child, if the child does 4887
not have a custodian or guardian and the child is at least 4888
eighteen years of age. 4889

(D) "Entitled to attend school" means entitled to attend 4890
school in a school district under sections 3313.64 and 3313.65 4891
of the Revised Code. 4892

(E) "Formula ADM" has the same meaning as in section 4893
3317.02 of the Revised Code. 4894

(F) "Qualified special education child" is a child for 4895
whom all of the following conditions apply: 4896

(1) The child is at least five years of age and less than 4897
twenty-two years of age. 4898

(2) The school district in which the child is entitled to 4899
attend school, or the child's school district of residence if 4900
different, has identified the child as a child with a 4901
disability. 4902

(3) The school district in which the child is entitled to 4903
attend school, or the child's school district of residence if 4904
different, has developed an individualized education program 4905
under Chapter 3323. of the Revised Code for the child. 4906

(4) The child either: 4907

(a) Was enrolled in the schools of the school district in 4908
which the child is entitled to attend school in any grade from 4909
kindergarten through twelve in the school year prior to the 4910
school year in which a scholarship is first sought for the 4911
child; 4912

(b) Is eligible to enter school in any grade kindergarten 4913
through twelve in the school district in which the child is 4914
entitled to attend school in the school year in which a 4915
scholarship is first sought for the child. 4916

(5) The department of education has not approved a 4917
scholarship for the child under ~~the educational choice-~~ 4918
~~scholarship pilot program, under sections 3310.01 to 3310.17 of~~ 4919
~~the Revised Code,~~ the autism scholarship program, under section 4920
3310.41 of the Revised Code, ~~or the pilot project scholarship-~~ 4921
~~program, under sections 3313.974 to 3313.979 of the Revised Code-~~ 4922
for the same school year in which a scholarship under the Jon 4923
Peterson special needs scholarship program is sought. 4924

(6) The child and the child's parents are in compliance 4925
with the state compulsory attendance law under Chapter 3321. of 4926
the Revised Code. 4927

(G) "Registered private provider" means a nonpublic school 4928
or other nonpublic entity that has been registered by the 4929
superintendent of public instruction under section 3310.58 of 4930
the Revised Code. 4931

(H) "Scholarship" means a scholarship awarded under the 4932
Jon Peterson special needs scholarship program pursuant to 4933
sections 3310.51 to 3310.64 of the Revised Code. 4934

(I) "School district of residence" has the same meaning as 4935
in section 3323.01 of the Revised Code. A community school 4936
established under Chapter 3314. of the Revised Code is not a 4937
"school district of residence" for purposes of sections 3310.51 4938
to 3310.64 of the Revised Code. 4939

(J) "School year" has the same meaning as in section 4940
3313.62 of the Revised Code. 4941

(K) "Special education program" means a school or facility 4942
that provides special education and related services to children 4943
with disabilities. 4944

Sec. 3365.07. The department of education shall calculate 4945
and pay state funds to colleges for participants in the college 4946
credit plus program under division (B) of section 3365.06 of the 4947
Revised Code pursuant to this section. For a nonpublic secondary 4948
school participant, a nonchartered nonpublic secondary school 4949
participant, or a home-instructed participant, the department 4950
shall pay state funds pursuant to this section only if that 4951
participant is awarded funding according to rules adopted by the 4952
chancellor of higher education, in consultation with the 4953
superintendent of public instruction, pursuant to section 4954
3365.071 of the Revised Code. The program shall be the sole 4955
mechanism by which state funds are paid to colleges for students 4956
to earn transcribed credit for college courses while enrolled 4957
in both a secondary school and a college, with the exception of 4958
state funds paid to colleges according to an agreement described 4959
in division (A) (1) of section 3365.02 of the Revised Code. 4960

(A) For each public or nonpublic secondary school 4961
participant enrolled in a public college: 4962

(1) If no agreement has been entered into under division 4963
(A) (2) of this section, both of the following shall apply: 4964

(a) The department shall pay to the college the applicable 4965
amount as follows: 4966

(i) For a participant enrolled in a college course 4967
delivered on the college campus, at another location operated by 4968
the college, or online, the lesser of the default ceiling amount 4969
or the college's standard rate; 4970

(ii) For a participant enrolled in a college course 4971
delivered at the participant's secondary school but taught by 4972
college faculty, the lesser of fifty per cent of the default 4973
ceiling amount or the college's standard rate; 4974

(iii) For a participant enrolled in a college course 4975
delivered at the participant's secondary school and taught by a 4976
high school teacher who has met the credential requirements 4977
established for purposes of the program in rules adopted by the 4978
chancellor, the default floor amount. 4979

(b) The participant's secondary school shall pay for 4980
textbooks, and the college shall waive payment of all other fees 4981
related to participation in the program. 4982

(2) The governing entity of a participant's secondary 4983
school and the college may enter into an agreement to establish 4984
an alternative payment structure for tuition, textbooks, and 4985
fees. Under such an agreement, payments for each participant 4986
made by the department shall be not less than the default floor 4987
amount, unless approved by the chancellor, and not more than 4988
either the default ceiling amount or the college's standard 4989
rate, whichever is less. The chancellor may approve an agreement 4990
that includes a payment below the default floor amount, as long 4991
as the provisions of the agreement comply with all other 4992
requirements of this chapter to ensure program quality. If no 4993
agreement is entered into under division (A)(2) of this section, 4994
both of the following shall apply: 4995

(a) The department shall pay to the college the applicable 4996
default amounts prescribed by division (A)(1)(a) of this 4997
section, depending upon the method of delivery and instruction. 4998

(b) In accordance with division (A)(1)(b) of this section, 4999

the participant's secondary school shall pay for textbooks, and 5000
the college shall waive payment of all other fees related to 5001
participation in the program. 5002

(3) No participant that is enrolled in a public college 5003
shall be charged for any tuition, textbooks, or other fees 5004
related to participation in the program. 5005

(B) For each public secondary school participant enrolled 5006
in a private college: 5007

(1) If no agreement has been entered into under division 5008
(B) (2) of this section, the department shall pay to the college 5009
the applicable amount calculated in the same manner as in 5010
division (A) (1) (a) of this section. 5011

(2) The governing entity of a participant's secondary 5012
school and the college may enter into an agreement to establish 5013
an alternative payment structure for tuition, textbooks, and 5014
fees. Under such an agreement, payments shall be not less than 5015
the default floor amount, unless approved by the chancellor, and 5016
not more than either the default ceiling amount or the college's 5017
standard rate, whichever is less. 5018

If an agreement is entered into under division (B) (2) of 5019
this section, both of the following shall apply: 5020

(a) The department shall make a payment to the college for 5021
each participant that is equal to the default floor amount, 5022
unless approved by the chancellor to pay an amount below the 5023
default floor amount. The chancellor may approve an agreement 5024
that includes a payment below the default floor amount, as long 5025
as the provisions of the agreement comply with all other 5026
requirements of this chapter to ensure program quality. 5027

(b) Payment for costs for the participant that exceed the 5028

amount paid by the department pursuant to division (B) (2) (a) of 5029
this section shall be negotiated by the school and the college. 5030
The agreement may include a stipulation permitting the charging 5031
of a participant. 5032

However, under no circumstances shall: 5033

(i) Payments for a participant made by the department 5034
under division (B) (2) of this section exceed the lesser of the 5035
default ceiling amount or the college's standard rate; 5036

(ii) The amount charged to a participant under division 5037
(B) (2) of this section exceed the difference between the maximum 5038
per participant charge amount and the default floor amount; 5039

(iii) The sum of the payments made by the department for a 5040
participant and the amount charged to that participant under 5041
division (B) (2) of this section exceed the following amounts, as 5042
applicable: 5043

(I) For a participant enrolled in a college course 5044
delivered on the college campus, at another location operated by 5045
the college, or online, the maximum per participant charge 5046
amount; 5047

(II) For a participant enrolled in a college course 5048
delivered at the participant's secondary school but taught by 5049
college faculty, one hundred twenty-five dollars; 5050

(III) For a participant enrolled in a college course 5051
delivered at the participant's secondary school and taught by a 5052
high school teacher who has met the credential requirements 5053
established for purposes of the program in rules adopted by the 5054
chancellor, one hundred dollars. 5055

(iv) A participant that is identified as economically 5056

disadvantaged according to rules adopted by the department be 5057
charged under division (B) (2) of this section for any tuition, 5058
textbooks, or other fees related to participation in the 5059
program. 5060

(C) For each nonpublic secondary school participant 5061
enrolled in a private or eligible out-of-state college, the 5062
department shall pay to the college the applicable amount 5063
calculated in the same manner as in division (A) (1) (a) of this 5064
section. Payment for costs for the participant that exceed the 5065
amount paid by the department shall be negotiated by the 5066
governing body of the nonpublic secondary school and the 5067
college. 5068

However, under no circumstances shall: 5069

(1) The payments for a participant made by the department 5070
under this division exceed the lesser of the default ceiling 5071
amount or the college's standard rate. 5072

(2) Any nonpublic secondary school participant, who is 5073
enrolled in that secondary school with a scholarship awarded 5074
under ~~either the educational choice scholarship pilot backpack~~ 5075
scholarship program, as prescribed by sections 3310.01 3310.21 5076
to 3310.17 3310.27 of the Revised Code, or the pilot project 5077
scholarship program, as prescribed by sections 3313.974 to 5078
3313.979 of the Revised Code, and who qualifies as a low income 5079
student under either of those programs whose family income is at 5080
or below two hundred fifty per cent of the federal poverty 5081
guidelines, as defined in section 5101.46 of the Revised Code, 5082
be charged for any tuition, textbooks, or other fees related to 5083
participation in the college credit plus program. 5084

(D) For each nonchartered nonpublic secondary school 5085

participant and each home-instructed participant enrolled in a 5086
public, private, or eligible out-of-state college, the 5087
department shall pay to the college the lesser of the default 5088
ceiling amount or the college's standard rate, if that 5089
participant is enrolled in a college course delivered on the 5090
college campus, at another location operated by the college, or 5091
online. 5092

(E) Not later than thirty days after the end of each term, 5093
each college expecting to receive payment for the costs of a 5094
participant under this section shall notify the department of 5095
the number of enrolled credit hours for each participant. 5096

(F) The department shall make the applicable payments 5097
under this section to each college, which provided proper 5098
notification to the department under division (E) of this 5099
section, for the number of enrolled credit hours for 5100
participants enrolled in the college under division (B) of 5101
section 3365.06 of the Revised Code. Except in cases involving 5102
incomplete participant information or a dispute of participant 5103
information, payments shall be made by the last day of January 5104
for participants who were enrolled during the fall term and by 5105
the last day of July for participants who were enrolled during 5106
the spring term. The department shall not make any payments to a 5107
college under this section if a participant withdrew from a 5108
course prior to the date on which a withdrawal from the course 5109
would have negatively affected the participant's transcribed 5110
grade, as prescribed by the college's established withdrawal 5111
policy. 5112

(1) Payments made for public secondary school participants 5113
under this section shall be deducted as follows: 5114

(a) For a participant enrolled in a school district, from 5115

the school foundation payments made to the participant's school 5116
district. If the participant is enrolled in a joint vocational 5117
school district, a portion of the amount shall be deducted from 5118
the payments to the joint vocational school district and a 5119
portion shall be deducted from the payments to the participant's 5120
city, local, or exempted village school district in accordance 5121
with the full-time equivalency of the student's enrollment in 5122
each district. 5123

(b) For a participant enrolled in a community school 5124
established under Chapter 3314. of the Revised Code, from the 5125
payments made to that school under section 3317.022 of the 5126
Revised Code; 5127

(c) For a participant enrolled in a STEM school, from the 5128
payments made to that school under section 3317.022 of the 5129
Revised Code; 5130

(d) For a participant enrolled in a college-preparatory 5131
boarding school, from the payments made to that school under 5132
section 3328.34 of the Revised Code; 5133

(e) For a participant enrolled in the state school for the 5134
deaf or the state school for the blind, from the amount paid to 5135
that school with funds appropriated by the general assembly for 5136
support of that school; 5137

(f) For a participant enrolled in an institution operated 5138
by the department of youth services, from the amount paid to 5139
that institution with funds appropriated by the general assembly 5140
for support of that institution. 5141

Amounts deducted under divisions (F) (1) (a) to (f) of this 5142
section shall be calculated in accordance with rules adopted by 5143
the chancellor, in consultation with the state superintendent, 5144

pursuant to division (B) of section 3365.071 of the Revised Code 5145

(2) Payments made for nonpublic secondary school 5146
participants, nonchartered nonpublic secondary school 5147
participants, and home-instructed participants under this 5148
section shall be deducted from moneys appropriated by the 5149
general assembly for such purpose. Payments shall be allocated 5150
and distributed in accordance with rules adopted by the 5151
chancellor, in consultation with the state superintendent, 5152
pursuant to division (A) of section 3365.071 of the Revised 5153
Code. 5154

(G) Any public college that enrolls a student under 5155
division (B) of section 3365.06 of the Revised Code may include 5156
that student in the calculation used to determine its state 5157
share of instruction funds appropriated to the department of 5158
higher education by the general assembly. 5159

Sec. 5703.21. (A) Except as provided in divisions (B) and 5160
(C) of this section, no agent of the department of taxation, 5161
except in the agent's report to the department or when called on 5162
to testify in any court or proceeding, shall divulge any 5163
information acquired by the agent as to the transactions, 5164
property, or business of any person while acting or claiming to 5165
act under orders of the department. Whoever violates this 5166
provision shall thereafter be disqualified from acting as an 5167
officer or employee or in any other capacity under appointment 5168
or employment of the department. 5169

(B) (1) For purposes of an audit pursuant to section 117.15 5170
of the Revised Code, or an audit of the department pursuant to 5171
Chapter 117. of the Revised Code, or an audit, pursuant to that 5172
chapter, the objective of which is to express an opinion on a 5173
financial report or statement prepared or issued pursuant to 5174

division (A) (7) or (9) of section 126.21 of the Revised Code, 5175
the officers and employees of the auditor of state charged with 5176
conducting the audit shall have access to and the right to 5177
examine any state tax returns and state tax return information 5178
in the possession of the department to the extent that the 5179
access and examination are necessary for purposes of the audit. 5180
Any information acquired as the result of that access and 5181
examination shall not be divulged for any purpose other than as 5182
required for the audit or unless the officers and employees are 5183
required to testify in a court or proceeding under compulsion of 5184
legal process. Whoever violates this provision shall thereafter 5185
be disqualified from acting as an officer or employee or in any 5186
other capacity under appointment or employment of the auditor of 5187
state. 5188

(2) For purposes of an internal audit pursuant to section 5189
126.45 of the Revised Code, the officers and employees of the 5190
office of internal audit in the office of budget and management 5191
charged with directing the internal audit shall have access to 5192
and the right to examine any state tax returns and state tax 5193
return information in the possession of the department to the 5194
extent that the access and examination are necessary for 5195
purposes of the internal audit. Any information acquired as the 5196
result of that access and examination shall not be divulged for 5197
any purpose other than as required for the internal audit or 5198
unless the officers and employees are required to testify in a 5199
court or proceeding under compulsion of legal process. Whoever 5200
violates this provision shall thereafter be disqualified from 5201
acting as an officer or employee or in any other capacity under 5202
appointment or employment of the office of internal audit. 5203

(3) As provided by section 6103(d) (2) of the Internal 5204
Revenue Code, any federal tax returns or federal tax information 5205

that the department has acquired from the internal revenue 5206
service, through federal and state statutory authority, may be 5207
disclosed to the auditor of state or the office of internal 5208
audit solely for purposes of an audit of the department. 5209

(4) For purposes of Chapter 3739. of the Revised Code, an 5210
agent of the department of taxation may share information with 5211
the division of state fire marshal that the agent finds during 5212
the course of an investigation. 5213

(C) Division (A) of this section does not prohibit any of 5214
the following: 5215

(1) Divulging information contained in applications, 5216
complaints, and related documents filed with the department 5217
under section 5715.27 of the Revised Code or in applications 5218
filed with the department under section 5715.39 of the Revised 5219
Code; 5220

(2) Providing information to the office of child support 5221
within the department of job and family services pursuant to 5222
section 3125.43 of the Revised Code; 5223

(3) Disclosing to the motor vehicle repair board any 5224
information in the possession of the department that is 5225
necessary for the board to verify the existence of an 5226
applicant's valid vendor's license and current state tax 5227
identification number under section 4775.07 of the Revised Code; 5228

(4) Providing information to the administrator of workers' 5229
compensation pursuant to sections 4123.271 and 4123.591 of the 5230
Revised Code; 5231

(5) Providing to the attorney general information the 5232
department obtains under division (J) of section 1346.01 of the 5233
Revised Code; 5234

- (6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code; 5235
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- (7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account; 5239
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- (8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section; 5248
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- (9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents; 5251
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- (10) Providing to a county auditor sales or use tax return or audit information under section 333.06 of the Revised Code; 5256
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- (11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code; 5258
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- (12) Disclosing to the department of natural resources 5263

information in the possession of the department of taxation that 5264
is necessary for the department of taxation to verify the 5265
taxpayer's compliance with section 5749.02 of the Revised Code 5266
or to allow the department of natural resources to enforce 5267
Chapter 1509. of the Revised Code; 5268

(13) Disclosing to the department of job and family 5269
services, industrial commission, and bureau of workers' 5270
compensation information in the possession of the department of 5271
taxation solely for the purpose of identifying employers that 5272
misclassify employees as independent contractors or that fail to 5273
properly report and pay employer tax liabilities. The department 5274
of taxation shall disclose only such information that is 5275
necessary to verify employer compliance with law administered by 5276
those agencies. 5277

(14) Disclosing to the Ohio casino control commission 5278
information in the possession of the department of taxation that 5279
is necessary to verify a casino operator's or sports gaming 5280
proprietor's compliance with section 5747.063, 5753.02, or 5281
5753.021 of the Revised Code and sections related thereto; 5282

(15) Disclosing to the state lottery commission 5283
information in the possession of the department of taxation that 5284
is necessary to verify a lottery sales agent's compliance with 5285
section 5747.064 of the Revised Code. 5286

(16) Disclosing to the department of development 5287
information in the possession of the department of taxation that 5288
is necessary to ensure compliance with the laws of this state 5289
governing taxation and to verify information reported to the 5290
department of development for the purpose of evaluating 5291
potential tax credits, tax deductions, grants, or loans. Such 5292
information shall not include information received from the 5293

internal revenue service the disclosure of which is prohibited 5294
by section 6103 of the Internal Revenue Code. No officer, 5295
employee, or agent of the department of development shall 5296
disclose any information provided to the department of 5297
development by the department of taxation under division (C) (16) 5298
of this section except when disclosure of the information is 5299
necessary for, and made solely for the purpose of facilitating, 5300
the evaluation of potential tax credits, tax deductions, grants, 5301
or loans. 5302

(17) Disclosing to the department of insurance information 5303
in the possession of the department of taxation that is 5304
necessary to ensure a taxpayer's compliance with the 5305
requirements with any tax credit administered by the department 5306
of development and claimed by the taxpayer against any tax 5307
administered by the superintendent of insurance. No officer, 5308
employee, or agent of the department of insurance shall disclose 5309
any information provided to the department of insurance by the 5310
department of taxation under division (C) (17) of this section. 5311

(18) Disclosing to the division of liquor control 5312
information in the possession of the department of taxation that 5313
is necessary for the division and department to comply with the 5314
requirements of sections 4303.26 and 4303.271 of the Revised 5315
Code. 5316

~~(19) Disclosing to the department of education, upon that~~ 5317
~~department's request, information in the possession of the~~ 5318
~~department of taxation that is necessary only to verify whether~~ 5319
~~the family income of a student applying for or receiving a~~ 5320
~~scholarship under the educational choice scholarship pilot~~ 5321
~~program is equal to, less than, or greater than the income~~ 5322
~~thresholds prescribed by section 3310.032 of the Revised Code.~~ 5323

~~The department of education shall provide sufficient information— 5324
about the student and the student's family to enable the— 5325
department of taxation to make the verification.— 5326~~

~~(20)~~ Disclosing to the Ohio rail development commission 5327
information in the possession of the department of taxation that 5328
is necessary to ensure compliance with the laws of this state 5329
governing taxation and to verify information reported to the 5330
commission for the purpose of evaluating potential grants or 5331
loans. Such information shall not include information received 5332
from the internal revenue service the disclosure of which is 5333
prohibited by section 6103 of the Internal Revenue Code. No 5334
member, officer, employee, or agent of the Ohio rail development 5335
commission shall disclose any information provided to the 5336
commission by the department of taxation under division ~~(C) (20)~~— 5337
(C) (19) of this section except when disclosure of the 5338
information is necessary for, and made solely for the purpose of 5339
facilitating, the evaluation of potential grants or loans. 5340

~~(21)~~ (20) Disclosing to the state racing commission 5341
information in the possession of the department of taxation that 5342
is necessary for verification of compliance with and for 5343
enforcement and administration of the taxes levied by Chapter 5344
3769. of the Revised Code. Such information shall include 5345
information that is necessary for the state racing commission to 5346
verify compliance with Chapter 3769. of the Revised Code for the 5347
purposes of issuance, denial, suspension, or revocation of a 5348
permit pursuant to section 3769.03 or 3769.06 of the Revised 5349
Code and related sections. Unless disclosure is otherwise 5350
authorized by law, information provided to the state racing 5351
commission under this section remains confidential and is not 5352
subject to public disclosure pursuant to section 3769.041 of the 5353
Revised Code. 5354

~~(22)~~(21) Disclosing to the state fire marshal information 5355
in the possession of the department of taxation that is 5356
necessary for the state fire marshal to verify the compliance of 5357
a licensed manufacturer of fireworks or a licensed wholesaler of 5358
fireworks with section 3743.22 of the Revised Code. No officer, 5359
employee, or agent of the state fire marshal shall disclose any 5360
information provided to the state fire marshal by the department 5361
of taxation under division ~~(C)~~~~(22)~~(21) of this section. 5362

Section 4. That existing sections 125.04, 311.29, 5363
3301.0711, 3301.0714, 3301.163, 3302.036, 3302.04, 3302.10, 5364
3310.51, 3365.07, and 5703.21 of the Revised Code are hereby 5365
repealed. 5366

Section 5. That sections 3310.01, 3310.02, 3310.03, 5367
3310.031, 3310.032, 3310.033, 3310.034, 3310.035, 3310.036, 5368
3310.04, 3310.05, 3310.06, 3310.07, 3310.10, 3310.11, 3310.12, 5369
3310.13, 3310.14, 3310.15, 3310.16, 3310.17, 3313.974, 3313.975, 5370
3313.976, 3313.977, 3313.978, and 3313.979 of the Revised Code 5371
are hereby repealed. 5372

Section 6. Sections 3, 4, and 5 of this act take effect 5373
July 1, 2024. 5374

Section 7. All items in this act are hereby appropriated 5375
as designated out of any moneys in the state treasury to the 5376
credit of the designated fund. For all operating appropriations 5377
made in this act, those in the first column are for fiscal year 5378
2024 and those in the second column are for fiscal year 2025. 5379
The operating appropriations made in this act are in addition to 5380
any other operating appropriations made for these fiscal years. 5381

Section 8. 5382

5383

1	2	3	4	5
A		TOS TREASURER OF STATE		
B	General Revenue Fund Group			
C	GRF 090408	Backpack Scholarship Program	\$5,000,000	\$0
D	TOTAL General Revenue Fund Group		\$5,000,000	\$0
E	TOTAL ALL FUND GROUPS		\$5,000,000	\$0

BACKPACK SCHOLARSHIP PROGRAM 5384

The foregoing appropriation item, 090408, Backpack 5385
 Scholarship Program, shall be used by the Treasurer of State to 5386
 pay the administrative costs associated with the Backpack 5387
 Scholarship Program under sections 3310.21 to 3310.27 of the 5388
 Revised Code for fiscal year 2024, including any labor and 5389
 supplies necessary to fulfill the requirements of the program. 5390

Section 9. Within the limits set forth in this act, the 5391
 Director of Budget and Management shall establish accounts 5392
 indicating the source and amount of funds for each appropriation 5393
 made in this act, and shall determine the manner in which 5394
 appropriation accounts shall be maintained. Expenditures from 5395
 appropriations contained in this act shall be accounted for as 5396
 though made in, and are subject to all applicable provisions of, 5397
 the main operating appropriations bill of the 135th General 5398
 Assembly. 5399

Section 10. The General Assembly, applying the principle 5400
 stated in division (B) of section 1.52 of the Revised Code that 5401
 amendments are to be harmonized if reasonably capable of 5402

simultaneous operation, finds that the following sections, 5403
presented in this act as composites of the sections as amended 5404
by the acts indicated, are the resulting versions of the 5405
sections in effect prior to the effective date of the sections 5406
as presented in this act: 5407

Section 3302.04 of the Revised Code as amended by both 5408
H.B. 82 and H.B. 110 of the 134th General Assembly. 5409

Section 5703.21 of the Revised Code as amended by H.B. 29, 5410
H.B. 74, H.B. 110, and H.B. 172 of the 134th General Assembly 5411
and H.B. 166 of the 133rd General Assembly. 5412