

The Ohio Educational Regional Service System

A Reference Guide



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The Ohio Educational Regional Service System

INTRODUCTION

House Bill 115 (126th General Assembly) was introduced by State Representative Arlene Setzer on March 8, 2005 to establish the Educational Regional Service System to support state and regional school improvement initiatives and promote a simplified approach to regional service delivery that was more coordinated than the existing system.

Am. Sub. H.B. 115 was signed into law by Governor Bob Taft on June 23, 2006 and became effective 90 days later on September 22, 2006. Several provisions contained within the measure were subsequently amended in Am. Sub. H.B. 79 (126th General Assembly).

Each of the statutory provisions and the corresponding sections of the revised code of these two legislative measures are outlined in greater detail below.

EDUCATIONAL REGIONAL SERVICE SYSTEM

- **Purpose.** The system shall support state and regional education initiatives and efforts to improve school effectiveness and student achievement. Services, including special education and related services, shall be provided under the system to school districts, community schools established under chapter 3314 of the revised code, and chartered non-publics. Section 3312.01(A).
- **Intent.** It is the intent of the General Assembly that the educational regional service system reduces the unnecessary duplication of programs and services and provide for a more streamlined and efficient delivery of educational services without reducing the availability of the services needed by school districts and schools. Section 3312.01(A).
- **ERSS Composition -** Section 3312.01(B): The educational regional service system shall consist of the following:
 - The **state regional alliance advisory board** established under section 3312.11 ORC;
 - The **regional advisory councils** and **subcommittees** established under sections 3312.03 and 3312.05 ORC;
 - A **fiscal agent** for each of the regions as configured under section 3312.02 ORC;
 - **Educational Service Centers, ITCs** (DA sites), and **other regional education service providers**.
- **Regions -** Section 3312.02(A): There shall be the following sixteen regions in the educational regional service system:
 - **Region 1:** Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, van Wert, Williams, and Wood counties;
 - **Region 2:** Erie, Huron, and Lorain Counties;
 - **Region 3:** Cuyahoga County;

- **Region 4:** Geauga and Lake Counties;
 - **Region 5:** Ashtabula, Mahoning, Trumbull Counties;
 - **Region 6:** Allen, Auglaize, Champaign, Hardin, Logan, Mercer, and Shelby Counties;
 - **Region 7:** Ashland, Crawford, Knox, Marion, Morrow, Richland, Wyandot;
 - **Region 8:** Medina, Portage, Summit Counties;
 - **Region 9:** Columbiana, Stark, Wayne Counties;
 - **Region 10:** Clark, Darke, Greene, Miami, Montgomery, Preble Counties;
 - **Region 11:** Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union Counties;
 - **Region 12:** Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes, Jefferson, Muskingum, Noble, and Tuscarawas Counties;
 - **Region 13:** Butler, Clermont, Hamilton, Warren Counties;
 - **Region 14:** Adams, Brown, Clinton, Fayette, Highland Counties;
 - **Region 15:** Lawrence, Pike, Ross, Scioto Counties; and
 - **Region 16:** Athens, Gallia, Hocking, Jackson, Meigs, Monroe, Morgan, Perry, Vinton, Washington Counties.
- **Transfer of Regions** - Section 3312.02(A): Not later than July 1, 2007, the state board of education shall adopt rules in consultation with school districts and regional service providers establishing a process whereby a school district may elect to transfer to another region. The school district option to transfer sunsets after June 20, 2009.
- **Regional Advisory Councils.** (RC 3312.03) Each region of the system must have an advisory council consisting of the following members:
- Superintendent of each ESC with territory in the region
 - Director of SERRC in the region
 - Superintendent of the school district with the smallest student population
 - Superintendent of the school district with the largest student population
 - The Director, or director's designee of each ITC (DA site) providing services in the region
 - One representative of 4-year institutions of higher education in the region (or adjacent region) appointed by the Ohio Board of Regents
 - One representative of 2-year institutions of higher education in the region (or adjacent region) appointed by the Ohio Association of Community Colleges
 - Treasurer of the Fiscal Agent of the region
 - Within 45 days after the effective date of this bill, those members listed above must appoint, by majority vote, the following members:
 - One city school district board of education member
 - One exempted village school district board of education member
 - One local school district board of education member
 - One ESC governing board member
 - One "at-large" superintendent of a city, exempted village, or local school district
 - One JVS superintendent
 - One Representative of business

- One Employee of each Education Technology Center providing service in the region
 - One classroom teacher.
 - Each advisory council shall elect a chairperson and vice-chairperson from among its members on an annual basis.
 - Each advisory council, for the initial two years, shall hold regular meetings at least four times each year and at the call of the chair. Subsequently, all meetings will be at the call of the chair.
 - Advisory Council Members shall receive no compensation.
 - Any advisory Council may increase its membership beyond the required members by adopting a resolution specifying the number of additional members, their manner of appointment, and any eligibility criteria for appointment.
- ***Regional Advisory Council Roles/Responsibilities.*** (RC 3312.04) Regional advisory councils shall do all of the following:
- Identify regional needs and priorities for educational services to inform the department of education in the development of the performance contracts entered into by the fiscal agent of the region under section 3312.08 of the Revised Code;
 - Develop policies to coordinate the delivery of services to school districts, community schools, and chartered nonpublic schools in a manner that responds to regional needs and priorities. Such policies shall not supersede any requirement of a performance contract entered into by the fiscal agent of the region;
 - Make recommendations to the fiscal agent for the region regarding the expenditure of funds available to the region for implementation of state and regional education initiatives and school improvement efforts;
 - Monitor implementation of state and regional education initiatives and school improvement efforts by ESCs, ITCs (DA sites), and other regional service providers to ensure that the terms of the performance contracts entered into by the fiscal agent for the region are being met; and
 - Establish an accountability system to evaluate the advisory council on its performance of the duties described above.

- **Regional Subcommittees** (RC 3312.05). The advisory council of each region of the educational regional service system shall establish the following specialized subcommittees of the council:
- **School Improvement Subcommittee** (*one classroom teacher appointed jointly by OEA and OFT, Representatives of community schools, and personnel with expertise in school improvement*)
 - **Education Technology Subcommittee** (*classroom teachers, curriculum coordinators, parents, elementary and secondary school principals, representatives of chartered nonpublic schools, representatives of ITCs (DA sites), representatives of business, and representatives of 4-year and 2-year institutions of higher education*)
 - **Professional Development Subcommittee** (*classroom teachers, principals, school district superintendents, curriculum coordinators, representatives of chartered nonpublic schools, and representatives of 2-year and 4-year institutions of higher education*)
 - **Special Education Subcommittee** (*one classroom teacher appointed jointly by the OEA and OFT and the members of the governing board of the SERRC in the region*).
 - **Information Technology Center (ITC) Subcommittee** (*the administrator, or the administrator's designee, of each information technology center providing services in the region; and 2 school district administrators appointed by each information technology center providing services in the region*)
 - Individuals appointed to serve on the regional subcommittees shall reside or practice their occupations in the regions. If no such person is available, the council shall appoint a similarly situated person from an adjacent region. (RC 3312.05 (B))
 - Additional subcommittees may be established as needed to address topics of interest to the council and shall include individuals with expertise in the topic addressed by the subcommittee. (RC 3312.05 (C))
 - Any member of an advisory council may participate in the deliberations of any subcommittee established by the council. (RC 3312.05 (D))
 - Each advisory council subcommittee shall make recommendations to the advisory council regarding the implementation of state and regional education initiatives and school improvement efforts in the subcommittee's area of specialization. The recommendations may include strategies to tailor state education initiatives to regional needs and priorities or to maximize funds available to the region for the provision of services in the subcommittee's area of specialization (RC 3312.06).

- **Fiscal Agents.** (RC 3312.07) Not later than January 31, 2007 ODE shall select a school district or ESC in each region to be fiscal agent for the region.
 - ODE shall issue a RFP from school districts and ESCs interested in being fiscal agent.
 - ODE shall select a fiscal agent in each region based on the following criteria:
 - Capability to serve as fiscal agent as demonstrated by a satisfactory audit record and previous experience as a fiscal agent;
 - Adequate capacity (facilities, personnel, other);
 - Evidence that selection will result in minimal disruption to its responsibilities as a district or service center;
 - Demonstrated intent to limit administrative fees to 7% or lower;
 - If no school district or ESC responds to the RFP, ODE shall select a district or service center that meets the criteria to be the fiscal agent for the region.
 - Pursuant to RC 3312.08, Each fiscal agent selected by ODE shall do the following:
 - Enter into performance contracts with the ODE for the implementation of state and regional education initiatives and school improvement efforts.
 - Receive federal and state funds and disburse those funds as specified in the performance contracts to ESCs, ITCs, and other regional service providers.
 - However any funds paid to ESCs under 3317.11 shall be paid directly to the service centers by ODE, and any funds paid to ITCs under 3301.075 shall be paid directly to the ITCs by ODE.
 - Implement any expenditure of funds recommended by the advisory council for the region or required by the terms of any performance contract, unless there are insufficient funds available to the region to pay for the expenditure or if the expenditure violates a provision of the Revised Code, a rule of the state board, or the terms of a performance contract.
 - Exercise fiscal oversight of the implementation of state and regional education initiatives and school improvement efforts.
- **Performance Contracts** (R.C. 3312.09 (A)) Each performance contract entered into by the department of education and the fiscal agent of a region for implementation of a state or regional education initiative or school improvement effort shall include the following:
 - An explanation of how the regional needs and priorities for educational services have been identified by the advisory council of the region, the advisory council's subcommittees, and the department (Section 3312.09 (A)(1)).
 - A definition of the services to be provided to school districts, community schools, and chartered nonpublic schools in the region, including any services provided pursuant to division (A) of section 3302.04 of the Revised Code (this is the

section of code requiring ODE to have a system of school improvement for Academic Watch and Emergency school districts). (Section 3312.09 (A)(2)).

- Expected outcomes form the provision of the services defined in the contract (Section 3312.09 (A)(3)).
- The method the department will use to evaluate whether the expected outcomes have been achieved (Section 3312.09 (A)(4)).
- A requirement that the fiscal agent develop and implement a corrective action plan if the results of the evaluation are unsatisfactory (Section 3312.09 (A)(5)).
- Data Reporting Requirements (Section 3312.09 (A)(6)).
- The aggregate fees to be charged by the fiscal agent and any entity with which it subcontracts to cover personnel and program costs associated with administering the contract, which fees shall be subject to controlling board approval if in excess of four per cent of the value of the contract (Section 3312.09 (A)(7)).
- A requirement that a member of the advisory council in the region be a member of the state regional alliance advisory board established under section 3312.11 of the Revised Code (Section 3312.09 (A)(8)).
- Upon Completion of each evaluation described in a performance contract, the department shall post the results of that evaluation on its website.

➤ ***State Regional Alliance Board***

- (R.C. 3312.11) Membership of the State Regional Alliance Board is as follows:
 - One member of each regional advisory council, appointed by the council;
 - One member of the State Board of Education, appointed by the State Board;
 - One representative of four-year institutions of higher education, appointed by the Ohio Board of Regents;
 - One representative of two-year institutions of higher education, appointed by the Ohio Association of Community Colleges;
 - One representative of the Department of Education, appointed by the Superintendent of Public Instruction;
 - One representative of the Governor, appointed by the Governor;
 - One teacher, appointed jointly by the Ohio Education Association and the Ohio Federation of Teachers;
 - One parent, appointed by the Ohio Parent Teacher Association;
 - One representative of business, appointed by the Ohio Chamber of Commerce;
 - One representative of the Buckeye Association of School Administrators, appointed by the Association;

- One representative of the Ohio Educational Service Center Association, appointed by the Association;
 - One representative of the Ohio School Boards Association, appointed by the Association;
 - One school administrator, appointed jointly by the Ohio Association of Elementary School Administrators and the Ohio Association of Secondary School Administrators; and
 - One representative of the Ohio Association of School Business Officials, appointed by the Association.
- Appointments to the State Regional Alliance Advisory Board must be made within 60 days after the bill's effective date. The Superintendent of Public Instruction is the chairperson of the Board. For two years after its initial meeting, the Board must meet at least four times each year. After that time, all meetings are at the call of the chairperson or upon the request of at least one-third of the Board's members.
- Board members are not compensated.
- (R.C. 3312.12) The State Regional Alliance Advisory Board is a state-level entity created by the bill to address issues affecting the operation of ERSS and statewide education initiatives. It is not a policymaking body. Rather, its responsibilities are to promote communication and coordination among the State Board of Education, the Department of Education, fiscal agents, advisory councils, and users of ERSS.
- The State Regional Alliance Advisory Board also must identify issues regarding ERSS that may require action by the State Board or the Department.
- The Board must recommend quality standards for the delivery of services to school districts and schools through ERSS. The Board must provide copies of its recommendations to the Department of Education and the regional advisory councils.
- Like each of the regional advisory councils, the State Regional Alliance Advisory Board must establish an accountability system to evaluate the Board's performance.

ODE UNDER ERSS

- (RC 3312.07) Not later than January 31, 2007 ODE shall select a school district or ESC in each region to be fiscal agent for the region.
 - ODE shall issue a RFP from school districts and ESCs interested in being fiscal agent.
 - ODE shall select a fiscal agent in each region based on the following criteria

- Section 3312.13: The department of education shall consider the following when entering into performance contracts with the fiscal agent of each region of the educational regional service system and when allocating funds for the implementation of statewide education initiatives by regional service providers:
 - The unique needs and circumstances of the region (3312.13 (A));
 - The regional needs and priorities for educational services identified by the advisory council for the region (3312.13 (B)); and
 - Any services that will be provided to school districts and schools within the region pursuant to division (A) of section 3302.04 of the Revised Code (3312.13 (C)).

ESCs UNDER ERSS

- ESC Services – Section 3312.01 (C): Educational service centers shall provide the services that they are specifically required to provide by the Revised Code and may enter into agreements pursuant to section 3313.843, 3313.844, or 3313.845 of the Revised Code for the provision of other services, which may include any of the following:
 1. Assistance in improving student performance;
 2. Services to enable a school district or school to operate more efficiently or economically;
 3. Professional development for teachers or administrators;
 4. Assistance in the recruitment and retention of teachers and administrator; and
 5. Any other educational, administrative, or operational services.
- In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education.
- Any ESC selected to serve as a fiscal agent for its region shall continue to operate as an ESC for the part of the region that comprises its territory. (R.C. 3312.01(C))
- No school district, community school, or chartered nonpublic school shall be required to purchase services from an ESC or ITC in the region in which the district or school is located except that a local school district shall receive any services required by the Revised Code to be provided by an ESC to the local school districts in its territory from the ESC in whose territory the district is located (If a district has transferred ESCs, its territory is that of the new ESC). (R.C. 3312.01(E))
- Elimination of geographical restriction (R.C. 3313.843): Under former law, a client school district could only receive supervisory services from an ESC with territory in the same county as the district. The act eliminates this geographical restriction, making it possible for city and exempted village school districts to contract with any ESC in the state for supervisory services. The act does not alter the payment schedule for those services.
- Fee-for-service contracts (R.C. 3313.845): The act explicitly authorizes ESCs to enter into fee-for-service contracts with any school district in the state. Under the act, a district and ESC may contract for services through adoption of identical resolutions. The contract must

describe the services to be provided and the amount the district will pay. To be valid, a copy of the contract must be filed with the Department of Education by the first day of the school year in which the contract will be in effect. Payments under fee-for-service contracts are deducted from the district's state aid account and paid to the ESC by the Department. An ESC does not receive any contribution from the state for services provided to districts under fee-for-service contracts.

The act places two restrictions on the kinds of services that certain districts may receive from an ESC under a fee-for-service contract. City and exempted village school districts that are eligible to receive services for which the state contributes payments cannot receive those services under a fee-for-service contract. Also, local school districts cannot contract for supervisory services, which ESCs are required to provide to local districts within their territories, from an ESC in whose territory they are not located (if a district has transferred ESCs through the state board process, the territory in which they are located is that of the "new" ESC).

- Reductions in force (R.C. 3319.17): Continuing law permits an ESC to make reductions in the number of teachers it employs under certain circumstances. Two of these circumstances involve decreases in services provided by the ESC due to termination or non-renewal of agreements or contracts with other public entities. The act adds fee-for-service contracts with school districts and service agreements with community schools to the list of contracts that, if discontinued, may justify reductions in force.

INFORMATION TECHNOLOGY CENTERS (DA SITES) UNDER ERSS

- ITCs may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code. (R.C. 3312.01(D))
- No school district, community school, or chartered nonpublic school shall be required to purchase services from an ESC or ITC in the region in which the district or school is located except that a local school district shall receive any services required by the Revised Code to be provided by an ESC to the local school districts in its territory from the ESC in whose territory the district is located. (R.C. 3312.01(E))
- (Sec.3312.10) The board of education of a city, exempted village, or local school district or the governing authority of a community school may enter into an agreement, through the adoption of identical resolutions, with the governing authority of an ITC, under which the ITC will provide services to the school district or community school. Services provided under the agreement and the amount to be paid for such services shall be mutually agreed to by the parties to the agreement, and shall be specified in the agreement. Payment for services specified in the agreement shall be the sole responsibility of the board of education or community school governing authority and shall be made directly to the ITC providing the services.
- The ITCs Subcommittee is created to ensure coordination among ITCs. ***Information Technology Center (ITC) Subcommittee*** (the administrator, or the administrator's designee,

of each information technology center providing services in the region; and 2 school district administrators appointed by each information technology center providing services in the region)

SERRCs UNDER ERSS

- According to statute, the SERRC Director is an appointed member on the Regional Advisory Council;
- According to statute, members of SERRC Governing/Advisory Boards become members of the Special Education Subcommittee of each Regional Advisory Council;
- While there was no guarantee in the legislation that SERRC as an entity would remain, the purpose statement contained within HB 115 clearly stated the need to preserve the services. **Purpose.** *“The system shall support state and regional education initiatives and efforts to improve school effectiveness and student achievement. Services, including special education and related services, shall be provided under the system to school districts, community schools established under chapter 3314 of the revised code, and chartered non-publics.”* Section 3312.01(A).
- This is further reiterated in the legislative intent language which expressed the need to streamline without reducing services. **Intent.** *“ It is the intent of the General Assembly that the educational regional service system reduces the unnecessary duplication of programs and services and provide for a more streamlined and efficient delivery of educational services without reducing the availability of the services needed by school districts and schools.”* Section 3312.01(A).

IMPLEMENTATION TIMELINES

- Appropriations contained within the bill, related to the Ohio Core, were effective upon the Governor’s signature.
- All appropriations, related to the Ohio Core, were appropriated for use in FY 2007 beginning July 1, 2006.
- All other provisions contained within the bill became effective 90 days after signed by the governor. The bill was signed June 23, 2006. The effective date was September 21, 2006.
- Within 30 days (October 21, 2006) after the effective date of the bill, the Ohio Board of Regents and the Ohio Association of Community Colleges were to have made appointments to the Regional Advisory Boards.
- Within 45 days (November 5, 2006) of the effective date of the bill, each regional advisory council was to have made the following appointments: 1 member of a board of education of a city school district, 1 member of a board of education of an exempted village school district,

1 local district board member, 1 member of an ESC governing board member, 1 superintendent of a city, EV, or local school district, 1 JVS superintendent, 1 representative of business, 1 ed tech center employee, 1 classroom teacher.

- Each advisory council and the Ohio Education Association and the Ohio Federation of Teachers were to make the appointments to the advisory council subcommittees required by division (B) of section 3312.05 within sixty days after the effective date of this section or November 20, 2006. (Section 4(B)).
- Appointments to the State Regional Alliance Advisory Board were to have been made within 60 days after the effective date of the bill or November 20, 2006.
- ODE was charged with selecting fiscal agents for each region no later than January 31, 2007.
- The Ohio Education Regional Service System became operational effective July 1, 2007 subject to appropriations of the Ohio General Assembly.
- Not later than July 1, 2007, the state board of education was to have developed a process, with stakeholder feedback, by which a school district may elect to transfer to a region other than the region to which the district was originally assigned.
 - The ability to transfer regions will sunset after June 30, 2009 (RC 3312.02 (C))

APPENDICES

- Ohio Revised Code Chapter 3312
- Diagram 1: ERSS Structure
- Diagram 2: Communication/Feedback Within the System

CHAPTER 3312: EDUCATIONAL REGIONAL SERVICE SYSTEM

3312.01 Educational regional service system created.

(A) The educational regional service system is hereby established. The system shall support state and regional education initiatives and efforts to improve school effectiveness and student achievement. Services, including special education and related services, shall be provided under the system to school districts, community schools established under Chapter 3314. of the Revised Code, and chartered nonpublic schools.

It is the intent of the general assembly that the educational regional service system reduce the unnecessary duplication of programs and services and provide for a more streamlined and efficient delivery of educational services without reducing the availability of the services needed by school districts and schools.

(B) The educational regional service system shall consist of the following:

(1) The state regional alliance advisory board established under section 3312.11 of the Revised Code;

(2) The advisory councils and subcommittees established under sections 3312.03 and 3312.05 of the Revised Code;

(3) A fiscal agent for each of the regions as configured under section 3312.02 of the Revised Code;

(4) Educational service centers, information technology centers established under section 3301.075 of the Revised Code, and other regional education service providers.

(C) Educational service centers shall provide the services that they are specifically required to provide by the Revised Code and may enter into agreements pursuant to section 3313.843, 3313.844, or 3313.845 of the Revised Code for the provision of other services, which may include any of the following:

(1) Assistance in improving student performance;

(2) Services to enable a school district or school to operate more efficiently or economically;

(3) Professional development for teachers or administrators;

(4) Assistance in the recruitment and retention of teachers and administrators;

(5) Any other educational, administrative, or operational services.

In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education.

Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.

(D) Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code.

(E) No school district, community school, or chartered nonpublic school shall be required to purchase services from an educational service center or information technology center in the region in which the district or school is located, except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory the district is located.

Effective Date: 09-28-2006; 03-30-2007

3312.02 Educational regional service system regions.

(A) There shall be the following sixteen regions in the educational regional service system:

(1) Region one shall consist of the territory contained in Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, and Wood counties.

(2) Region two shall consist of the territory contained in Erie, Huron, and Lorain counties.

(3) Region three shall consist of the territory contained in Cuyahoga county.

(4) Region four shall consist of the territory contained in Geauga and Lake counties.

(5) Region five shall consist of the territory contained in Ashtabula, Mahoning, and Trumbull counties.

(6) Region six shall consist of the territory contained in Allen, Auglaize, Champaign, Hardin, Logan, Mercer, and Shelby counties.

(7) Region seven shall consist of the territory contained in Ashland, Crawford, Knox, Marion, Morrow, Richland, and Wyandot counties.

(8) Region eight shall consist of the territory contained in Medina, Portage, and Summit counties.

(9) Region nine shall consist of the territory contained in Columbiana, Stark, and Wayne counties.

(10) Region ten shall consist of the territory contained in Clark, Darke, Greene, Miami, Montgomery, and Preble counties.

(11) Region eleven shall consist of the territory contained in Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union counties.

(12) Region twelve shall consist of the territory contained in Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes, Jefferson, Muskingum, Noble, and Tuscarawas counties.

(13) Region thirteen shall consist of the territory contained in Butler, Clermont, Hamilton, and Warren counties.

(14) Region fourteen shall consist of the territory contained in Adams, Brown, Clinton, Fayette, and Highland counties.

(15) Region fifteen shall consist of the territory contained in Lawrence, Pike, Ross, and Scioto counties.

(16) Region sixteen shall consist of the territory contained in Athens, Gallia, Hocking, Jackson, Meigs, Monroe, Morgan, Perry, Vinton, and Washington counties.

(B) Not later than July 1, 2007, the state board of education shall adopt rules establishing a process whereby a school district may elect to transfer to a region other than the region to which the district is assigned by this section. The state board shall consult with school districts and regional service providers in developing the process. No school district shall be permitted to transfer to a different region under this division after June 30, 2009.

Effective Date: 09-28-2006; 03-30-2007

3312.03 Regional advisory councils.

(A) Each region of the educational regional service system shall have an advisory council. Except as provided in division (F) of this section, each advisory council shall consist of the following members and the members appointed under division (B) of this section:

(1) The superintendent of each educational service center that has territory in the region;

(2) The director of the special education regional resource center in the region;

(3) The superintendent of the school district in the region with the smallest student population;

(4) The superintendent of the school district in the region with the largest student population;

(5) The director, or the director's designee, of each information technology center providing services in the region;

(6) One representative of a four-year institution of higher education located in the region, or in an adjacent region if there is no such institution, appointed by the Ohio board of regents;

(7) One representative of a two-year institution of higher education located in the region, or in an adjacent region if there is no such institution, appointed by the Ohio association of community colleges;

(8) The treasurer of the fiscal agent for the region.

(B) The members of the advisory council listed in division (A) of this section, upon a majority vote, shall appoint the following members to serve on the council:

- (1) One member of the board of education of a city school district in the region;
- (2) One member of the board of education of an exempted village school district in the region;
- (3) One member of the board of education of a local school district in the region;
- (4) One member of the governing board of an educational service center in the region;
- (5) One superintendent of a city, exempted village, or local school district in the region;
- (6) One superintendent of a joint vocational school district in the region;
- (7) One representative of business;
- (8) One employee of each education technology center that provides services in the region;
- (9) One classroom teacher.

(C) Each advisory council annually shall elect a chairperson and vice-chairperson from among its members.

(D) For two years after its initial meeting, each advisory council shall hold regular meetings at least four times each year to conduct council business and may hold other meetings at the call of the chairperson. Subsequently, all meetings shall be called by the chairperson.

(E) Advisory council members shall receive no compensation for their services.

(F) Any advisory council may increase its membership beyond the members required by divisions (A) and (B) of this section by adopting a resolution specifying the number of additional members, their manner of appointment, and any eligibility criteria for appointment.

Effective Date: 09-28-2006; 03-30-2007

3312.04 Duties of regional advisory councils.

The advisory council of each region of the educational regional service system shall do all of the following:

(A) Identify regional needs and priorities for educational services to inform the department of education in the development of the performance contracts entered into by the fiscal agent of the region under section 3312.08 of the Revised Code;

(B) Develop policies to coordinate the delivery of services to school districts, community schools, and chartered nonpublic schools in a manner that responds to regional needs

and priorities. Such policies shall not supersede any requirement of a performance contract entered into by the fiscal agent of the region under section 3312.08 of the Revised Code.

(C) Make recommendations to the fiscal agent for the region regarding the expenditure of funds available to the region for implementation of state and regional education initiatives and school improvement efforts;

(D) Monitor implementation of state and regional education initiatives and school improvement efforts by educational service centers, information technology centers, and other regional service providers to ensure that the terms of the performance contracts entered into by the fiscal agent for the region under section 3312.08 of the Revised Code are being met;

(E) Establish an accountability system to evaluate the advisory council on its performance of the duties described in divisions (A) to (D) of this section.

Effective Date: 09-28-2006; 03-30-2007

3312.05 Subcommittees of regional councils.

(A) The advisory council of each region of the educational regional service system shall establish the following specialized subcommittees of the council:

(1) A school improvement subcommittee, which shall include one classroom teacher appointed jointly by the Ohio education association and the Ohio federation of teachers and representatives of community schools and education personnel with expertise in the area of school improvement;

(2) An education technology subcommittee, which shall include classroom teachers or curriculum coordinators, parents, elementary and secondary school principals, representatives of chartered nonpublic schools, representatives of information technology centers, representatives of business, and representatives of two-year and four-year institutions of higher education;

(3) A professional development subcommittee, which shall include classroom teachers, principals, school district superintendents, curriculum coordinators, representatives of chartered nonpublic schools, and representatives of two-year and four-year institutions of higher education;

(4) A special education subcommittee, which shall consist of one classroom teacher appointed jointly by the Ohio education association and the Ohio federation of teachers and the members of the governing board of the special education regional resource center in the region;

(5) An information technology center subcommittee, which shall consist of one classroom teacher appointed jointly by the Ohio education association and the Ohio federation of teachers ; the administrator, or the administrator's designee, of each information technology center providing services in the region; and two school district administrators appointed by each information technology center providing services in the region.

(B) The advisory council shall appoint persons who reside or practice their occupations in the region to serve on the subcommittees established under divisions (A)(1) to (3) of this

section. If the advisory council is unable to appoint such a person to a subcommittee, the council shall appoint a similarly situated person from an adjacent region.

(C) An advisory council may establish additional subcommittees as needed to address topics of interest to the council. Members of any additional subcommittee shall be appointed by the advisory council and shall include a diverse range of classroom teachers and other education personnel with expertise in the topic addressed by the subcommittee and representatives of individuals or groups with an interest in the topic.

(D) Any member of an advisory council may participate in the deliberations of any subcommittee established by the council.

Effective Date: 09-28-2006; 03-30-2007

3312.06 Recommendations of regional council subcommittees.

Each advisory council subcommittee established under section 3312.05 of the Revised Code shall make recommendations to the advisory council regarding the implementation of state and regional education initiatives and school improvement efforts in the subcommittee's area of specialization. The recommendations may include strategies to tailor state education initiatives to regional needs and priorities or to maximize funds available to the region for the provision of services in the subcommittee's area of specialization.

Effective Date: 09-28-2006

3312.07 Selection of fiscal agent for region.

(A) Not later than January 31, 2007, the department of education shall select a school district or educational service center in each region of the educational regional service system to be the fiscal agent for the region. For this purpose, the department shall issue a request for proposals from districts and service centers interested in being a fiscal agent. The department shall select each fiscal agent based upon the following criteria:

- (1) Capability to serve as a fiscal agent as demonstrated by a satisfactory audit record and prior experience serving as a fiscal agent;
- (2) Adequate capacity in terms of facilities, personnel, and other relevant resources;
- (3) Evidence that the school district's or educational service center's role as a fiscal agent would result in minimal disruption to its responsibilities as a district or service center;
- (4) Demonstrated intent to limit the aggregate fees for administering a performance contract entered into under section 3312.08 of the Revised Code to not more than seven per cent of the value of the contract.

(B) If no school district or educational service center in a region responds to the request for proposals issued by the department, the department shall select a district or service center in the region that meets the criteria in division (A) of this section to be the fiscal agent for the region.

Effective Date: 09-28-2006

3312.08 Duties of regional fiscal agent - performance contracts.

Each fiscal agent selected by the department of education pursuant to section 3312.07 of the Revised Code shall do all of the following:

(A) Enter into performance contracts with the department in accordance with section 3312.09 of the Revised Code for the implementation of state and regional education initiatives and school improvement efforts;

(B) Receive federal and state funds, including federal funds for the provision of special education and related services, as specified in the performance contracts, and disburse those funds as specified in the performance contracts to educational service centers, information technology centers, and other regional service providers. However, any funds owed to an educational service center under section 3317.11 of the Revised Code shall be paid directly to the service center by the department in accordance with that section and any operating funds appropriated for an information technology center shall be paid directly to the information technology center by the department pursuant to section 3301.075 of the Revised Code.

(C) Implement any expenditure of funds recommended by the advisory council for the region pursuant to section 3312.04 of the Revised Code or required by the terms of any performance contract, unless there are insufficient funds available to the region to pay for the expenditure or the expenditure violates a provision of the Revised Code, a rule of the state board of education regarding such expenditure, or the terms of a performance contract;

(D) Exercise fiscal oversight of the implementation of state and regional education initiatives and school improvement efforts.

Effective Date: 09-28-2006; 03-30-2007

3312.09 Contents of performance contracts - internet posting of evaluations.

(A) Each performance contract entered into by the department of education and the fiscal agent of a region for implementation of a state or regional education initiative or school improvement effort shall include the following:

(1) An explanation of how the regional needs and priorities for educational services have been identified by the advisory council of the region, the advisory council's subcommittees, and the department;

(2) A definition of the services to be provided to school districts, community schools, and chartered nonpublic schools in the region, including any services provided pursuant to division (A) of section 3302.04 of the Revised Code;

(3) Expected outcomes from the provision of the services defined in the contract;

(4) The method the department will use to evaluate whether the expected outcomes have been achieved;

(5) A requirement that the fiscal agent develop and implement a corrective action plan if the results of the evaluation are unsatisfactory;

(6) Data reporting requirements;

(7) The aggregate fees to be charged by the fiscal agent and any entity with which it subcontracts to cover personnel and program costs associated with administering the contract, which fees shall be subject to controlling board approval if in excess of four per cent of the value of the contract;

(8) A requirement that a member of the advisory council in the region be a member of the state regional alliance advisory board established under section 3312.11 of the Revised Code.

(B) Upon completion of each evaluation described in a performance contract, the department shall post the results of that evaluation on its web site.

Effective Date: 09-28-2006; 03-30-2007

3312.10 Agreement with data acquisition site.

The board of education of a city, exempted village, or local school district or the governing authority of a community school may enter into an agreement, through the adoption of identical resolutions, with the governing authority of an information technology center, under which the information technology center will provide services to the school district or community school. Services provided under the agreement and the amount to be paid for such services shall be mutually agreed to by the parties to the agreement, and shall be specified in the agreement. Payment for services specified in the agreement shall be the sole responsibility of the board of education or community school governing authority and shall be made directly to the information technology center providing the services.

Effective Date: 09-28-2006; 03-30-2007

3312.11 State regional alliance advisory board.

(A) The state regional alliance advisory board is hereby created. The board shall consist of the following members:

(1) One member of the advisory council of each region of the educational regional service system, appointed by the council;

(2) One member of the state board of education, appointed by the state board;

(3) One representative of four-year institutions of higher education, appointed by the Ohio board of regents;

(4) One representative of two-year institutions of higher education, appointed by the Ohio association of community colleges;

(5) One representative of the department of education, appointed by the superintendent of public instruction;

(6) One representative of the governor, appointed by the governor;

(7) One classroom teacher, appointed jointly by the Ohio education association and the Ohio federation of teachers;

(8) One parent, appointed by the Ohio parent teacher association;

(9) One representative of business, appointed by the Ohio chamber of commerce;

(10) One representative of the buckeye association of school administrators, appointed by the association;

(11) One representative of the Ohio educational service center association, appointed by the association;

(12) One representative of the Ohio school boards association, appointed by the association;

(13) One school administrator, appointed jointly by the Ohio association of elementary school administrators and the Ohio association of secondary school administrators;

(14) One representative of the Ohio association of school business officials, appointed by the association.

The superintendent of public instruction and the chairpersons and ranking minority members of the education committees of the senate and house of representatives, or their designees, shall be ex officio, nonvoting members of the board.

(B) All appointed members of the board shall serve at the pleasure of their appointing authorities.

(C) Members shall receive no compensation for their services.

(D) The superintendent of public instruction, or the superintendent's designee, shall be the chairperson of the board. For two years after its initial meeting, the board shall meet at least four times each year to conduct board business and may hold other meetings at the call of the chairperson. Subsequently, meetings shall be held at the call of the chairperson or at the request of at least one-third of the board's members.

Effective Date: 09-28-2006; 03-30-2007

3312.12 Duties of regional alliance advisory board.

The state regional alliance advisory board shall do all of the following:

(A) Identify issues concerning the operation of the educational regional service system that may require action by the state board of education or the department of education;

(B) Promote communication and coordination among the state board, the department, fiscal agents, advisory councils, and users of the educational regional service system regarding issues affecting the operation of the system and statewide education initiatives;

(C) Make recommendations regarding quality standards for the delivery of services to school districts and schools through the educational regional service system. Copies of the recommendations shall be provided to the department and the advisory councils.

(D) Establish an accountability system to evaluate the board on its performance of the duties described in divisions (A) to (C) of this section.

Effective Date: 09-28-2006

3312.13 Department to consider regional needs in allocating funds.

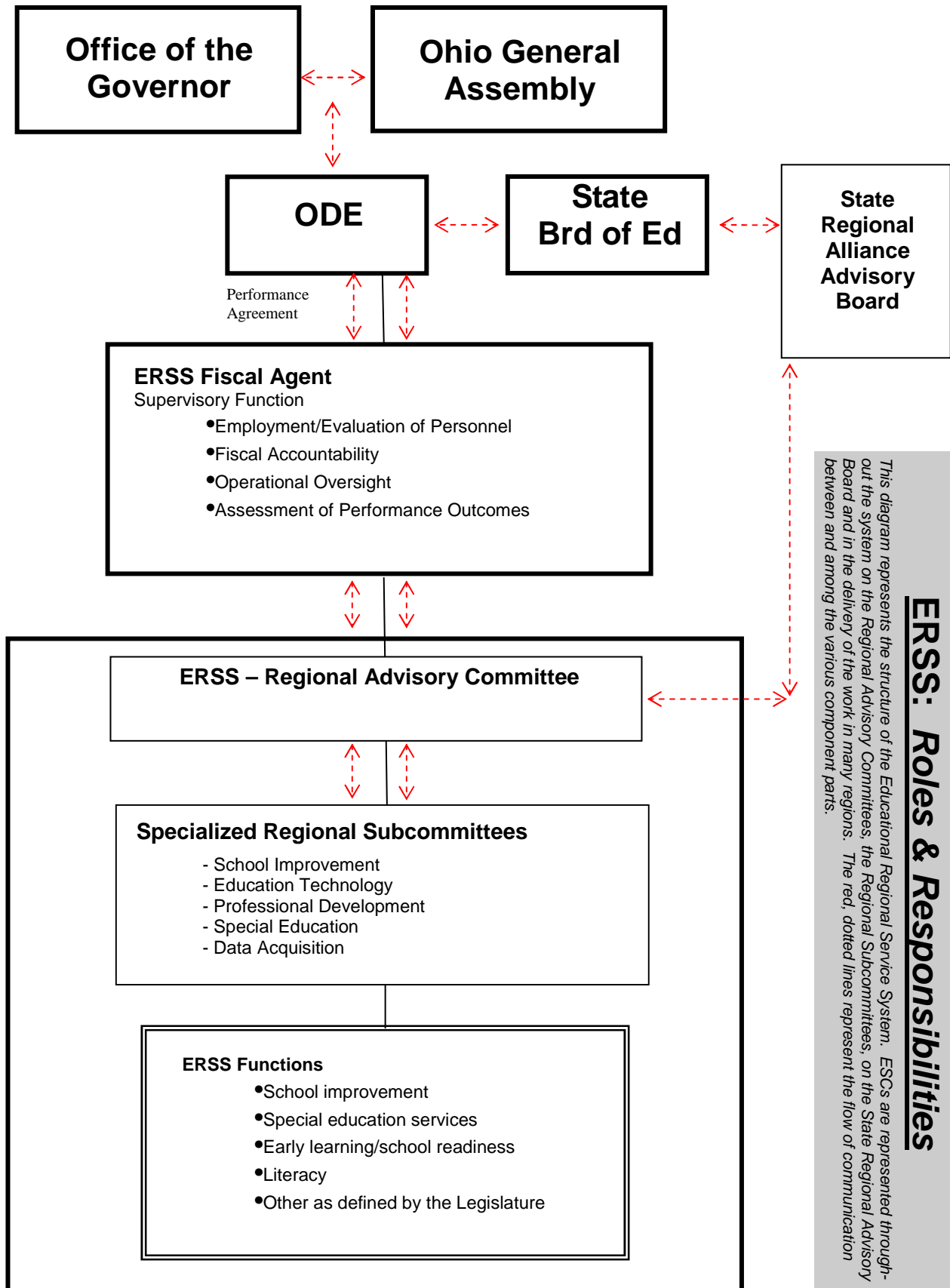
The department of education shall consider the following when entering into performance contracts with the fiscal agent of each region of the educational regional service system and when allocating funds for the implementation of statewide education initiatives by regional service providers:

(A) The unique needs and circumstances of the region;

(B) The regional needs and priorities for educational services identified by the advisory council for the region;

(C) Any services that will be provided to school districts and schools within the region pursuant to division (A) of section 3302.04 of the Revised Code.

Effective Date: 09-28-2006; 03-30-2007



Chapter 3312: Educational Regional Service System

3312.01 (A) The educational regional service system is hereby established. The system shall support state and regional education initiatives and efforts to improve school effectiveness and student achievement. Services, including special education and related services, shall be provided under the system to school districts, community schools established under Chapter 3314. of the Revised Code, and chartered nonpublic schools.

It is the intent of the general assembly that the educational regional service system reduce the unnecessary duplication of programs and services and provide for a more streamlined and efficient delivery of educational services without reducing the availability of the services needed by school districts and schools.

The diagram below is intended to demonstrate how the varying components of the system inform one another.

