



Ohio Administrative Code Rule 3301-17-06 Financial and other penalties.

Effective: July 1, 2019

(A) The factors the department shall consider when applying a financial penalty may include, but not be limited to, the following:

(1) Type of data reporting issue;

(2) Magnitude of the data reporting issue;

(3) Whether a good faith effort was made by the reporting entity as determined by the department. The burden of proof shall be on the reporting entity to demonstrate that it made a good faith effort to report data as required under section 3301.0714 of the Revised Code;

(4) Withholdings applied in similar situations with other reporting entities;

(5) Data reporting history of the reporting entity; and

(6) The reporting entity's response to previous withholdings and other actions taken by the department regarding the reporting entity's data reporting practices.

(B) If any action taken under division (L)(2) of section 3301.0714 of the Revised Code resolves a reporting entity's outstanding data reporting issues to the department's satisfaction, the department shall not take any further action described by that division, except that the department may subject a reporting entity to sanctions if the department determines that a data reporting issue has reoccurred or the reporting entity has otherwise violated the reporting requirements of section 3301.0714 of the Revised Code.

(C) Any time a reporting entity becomes subject to a higher degree of sanctioning as provided for in division (L)(2) of section 3301.0714 of the Revised Code, the department shall notify the reporting entity and its board of education or sponsor in writing of such an escalation at least thirty days



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before the department withholds any additional funding as a result of the higher degree of sanction along with the basis for such withholding.

(D) In cases where a revised report card is issued under division (L)(2)(d)(viii) of section 3301.0714 of the Revised Code, the department shall also identify the impact of issuing a revised report card and include a statement to that effect with the notification.