

## **Chapter 3301-3 Data Acquisition Sites**

### **3301-3-01 Scope and definitions.**

(A) Pursuant to section 3301.075 of the Revised Code, all Ohio education computer network user entities and information technology centers are required to comply with all rules in this chapter of the Administrative Code.

(B) Terminology used in this Chapter of the Administrative Code shall be as defined:

(1) "Accountability system for the Ohio education computer network" (OECN) means the collective grouping of instruments used by the Ohio department of education to determine the quality and adequacy of services provided by an information technology center. These instruments may include, but not be limited to, the following: any materials produced by other governmental agencies or trusted third parties at the request of the Ohio department of education or in the normal course of doing business; user satisfaction surveys; quality implementation metrics; service level agreements and compliance therewith; and, continuous improvement plans.

(2) "ADM" means total average daily membership by school building and district as certified by the department from data collected from districts the first full week of October of the fiscal year.

(3) "Business continuity plan" means a plan defining the specific steps that will be taken to provide emergency services in the event that an information technology center is unable to provide the normal services required by its users.

(4) "Continuing education unit" (CEU) means ten contact hours of participation informal education for professional development and training conducted by a provider approved by the Ohio department of education.

(5) "Core services" are the minimum set of state-subsidized information technology services that each information technology center is required by the Ohio department of education to offer its user entities. This minimum set of information technology services shall be determined as per policies issued and guidelines periodically communicated by the Ohio department of education. These services may include, but are not limited to the following:

(a) Fiscal services, including accounting (cash basis with generally accepted accounting practice extensions), payroll/personnel, and fixed asset accounting;

(b) Student records management, including provisions for student scheduling, grade reporting, attendance tracking, and tracking of special education needs;

(c) State-mandated data reporting, including access to the appropriate department databases and software applications;

(d) Library automation, curricular resources, and educational technology services to support academic content standards and effective instruction; and

(e) Internet access and networking services, including email and the support of data exchange within the information technology center's user entities and across different information technology centers and their user entities.

(6) "Council of governments" (COG) means a regional organization of public governmental entities established pursuant to Chapter 167. of the Revised Code.

(7) "Department" means the Ohio department of education.

(8) "District" means any city, county, exempted village, local, joint vocational, or cooperative education school district as classified pursuant to section 3311.01 of the Revised Code or any public community school as classified pursuant to section 3314.01 of the Revised Code.

(9) "Electronic format" means a method of organizing data elements which enables data generated by one computer system to be read and used by another computer system without further human adjustment or modification of the transfer medium.

(10) "Electronic mail" (email) means a paperless method of communicating and storing messages using a computer or a network of computers.

(11) "Electronic networking" means a data communication configuration in which two or more devices are connected to enable information transfer. Such a configuration permits the electronic linkage of computer systems over a large geographic area.

(12) "End user" means any employee of a user entity who interacts with an information technology center and is a direct recipient and benefactor of the core services.

(13) "Fiscal agent" means a board of education which has been designated by a computer consortium's governing body to function as the custodian of funds for that consortium organization pursuant to section 3313.92 of the Revised Code.

(14) "Generally accepted accounting principles" (GAAP) means the broad limits, or guides, which accountants use in determining the acceptability of accounting methods and measurements.

(15) "Information technology" means that whole body of methods and materials, including the use of computer systems and related electronic devices, that is utilized to process information.

(16) "Information technology center" (ITC) means an entity that has been authorized as a data acquisition site pursuant to section 3301.075 of the Revised Code and authorized by the department to provide core services to user entities.

(17) "Instructional technology" means the use of available technological resources, such as computer systems, software and data communications equipment, in an effort to enhance the learning environment of students with the ultimate goal of improving academic achievement.

(18) "Large district user entity" means a user entity with an ADM greater than or equal to twenty thousand students.

(19) "Ohio education computer network" (OECN) means that collective group of information technology centers, authorized as data acquisition sites pursuant to section 3301.075 of the Revised Code, and their member school districts and community schools. Such centers, in conjunction with the Ohio department of education, comprise a statewide delivery system to provide comprehensive, cost-efficient information technology services for participating Ohio school districts and community schools.

(20) "Quality implementation metrics" are the data reported by the department that reflect information technology center actual performance relative to the quality implementation standards.

(21) "Quality implementation standards" are the benchmarks set by the Ohio department of education for successful delivery of core services.

(22) "User entity" means any organization authorized by the department to utilize the services of an information technology center. Such a user entity shall have voting representation in the information technology center. The user entity may be any district or community school as defined in paragraph (B)(8) of this rule or any other public educational entity as determined by the department. A large district user entity is any user entity with an ADM greater than or equal to twenty thousand students.

**HISTORY: Prior Effective Dates: 4-1-72; 5-1-79; 6-19-87; 7-1-95; 2-13-04, Effective: 09/23/2005**

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### **3301-3-02 Qualifications for information technology centers and user entities.**

(A) An information technology center is established by user entities and provides or plans to provide information technology services to user entities, and holds the appropriate permit as defined in paragraph (A) of rule 3301-3-03 of the Administrative Code.

(B) A user entity meets the definition in paragraph (B)(22) of rule 3301-3-01 of the Administrative Code, uses or expresses the intent to use services provided by an information technology center with which it has registered through the department that data acquisition site, and holds the appropriate permit as defined in paragraph (B) of rule 3301-3-03 of the Administrative Code.

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### **3301-3-03 Information technology center and user entity permit eligibility and application.**

(A) User entities desiring to establish an information technology center which meets the classification stated in paragraph (A) of rule 3301-3-02 of the Administrative Code shall apply to the department for the appropriate permit. An information technology center applying for an information technology center permit shall provide the following:

(1) An organizational governance document that is ratified by the governing body of each proposed participating information technology center member. It is required that the document be reviewed by legal counsel for compliance with Chapter 167. or section 3313.92 of the Revised Code.

(2) A schedule of services and proposed agreements for execution between the information technology center providing the services and its user entity permit holders.

(3) Information technology centers in existence as of January 1, 2005 shall maintain a minimum base of twelve permit holders, which are provided with core services, or it shall have a minimum aggregate ADM of twenty-thousand students. Prior to its establishment, any entity not classified as an information technology center as of January 1, 2005 desiring to form an information technology center shall formally demonstrate

and substantiate to the department the need for an additional information technology center, submit to the department a business plan as per department specifications, and be formally considered for approval by the department. Any information technology center established on or after January 1, 2005 shall maintain a minimum base of twenty permit holders, which are provided with core services and have a minimum aggregate ADM of twenty-five thousand students.

(4) A minimum schedule of staffing, training, core services, resources and procedural operations as determined by the department and referenced as information technology center responsibilities in rule 3301-3-06 of the Administrative Code and performance requirements in rule 3301-3-07 of the Administrative Code.

(B) A user entity desiring to receive core services shall meet the classification requirement stated in paragraph (B) of rule 3301-3-02 of the Administrative Code and shall apply to the department for the appropriate permit. A user entity applying for a permit shall be recognized as a permit holder in only the information technology center where they have registered with the department.

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### **3301-3-04 Permit validity and revocation.**

(A) In order to retain its permit an information technology center:

(1) Shall maintain all components of paragraph (A) of rule 3301-3-03 of the Administrative Code.

(2) Shall fulfill the responsibilities as defined in rule 3301-3-06 of the Administrative Code and meet the performance requirements as defined in rule 3301-3-07 of the Administrative Code. A site review may be conducted as determined by the department, and the information technology center shall correct any noted deficiencies within a time period established by the department.

(B) In order for any user entity to maintain its permit, the user entity shall maintain all components of paragraph (B) of rule 3301-3-03 of the Administrative Code.

(C) Any permit issued by the department under this rule shall remain valid until surrendered by the permit holder or suspended or revoked by the department pursuant to the provisions of Chapter 119. of the Revised Code for failure to comply with this chapter of the Administrative Code.

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### **3301-3-05 Responsibilities of the department.**

The department shall:

(A) Develop, articulate, promote, and work with information technology centers on the implementation of a vision and a plan for an integrated system of information technology and data exchange;

(B) Define and communicate core services and quality implementation standards for those services;

(C) Ensure the deployment of an accountability system for the OECN of quality delivery of core services, including the use of any accountability system components as described in paragraph (B)(1) of rule 3301-3-01 of the Administrative Code;

(D) Oversee a system of permit application, issuance and revocation;

(E) Appoint a committee or committees comprised of the user entity, information technology center, and department representatives to provide advice and guidance regarding the OECN, core services, administration, operational procedures, funding, and future direction; and

(F) As authorized by the Ohio General Assembly, provide funding to subsidize the delivery of core services by information technology centers to their user entities.

**HISTORY: Prior Effective Dates: 4-1-72; 5-1-79; 6-19-87; 7-1-95; 2-13-04; Replaces: 3301-3-05; Effective: 09/23/2005**

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### **3301-3-06 Responsibilities of an information technology center and a user entity.**

(A) An information technology center:

(1) Promote a cooperative, integrated system of information technology for its user entities as well as among other information technology centers.

(2) Promote and administer the efficient and cost-effective implementation of information technology which supports the information technology strategies of the department and all user entities.

(3) Coordinate innovative uses of information technology that support the goals of the department, information technology center, and all user entities.

(4) Provide for electronic networking capabilities between and among user entities, the information technology center, and support connectivity to the department or its designee, and maintain a system of electronic contact information as specified by the department.

(5) Make certain that all data acquired on behalf of user entities are held in trust for those entities. Any transfer or release of any user entity's data shall require prior authorization from that specific entity.

(6) Offer core services to all user entities with permits.

(B) A user entity shall:

(1) Utilize requested core services provided through the OECN and its component information technology centers.

(2) Participate in the governance and financial support of the information technology center that serves the user entity and remain financially current.

(3) Adhere to the governance documents of the information technology center.

(4) Procure and utilize a data communications link to communicate electronically with department personnel via compatible equipment.

(5) Provide required data to the appropriate information technology center in an electronic format as defined by the department. Large district user entities may, at the discretion of the department, report required data directly to the department.

(6) Build the capacity of its staff through professional development that allows the user entity to meet specific obligations to the information technology center as per the contractual agreement between the information technology center and the user entity.

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### **3301-3-07 Performance requirements.**

All information technology centers shall meet the following performance requirements:

#### **(A) Governance - agreement/constitution**

(1) The agreement between user entities establishing an information technology center shall be ratified by all user entities be in compliance with section 3313.92 of the Revised Code, reviewed by legal counsel for compliance with section 3313.92 of the Revised Code; and approved by the superintendent of public instruction. Any site organized in accordance with Chapter 167. of the Revised Code must show compliance with the provisions of such chapter.

(2) The agreement shall include provisions for a governing assembly, a board of directors, an executive committee, or a combination of these entities.

(3) The agreement shall include provisions for a systematic approach to encourage participation that is representative of all end users and governance that is representative of all user entities.

(4) The agreement shall define the responsibilities of each component of the organizational structure.

(5) The information technology center's governing authority shall rest with the board of directors or the governing assembly rather than the fiscal agent.

(6) The agreement shall set forth the process of change and define how organizational changes are to occur, such as, amending the agreement, changing the fiscal agent, adding and withdrawing membership, and changing officers.

(7) The information technology center's governance document shall contain language that holds harmless the fiscal agent for any liabilities, obligations, claims, damages, penalties, causes of action, costs or expenses relating to the operation and activities of the consortium. Amounts to be paid in settlement of any such claims or damages, including attorneys' fees and costs and expenses, shall be apportioned among all consortium member districts to the extent permitted by law.

(8) All governance policies and procedures, as well as daily site operations, shall be in accordance with the information technology center's current by-laws, agreement(s), or both.

(9) All information technology centers must maintain fully executed contractual agreements with their user entities. The contractual agreement between the information technology center and its user entities must specify at a minimum the quality implementation standards, as defined by the department, for all core services, as well as any additional fees to supplement state subsidy for the core services.

(B) Fiscal operations requirements

(1) Local fiscal operations

(a) The information technology center shall evidence the appropriate appointment and utilization of a fiscal agent.

(i) The fiscal agent treasurer is responsible for all financial transactions associated with the information technology center. Any information technology center organized in accordance with Chapter 167. of the Revised Code may employ its own treasurer to assume all financial responsibilities. All financial transactions and accounting procedures associated with information technology center operations shall be performed in compliance with requirements of the Revised Code and the auditor of state.

(ii) Financial accounting records of information technology center activities shall be separately maintained and capable of being audited.

(iii) The fiscal agent, on behalf of the members, or the council of governments (COG) shall hold title to all equipment owned by the information technology center.

(iv) Procedures for receipting, expending and accounting for funds shall be defined and followed.

(b) The appropriate governing bodies of the information technology center shall approve all fee assessments, contracts, employee compensation and benefits, as well as initial and modified appropriations, as evidenced by official meeting minutes.

(c) The board of directors or the governing assembly shall be provided access to the following:

(i) Detailed fiscal reports for each regular board of directors or governing assembly meeting.

(ii) Other reports upon request.

(2) Financial condition

(a) Amortization periods for the retirement of indebtedness shall not exceed the recommended schedules for depreciation as established by the internal revenue service.

(b) All information technology centers shall maintain a minimum cash balance equivalent to the higher of the following: an average of thirty days' expenditures for the previous twelve-month period; or anticipated expenditures for the next sixty days.

(C) Operating requirements

(1) Organization

(a) The information technology center shall hold a valid permit and maintain compliance with the criteria established for that permit as identified in paragraph (A) of rule 3301-3-03 of the Administrative Code.

(b) The information technology center data acquisition site shall be in compliance with section 3301.075 of the Revised Code and with the OECN line item appropriation language contained in the most recent budget enacted by the Ohio general assembly.

(c) The information technology center data acquisition site as organized in accordance with either Chapter 167. or section 3313.92 of the Revised Code shall provide a current copy of its organizational agreement(s) for review during the site review specified in paragraph

(A)(2) of rule 3301-3-04 of the Administrative Code and upon request by the department and/or the public.

(2) Core services as defined in rule 3301-3-01 of the Administrative Code shall be implemented as follows:

(a) Delivered based upon the quality implementation standards communicated by the department.

(b) All software and hardware used by information technology center shall enable efficient and effective end-user access to the core services.

(c) Equipment for computer systems or support services may be shared among and between multiple information technology centers in order to increase operational efficiencies, lower operating costs, and/or to improve service reliability.

(d) Contractual agreements shall be executed with user entities across all core service areas specifying the areas of service (e.g. software management, data management, training, problem resolution, documentation, communication and quality of service), responsibilities of the information technology center and the user entity for each area of service, and quality implementation standards for each area of service.

(e) Specific guidelines applying to internet access and networking services are as follows:

(i) The speed and reliability of the network shall be commensurate with department standards and provide for optimal performance to end users.

(ii) Standards established by the state for connectivity shall be maintained by the information technology center.

(iii) The information technology center shall be responsible for any repairs or maintenance to the network and equipment for accessing the internet.

(iv) The information technology center shall coordinate and manage an integrated services network, which may include but not be limited to voice, video and data services. Every educational entity desiring to be connected should have the option of access. The primary internet service provider(s) shall involve the network and provider(s) selected by the department.

### (3) Reports

(a) The information technology center shall file a continuous improvement plan with the department, as defined by department guidelines and timeframes. The report shall include the information technology center's planned versus actual delivery of core services based upon quality implementation standards. The report shall inform the department-managed accountability system for the OECN. The information technology center shall respond in writing to the department and/or make operational adjustments as directed by the department if deficiencies are noted in the department's review of the continuous improvement plan.



(b) The information technology center shall implement an automated system with quality implementation standards defined by the department in partnership with the OECN. The system shall, at a minimum, facilitate communication and problem resolution among user entities and escalation to appropriate information technology center staff across the OECN, as well as with the department. The system shall enable the reporting of quality implementation metrics for the core services to the department and provide data for the department-managed accountability system for the OECN.

(c) Detailed financial records of the information technology center for the current and previous fiscal year transactions shall be made available for review during the site review referenced in paragraph (A)(2) of rule 3301-3-04 of the Administrative Code. Financial records shall also be made available to the department within sixty days of the end of the fiscal year, in an electronic format as specified by the department.

(4) Business continuity, security, and other safeguards

(a) A written business continuity plan shall be formulated, reviewed at regular intervals by the governing body of the data acquisition site, and on file at the department.

(b) A written security policy shall be implemented to include the following:

(i) The policy shall specify the methods for obtaining, processing, reporting and storing data.

(ii) The policy shall prohibit access to the computer systems and services by unauthorized personnel.

(c) The information technology center staff shall be bonded, at a level determined by the information technology center's governing body, for the faithful performance of their duties.

(d) The information technology center shall have insurance coverage for all fixed assets.

(e) A data retention policy shall be written, implemented and communicated to all user entities. This policy shall specify how data are stored, how they can be restored and the method for disposal of these data.

(f) The computer system shall be reviewed at regular intervals in order to ensure sufficient system performance and data security.

(g) The information technology center shall not modify in any respect software or associated data structures provided by the department without the prior written approval from the superintendent of public instruction, or his or her designee.

(h) The environment for the computer systems shall be in compliance with the manufacturer's standards for installation, power, and maintenance.

(i) The physical security of the information technology center shall prevent unauthorized access to the computer systems.

(5) Information technology center personnel

(a) Staffing levels shall be sufficient to meet the service needs of the user as measured by end-user and staff satisfaction. Personnel assignments shall be made to ensure that user support needs are met and that all core services are successfully delivered.

(b) All staff members shall have training and/or experience necessary to perform the duties contained in their job descriptions.

(c) All information technology center staff shall be given the appropriate training for the task assigned.

(d) All information technology center staff whose job assignments are related to the support of technology or technology services shall engage in an ongoing program of in-service in the areas of assignment. Each staff member shall earn a minimum of one and one-half CEU's per year, with a minimum of eight CEU's earned during any four-year period of employment. Other training in lieu of CEU's may be used if approved by the department or its designee. CEU requirements for part-time personnel shall be pro-rated.

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