

3301-3-01 SCOPE AND DEFINITIONS.

- (A) PURSUANT TO SECTION 3301.075 OF THE REVISED CODE, ALL PUBLIC SCHOOL DISTRICT ENTITIES 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) "APPROPRIATE DEPARTMENT DATABASE" MEANS ALL PUBLIC DATA AVAILABLE FROM THE COMPUTER SYSTEMS OF THE OHIO DEPARTMENT OF EDUCATION.
  - (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) "BACKUPS" MEANS ANY ADDITIONAL COPIES OF DOCUMENTS, DATA FILES OR SOFTWARE THAT ARE MADE FOR SAFEKEEPING, IN CASE THE ORIGINAL COPY IS DAMAGED OR DESTROYED.
  - (4) "CONTINUING EDUCATION UNIT" (CEU) MEANS TEN CONTACT HOURS OF PARTICIPATION IN FORMAL EDUCATION FOR PROFESSIONAL DEVELOPMENT AND TRAINING CONDUCTED BY A PROVIDER APPROVED BY THE OHIO DEPARTMENT OF EDUCATION.
  - (5) "COUNCIL OF GOVERNMENTS" (COG) MEANS A REGIONAL ORGANIZATION OF PUBLIC GOVERNMENTAL ENTITIES ESTABLISHED PURSUANT TO CHAPTER 167. OF THE REVISED CODE.
  - (6) "DATA EXTRACTION" MEANS THE ABILITY TO EXTRACT SPECIFIC INFORMATION FROM DATA FILES FOR CONTINUED PROCESSING.
  - (7) "DEPARTMENT" MEANS THE OHIO DEPARTMENT OF EDUCATION.
  - (8) "DISASTER RECOVERY PLAN" MEANS A PLAN DEFINING THE SPECIFIC STEPS THAT WILL BE TAKEN TO PROVIDE EMERGENCY SERVICES IN THE EVENT THAT A DATA ACQUISITION SITE IS UNABLE TO PROVIDE THE NORMAL SERVICES REQUIRED BY ITS USERS.
  - (9) "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.

- (10) "DIVISION" MEANS THE DIVISION OF INFORMATION MANAGEMENT SERVICES, THE UNIT IN THE OHIO DEPARTMENT OF EDUCATION CHARGED WITH THE RESPONSIBILITY OF ADMINISTERING THIS CHAPTER OF THE ADMINISTRATIVE CODE.
- (11) "ELECTRONIC COMMUNICATION" MEANS THE ABILITY TO COMMUNICATE, THROUGH THE USE OF CAPABILITIES PROVIDED BY COMMON AND PRIVATE COMMUNICATION CARRIERS, WITH COMPUTER SYSTEMS THROUGHOUT THE OHIO EDUCATION COMPUTER NETWORK.
- (12) "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.
- (13) "ELECTRONIC MAIL" (EMAIL) MEANS A PAPERLESS METHOD OF COMMUNICATING AND STORING MESSAGES USING A COMPUTER OR A NETWORK OF COMPUTERS.
- (14) "ELECTRONIC MESSAGING" MEANS THE ABILITY TO SEND AND RECEIVE INFORMATION IN THE FORM OF MEMOS, LETTERS AND BULLETIN BOARDS THROUGH THE USE OF ELECTRONIC NETWORKS AND THEIR ATTACHED COMPUTER SYSTEMS.
- (15) "ELECTRONIC NETWORKING" MEANS A DATA COMMUNICATION CONFIGURATION IN WHICH TWO OR MORE TERMINALS OR DEVICES ARE CONNECTED TO ENABLE INFORMATION TRANSFER. SUCH A CONFIGURATION PERMITS THE ELECTRONIC LINKAGE OF COMPUTER SYSTEMS OVER A LARGE GEOGRAPHIC AREA.
- (16) "END USER" MEANS ANY EMPLOYEE OF A USER ENTITY WHO INTERACTS WITH A CONSORTIUM'S COMPUTER SYSTEMS AND IS A DIRECT RECIPIENT AND BENEFACTOR OF SPECIFIC COMPUTER SERVICES.
- (17) "FILE" MEANS AN ORDERLY, SELF-CONTAINED COLLECTION OF DATA THAT IS USUALLY STORED ON A PERMANENT STORAGE DEVICE SUCH AS A DISK.
- (18) "FILE TRANSFER" MEANS THE PROCESS OF MOVING FILES IN AN ELECTRONIC FORMAT AMONG DIFFERENT COMPUTER SYSTEMS WITHIN A NETWORK.

- (19) "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.
- (20) "GENERALLY ACCEPTED ACCOUNTING PRINCIPLES" (GAAP) MEANS THE BROAD LIMITS, OR GUIDES, WHICH ACCOUNTANTS USE IN DETERMINING THE ACCEPTABILITY OF ACCOUNTING METHODS AND MEASUREMENTS.
- (21) "INDUSTRY STANDARD TRANSMISSION PROTOCOLS" MEANS THE CONVENTIONS OR RULES, USED AND ACCEPTED AS STANDARDS BY THE COMPUTER INDUSTRY, FOR THE FORMAT AND TIMING OF MESSAGES SENT AND RECEIVED. SUCH PROTOCOLS ARE NORMALLY SUPPORTED BY MANY HARDWARE VENDORS AND ARE UTILIZED BY PERSONAL COMPUTERS AS WELL AS LARGE MAINFRAMES.
- (22) "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.
- (23) "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.
- (24) "LOCAL AREA NETWORK" (LAN) MEANS A PRIVATELY OWNED DATA COMMUNICATIONS SYSTEM THAT OFFERS HIGH-SPEED COMMUNICATIONS CHANNELS OPTIMIZED FOR CONNECTING INFORMATION PROCESSING EQUIPMENT. THE GEOGRAPHICAL AREA IS USUALLY LIMITED TO A SECTION OF A BUILDING, AN ENTIRE BUILDING, OR A GROUP OF BUILDINGS.

- (25) "OHIO DATA NETWORK" (ODN) MEANS THE STATE'S CENTRALIZED PROVIDER OF COMPUTING AND DATA COMMUNICATIONS SERVICES. IT IS SUBDIVIDED INTO TWO NETWORKS: THE OHIO ADMINISTRATIVE NETWORK WHICH IS ACCESSIBLE TO ALL AGENCIES AND THE OHIO CRIMINAL JUSTICE NETWORK (OCJN) WHICH SERVICES AGENCIES IN THE CRIMINAL JUSTICE COMMUNITY. THE OHIO ADMINISTRATIVE NETWORK COMPONENT OF THE ODN PROVIDES THE STATEWIDE DATA COMMUNICATIONS BACKBONE UTILIZED BY THE OHIO EDUCATION COMPUTER NETWORK (OECN).
- (26) "OHIO EDUCATION COMPUTER NETWORK" (OECN) MEANS THAT COLLECTIVE GROUP OF DATA ACQUISITION SITES, AUTHORIZED PURSUANT TO SECTION 3301.075 OF THE REVISED CODE, AND THEIR MEMBER SCHOOL DISTRICTS. SUCH SITES, IN CONJUNCTION WITH THE OHIO DEPARTMENT OF EDUCATION, COMPRISE A STATEWIDE DELIVERY SYSTEM TO PROVIDE COMPREHENSIVE, COST-EFFICIENT ACCOUNTING AND OTHER ADMINISTRATIVE AND INSTRUCTIONAL COMPUTER SERVICES FOR PARTICIPATING OHIO SCHOOL DISTRICTS.
- (27) "USER ENTITY" MEANS ANY ORGANIZATION THAT UTILIZES THE SERVICES OF A COMPUTER CONSORTIUM WHICH HAS BEEN DESIGNATED A DATA ACQUISITION SITE BY THE DEPARTMENT. SUCH A USER ORGANIZATION MAY BE EITHER A MEMBER OR A NON-MEMBER OF THE COMPUTER CONSORTIUM.
- (28) "WIDE AREA NETWORK" (WAN) MEANS A PUBLIC OR PRIVATE DATA COMMUNICATIONS SYSTEM IN WHICH TRANSMISSIONS CAN OCCUR OVER A LARGE GEOGRAPHIC AREA.

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**3301-3-02 DATA PROCESSING SITE CLASSIFICATIONS.**

- (A) A DATA ACQUISITION SITE IS A CONSORTIUM OF DISTRICTS WHICH PROVIDES OR PLANS TO PROVIDE INFORMATION TECHNOLOGY SERVICES TO USER DISTRICTS, AND HOLDS THE APPROPRIATE PERMIT AS DEFINED IN PARAGRAPH (A) OF RULE 3301-3-03 OF THE ADMINISTRATIVE CODE.
- (B) A CONSORTIUM MEMBER IS A DISTRICT WHICH IS A VOTING MEMBER OF A DATA ACQUISITION SITE, USES OR EXPRESSES THE INTENT TO USE SERVICES PROVIDED BY THAT DATA ACQUISITION SITE, AND HOLDS THE APPROPRIATE PERMIT AS DEFINED IN PARAGRAPH (B) OF RULE 3301-3-03 OF THE ADMINISTRATIVE CODE.
- (C) A LARGE CITY SITE IS A DISTRICT WITH AN ADM GREATER THAN OR EQUAL TO TWENTY THOUSAND STUDENTS THAT DOES NOT MEET THE REQUIREMENTS OF THE PREVIOUS TWO CLASSIFICATIONS.
- (D) AN INDEPENDENT SITE IS ANY DISTRICT THAT DOES NOT MEET THE REQUIREMENTS OF THE PREVIOUS THREE CLASSIFICATIONS.

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- (A) A CONSORTIUM OF DISTRICTS DESIRING TO BECOME A DATA ACQUISITION SITE WHICH MEETS THE CLASSIFICATION STATED IN PARAGRAPH (A) OF RULE 3301-3-02 OF THE ADMINISTRATIVE CODE SHALL APPLY TO THE DIVISION FOR THE APPROPRIATE PERMIT.

A CONSORTIUM OF DISTRICTS APPLYING FOR A DATA ACQUISITION SITE PERMIT SHALL PROVIDE THE FOLLOWING:

- (1) AN ORGANIZATIONAL GOVERNANCE DOCUMENT THAT IS RATIFIED BY THE GOVERNING BODY OF EACH PROPOSED PARTICIPATING CONSORTIUM MEMBER DISTRICT. IT IS RECOMMENDED THAT THE DOCUMENT BE REVIEWED BY LEGAL COUNSEL FOR COMPLIANCE WITH CHAPTER 167. AND/OR SECTION 3313.92 OF THE REVISED CODE.
- (2) A SCHEDULE OF SERVICES AND PROPOSED CONTRACTS FOR EXECUTION BETWEEN THE SITE PROVIDING THE SERVICES (I.E., THE DATA ACQUISITION SITE) AND CONSORTIUM MEMBER PERMIT HOLDERS.
- (3) EVIDENCE THAT IT SHALL MAINTAIN A MINIMUM MEMBER BASE OF EIGHT CONSORTIUM MEMBER DISTRICTS WHICH ARE PROVIDED WITH CONTINUOUS ON-LINE COMPUTERIZED ELECTRONIC COMMUNICATIONS SERVICES. ALL CONSORTIUM MEMBER DISTRICTS SHALL HAVE A MINIMUM AGGREGATE ADM OF FIFTEEN THOUSAND STUDENTS.
- (4) A MINIMUM SCHEDULE OF STAFFING, TRAINING, SERVICES, RESOURCES AND PROCEDURAL OPERATIONS AS DETERMINED BY THE DEPARTMENT AND REFERENCED AS DATA ACQUISITION SITE PERFORMANCE REQUIREMENTS IN RULE 3301-3-07 OF THE ADMINISTRATIVE CODE.

**3301-3-03**

(B) A DISTRICT DESIRING TO BECOME A CONSORTIUM MEMBER SHALL MEET THE CLASSIFICATION REQUIREMENT STATED IN PARAGRAPH (B) OF RULE 3301-3-02 OF THE ADMINISTRATIVE CODE AND SHALL APPLY TO THE DIVISION FOR THE APPROPRIATE PERMIT. A DISTRICT APPLYING FOR A CONSORTIUM MEMBER PERMIT SHALL BE RECOGNIZED AS A CONSORTIUM MEMBER PERMIT HOLDER IN ONLY ONE DATA ACQUISITION SITE.

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3301-3-04 PERMIT VALIDITY AND REVOCATION.

- (A) IN ORDER TO RETAIN ITS PERMIT A DATA ACQUISITION SITE:
- (1) SHALL MAINTAIN ALL COMPONENTS OF PARAGRAPH (A) OF RULE 3301-3-03 OF THE ADMINISTRATIVE CODE.
  - (2) SHALL NOT MODIFY IN ANY RESPECT SOFTWARE PROVIDED BY THE DEPARTMENT WITHOUT THE PRIOR WRITTEN APPROVAL FROM THE SUPERINTENDENT OF PUBLIC INSTRUCTION OR HIS DESIGNEE.
  - (3) SHALL MEET THE DATA ACQUISITION SITE PERFORMANCE REQUIREMENTS AS DEFINED IN RULE 3301-3-07 OF THE ADMINISTRATIVE CODE. A DATA ACQUISITION SITE REVIEW SHALL BE CONDUCTED AS DETERMINED BY THE DIVISION, AND THE DATA ACQUISITION SITE SHALL CORRECT ANY NOTED DEFICIENCIES WITHIN A TIME PERIOD ESTABLISHED BY THE DIVISION.
- (B) IN ORDER FOR ANY CONSORTIUM MEMBER TO MAINTAIN ITS PERMIT, IT SHALL BE A VOTING MEMBER OF A DATA ACQUISITION SITE.
- (C) ANY PERMIT ISSUED BY THE DIVISION 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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THE DEPARTMENT SHALL:

- (A) PLAN AND SUPPORT A STATEWIDE, INTEGRATED SYSTEM OF INFORMATION TECHNOLOGY.
- (B) ISSUE DATA SPECIFICATIONS TO SUPPORT DATA INTERCHANGE AND INTEGRATION.
- (C) PROMOTE THE EFFICIENT AND COST-EFFECTIVE IMPLEMENTATION OF INFORMATION TECHNOLOGY WHICH SUPPORTS THE DEPARTMENT'S TECHNOLOGY PLAN.
- (D) SUPPORT THE USE OF CURRENT TECHNOLOGY.
- (E) SUPPORT INNOVATIVE USES OF INFORMATION TECHNOLOGY WHICH ARE CONSISTENTLY SUPPORTING THE GOALS OF THE DEPARTMENT.
- (F) ENCOURAGE AND SUPPORT THE EFFICIENT AND COST-EFFECTIVE ORGANIZATION AND OPERATION OF THE OECN AND ITS COMPONENT DATA ACQUISITION SITES.
- (G) PLAN AND PROMOTE ELECTRONIC NETWORKING CAPABILITIES BETWEEN AND AMONG ALL DISTRICTS, DATA ACQUISITION SITES AND THE DEPARTMENT.
- (H) ADMINISTER A SYSTEM OF PERMIT APPLICATION, ISSUANCE AND REVOCATION.
- (I) COLLECT AND DISTRIBUTE DATA ACQUISITION SITE MANAGEMENT INFORMATION FOR PURPOSES OF COMPARATIVE SITE ANALYSES.
- (J) APPOINT A COMMITTEE, OR COMMITTEES, TO PROVIDE ADVICE AND GUIDANCE REGARDING THE OECN, ITS SERVICES, ADMINISTRATION, PROCEDURES, FUNDING, AND FUTURE DIRECTIONS.

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(A) A DATA ACQUISITION SITE SHALL:

- (1) PROMOTE A COOPERATIVE, INTEGRATED SYSTEM OF INFORMATION TECHNOLOGY FOR ITS CONSORTIUM MEMBER DISTRICTS AS WELL AS AMONG OTHER DATA ACQUISITION SITE CONSORTIA.
- (2) PROMOTE AND ADMINISTER THE EFFICIENT AND COST-EFFECTIVE IMPLEMENTATION OF INFORMATION TECHNOLOGY WHICH SUPPORTS THE INFORMATION TECHNOLOGY STRATEGIES OF THE DEPARTMENT.
- (3) COORDINATE INNOVATIVE USES OF INFORMATION TECHNOLOGY THAT SUPPORT THE GOALS OF THE DEPARTMENT AND THE LOCAL DATA ACQUISITION SITE CONSORTIUM.
- (4) OPERATE EFFICIENTLY AND IN A COST-EFFECTIVE MANNER.
- (5) PROVIDE FOR ELECTRONIC NETWORKING CAPABILITIES BETWEEN AND AMONG USER ENTITIES, THE DATA ACQUISITION SITE, AND SUPPORT CONNECTIVITY TO THE ODN.
- (6) MAKE CERTAIN THAT ALL DATA ACQUIRED ON BEHALF OF USER ENTITIES IS HELD IN TRUST FOR THOSE ENTITIES. ANY TRANSFER OR RELEASE OF ANY USER ENTITY'S DATA SHALL REQUIRE PRIOR AUTHORIZATION FROM THAT SPECIFIC ENTITY.

(B) A CONSORTIUM MEMBER SHALL:

- (1) UTILIZE REQUESTED SERVICES PROVIDED THROUGH THE OECN AND ITS COMPONENT DATA ACQUISITION SITES.
- (2) PARTICIPATE IN THE GOVERNANCE AND FINANCIAL SUPPORT OF THE DATA ACQUISITION SITE.
- (3) ADHERE TO THE GOVERNANCE DOCUMENTS OF THE DATA ACQUISITION SITE.

(C) A DISTRICT SHALL:

- (1) PROCURE AND UTILIZE A DATA COMMUNICATIONS LINK TO COMMUNICATE ELECTRONICALLY WITH DEPARTMENT PERSONNEL VIA COMPATIBLE EQUIPMENT.
- (2) PROVIDE REQUIRED DATA TO THE APPROPRIATE DATA ACQUISITION SITE IN AN ELECTRONIC FORMAT AS DEFINED BY THE DIVISION. LARGE CITY SITES MAY, AT THE DISCRETION OF THE DEPARTMENT, REPORT REQUIRED DATA DIRECTLY TO THE DIVISION.

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ALL OEEN DATA ACQUISITION SITES SHALL MEET THE FOLLOWING REQUIREMENTS:

(A) GOVERNANCE - CONSORTIUM AGREEMENT/CONSTITUTION

- (1) THE CURRENT AGREEMENT SHALL BE RATIFIED BY ALL PARTICIPATING DISTRICTS, 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, IF DESIRED; AND APPROVED BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. ANY SITE ORGANIZED IN ACCORDANCE WITH CHAPTER 167. OF THE REVISED CODE PRIOR TO JULY 1, 1983, 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 WHICH IS REPRESENTATIVE OF ALL END USERS.
- (4) THE AGREEMENT SHALL DEFINE THE RESPONSIBILITIES OF EACH COMPONENT OF THE ORGANIZATIONAL STRUCTURE.
- (5) THE CONSORTIUM'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 CONSORTIUM'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 CONSORTIUM'S CURRENT BY-LAWS, AGREEMENT(S), OR BOTH.

(B) FISCAL OPERATIONS REQUIREMENTS

(1) LOCAL FISCAL OPERATIONS

(a) THE DATA ACQUISITION SITE 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 DATA ACQUISITION SITE. ANY SITE ORGANIZED IN ACCORDANCE WITH CHAPTER 167. OF THE REVISED CODE PRIOR TO JULY 1, 1983, MAY EMPLOY ITS OWN TREASURER TO ASSUME ALL FINANCIAL RESPONSIBILITIES. ALL FINANCIAL TRANSACTIONS AND ACCOUNTING PROCEDURES ASSOCIATED WITH DATA ACQUISITION SITE OPERATIONS SHALL BE PERFORMED IN COMPLIANCE WITH REQUIREMENTS OF THE REVISED CODE AND THE AUDITOR OF STATE.

(ii) FINANCIAL ACCOUNTING RECORDS OF DATA ACQUISITION SITE ACTIVITIES SHALL BE SEPARATELY MAINTAINED AND CAPABLE OF BEING AUDITED.

(iii) THE FISCAL AGENT, ON BEHALF OF THE MEMBER DISTRICTS, OR THE COUNCIL OF GOVERNMENTS (COG) SHALL HOLD TITLE TO ALL EQUIPMENT OWNED BY THE DATA ACQUISITION SITE.

(iv) PROCEDURES FOR RECEIPTING, EXPENDING AND ACCOUNTING FOR FUNDS SHALL BE DEFINED AND FOLLOWED.

(b) THE APPROPRIATE GOVERNING BODIES OF THE DATA ACQUISITION SITE 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.

(d) DETAILED FINANCIAL RECORDS OF THE DATA ACQUISITION SITE FOR THE CURRENT AND PREVIOUS FISCAL YEAR TRANSACTIONS SHALL BE MADE AVAILABLE FOR REVIEW DURING THE SITE REVIEW REFERENCED IN PARAGRAPH (A)(3) OF RULE 3301-3-04 OF THE ADMINISTRATIVE CODE.

(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 DATA ACQUISITION SITES 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) DATA ACQUISITION SITE OPERATIONS

(1) ORGANIZATION

(a) THE DATA ACQUISITION SITE 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 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 DATA ACQUISITION SITE AS ORGANIZED IN ACCORDANCE WITH EITHER CHAPTER 167. OR SECTION 3313.92 OF THE REVISED CODE, OR BOTH, SHALL PROVIDE A CURRENT COPY OF ITS ORGANIZATIONAL AGREEMENT(S) FOR REVIEW DURING THE SITE REVIEW SPECIFIED IN PARAGRAPH (A)(3) OF RULE 3301-3-04 OF THE ADMINISTRATIVE CODE.

(2) SERVICES

- (a) FINANCIAL MANAGEMENT SOFTWARE SERVICES SHALL BE OFFERED WHICH WOULD INCLUDE GENERAL LEDGER ACCOUNTING WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES (GAAP) REPORTING, PAYROLL, AND ASSET ACCOUNTING.
- (b) STUDENT DATA MANAGEMENT SERVICES SHALL BE OFFERED WITH PROVISIONS FOR STUDENT SCHEDULING, GRADE REPORTING, ATTENDANCE TRACKING, AND TRACKING OF SPECIAL EDUCATION NEEDS.
- (c) STATE-MANDATED DATA SUBMISSION SERVICES SHALL BE OFFERED.
- (d) ELECTRONIC COMMUNICATION SERVICES SHALL BE OFFERED WHICH ALLOW FOR DATA EXTRACTION, FILE TRANSFER AND ELECTRONIC MESSAGING. THESE SERVICES SHALL ALLOW FOR THE INTERCHANGE OF DATA THROUGHOUT THE OECN.
- (e) ACCESS TO THE APPROPRIATE DEPARTMENT DATABASE SHALL BE PROVIDED.
- (f) TECHNICAL ADVICE AND RECOMMENDATIONS SHALL BE OFFERED TO USER ENTITIES.
- (g) INSTRUCTIONAL TECHNOLOGY RESOURCES, AS DEFINED BY THE DEPARTMENT, SHALL BE OFFERED TO CONSORTIUM MEMBER DISTRICTS.

(3) REPORTS

THE DATA ACQUISITION SITE SHALL FILE AN "OECN ANNUAL REPORT" WITH THE DIVISION.

(D) DATA COMMUNICATIONS

- (1) THERE SHALL BE AT LEAST ONE DATA COMMUNICATIONS LINK TO EVERY DISTRICT IN THE DATA ACQUISITION SITE'S GEOGRAPHIC SERVICE REGION FOR WHICH THE DATA ACQUISITION SITE RECEIVES FUNDING. SUCH LINKS SHALL PROVIDE EACH DISTRICT WITH EMAIL ACCESS TO THE OECN.

- (2) THE SPEED AND RELIABILITY OF THE DATA COMMUNICATIONS NETWORK SHALL BE COMMENSURATE WITH INDUSTRY STANDARDS AND PROVIDE FOR EFFICIENT END-USER PROCESSING.
- (3) INDUSTRY STANDARD TRANSMISSION PROTOCOLS SHALL BE SUPPORTED.
- (4) THE DATA ACQUISITION SITE SHALL FACILITATE THE REPAIR AND MAINTENANCE OF THE DATA COMMUNICATIONS EQUIPMENT.
- (5) OPTIONS AVAILABLE TO DISTRICTS SHALL INCLUDE LAN TO WAN CONNECTIVITY TO THE OECN.
- (6) THE DATA ACQUISITION SITE SHALL MAKE AVAILABLE ELECTRONIC COMMUNICATION CAPABILITIES TO ANY STATE BOARD OF EDUCATION MEMBER WHOSE RESIDENCE IS LOCATED WITHIN THE DATA ACQUISITION SITE'S GEOGRAPHIC SERVICE AREA.

(E) COMPUTER SYSTEMS HARDWARE

- (1) THE DATA ACQUISITION SITE SHALL PROVIDE FOR REPAIR AND MAINTENANCE OF THE COMPUTER SYSTEMS EQUIPMENT, OWNED BY THE DATA ACQUISITION SITE, WHICH IS UTILIZED TO SUPPORT SERVICES TO MULTIPLE DISTRICTS.
- (2) THE PERFORMANCE AND RELIABILITY OF THE COMPUTER SYSTEMS EQUIPMENT SHALL BE COMMENSURATE WITH USER EXPECTATIONS AND INDUSTRY STANDARDS IN ORDER TO PROVIDE THE BASIC SERVICES AS DESCRIBED IN PARAGRAPH (C)(2) OF THIS RULE.
- (3) THE COMPUTER SYSTEMS EQUIPMENT SHALL ENABLE THE DATA ACQUISITION SITE TO OFFER THE BASIC SERVICES AS DESCRIBED IN PARAGRAPH (C)(2) OF THIS RULE.

(F) SOFTWARE

- (1) THE VERSION OF EACH SOFTWARE PACKAGE SHALL BE CURRENT BASED UPON THE PROVIDERS' STANDARDS FOR CONTINUED SUPPORT.
- (2) THE DATA ACQUISITION SITE SHALL HAVE SUPPORT SERVICES AVAILABLE FROM EACH SOFTWARE PROVIDER OR DESIGNEE.

- (3) THE DATA ACQUISITION SITE SHALL HAVE AN ESTABLISHED PROCEDURE, APPROVED BY ITS GOVERNING BODY, FOR SUGGESTING CHANGES TO THE SOFTWARE PROVIDERS.

(G) COMPUTER CENTER OPERATIONS

- (1) BACKUPS SHALL BE DONE AT REGULAR INTERVALS AND STORED AT A SECURE LOCATION. THESE BACKUPS SHALL BE DONE IN SUCH A MANNER THAT IT IS POSSIBLE TO RELIABLY RESTORE THE DATA AS NEEDED.
- (2) THE COMPUTER SYSTEM SHALL BE SCHEDULED FOR USER ACCESS SEVEN DAYS PER WEEK ON A REGULAR BASIS.
- (3) THE COMPUTER SYSTEM SHALL BE SCHEDULED FOR USER ACCESS AT LEAST NINETY-FIVE PER CENT OF THE TIME DURING PRIME TIME WORKING HOURS (SEVEN A.M. TO FIVE P.M. MONDAY THROUGH FRIDAY).
- (4) A WRITTEN DISASTER RECOVERY PLAN SHALL BE FORMULATED, REVIEWED AT REGULAR INTERVALS BY THE GOVERNING BODY OF THE DATA ACQUISITION SITE, AND ON FILE AT THE DIVISION.
- (5) A WRITTEN SECURITY POLICY SHALL BE IMPLEMENTED TO INCLUDE THE FOLLOWING:
  - (a) THE POLICY SHALL SPECIFY THE METHODS FOR OBTAINING, PROCESSING, REPORTING AND STORING DATA.
  - (b) THE POLICY SHALL PROHIBIT ACCESS TO THE COMPUTER SYSTEMS AND SERVICES BY UNAUTHORIZED PERSONNEL.
- (6) THE DATA ACQUISITION SITE STAFF SHALL BE BONDED, AT A LEVEL DETERMINED BY THE CONSORTIUM'S GOVERNING BODY, FOR THE FAITHFUL PERFORMANCE OF THEIR DUTIES.
- (7) THE DATA ACQUISITION SITE SHALL HAVE INSURANCE COVERAGE FOR ALL FIXED ASSETS.

- (8) A DATA RETENTION POLICY SHALL BE WRITTEN, IMPLEMENTED AND COMMUNICATED TO ALL DISTRICTS. THIS POLICY SHALL SPECIFY HOW THE DATA IS STORED, HOW IT CAN BE RESTORED AND THE METHOD FOR DISPOSAL OF THIS DATA.
  - (9) THE COMPUTER SYSTEM SHALL BE REVIEWED AT REGULAR INTERVALS IN ORDER TO ENSURE SUFFICIENT SYSTEM PERFORMANCE AND DATA SECURITY.
  - (10) THE DATA ACQUISITION SITE SHALL HAVE A SIGNED CONTRACT WITH EVERY USER ENTITY. THIS CONTRACT SHALL LIST THE SERVICES USED AND THE BASIS FOR CALCULATING THE CHARGES FOR THOSE SERVICES. THE BILLING FOR THESE SERVICES SHALL BE DONE ON A REGULAR AND TIMELY BASIS.
  - (11) USERS SHALL HAVE ACCESS TO THE DATA ACQUISITION SITE STAFF VIA TELEPHONE OR ELECTRONIC MAIL.
  - (12) THE DATA ACQUISITION SITE SHALL IMPLEMENT SOFTWARE WHICH WILL AUTOMATICALLY DISABLE INACTIVE USER SESSIONS.
- (H) COMPUTER CENTER PHYSICAL FACILITIES

- (1) THE ENVIRONMENT FOR THE COMPUTER SYSTEMS SHALL BE IN COMPLIANCE WITH THE MANUFACTURER'S STANDARDS FOR INSTALLATION, POWER, AND MAINTENANCE.
- (2) THE PHYSICAL SECURITY OF THE DATA ACQUISITION SITE SHALL PREVENT UNAUTHORIZED ACCESS TO THE COMPUTER SYSTEMS.
- (3) AN AREA SHALL BE AVAILABLE TO PROVIDE TRAINING FOR THE SERVICES DESCRIBED IN PARAGRAPH (C)(2) OF THIS RULE.

(I) DATA ACQUISITION SITE PERSONNEL

(1) STAFFING LEVELS

STAFFING LEVELS SHALL BE SUFFICIENT TO MEET THE SERVICE NEEDS OF THE USER AS MEASURED BY USER AND STAFF SATISFACTION. PERSONNEL ASSIGNMENTS SHALL BE MADE TO INSURE THAT USER SUPPORT NEEDS ARE MET.

(2) STAFF QUALIFICATIONS

- (a) EACH DATA ACQUISITION SITE DIRECTOR INITIALLY EMPLOYED IN THAT POSITION AFTER DECEMBER 31, 1996, SHALL HAVE A MINIMUM OF A BACHELOR'S DEGREE IN AN AREA DEEMED APPROPRIATE BY THE LOCAL GOVERNING BOARD.
- (b) EACH DATA ACQUISITION SITE MANAGER/SUPERVISOR INITIALLY EMPLOYED IN THAT POSITION AFTER DECEMBER 31, 1996, SHALL HAVE A MINIMUM OF AN ASSOCIATE'S DEGREE IN AN AREA DEEMED APPROPRIATE BY THE LOCAL GOVERNING BOARD.
- (c) ANY SITE DIRECTOR OR SITE MANAGER/SUPERVISOR EMPLOYED ON OR BEFORE DECEMBER 31, 1996, SHALL CONTINUE TO BE ELIGIBLE FOR EMPLOYMENT IN A COMPARABLE POSITION AT ANY OTHER DATA ACQUISITION SITE.
- (d) ALL STAFF MEMBERS SHALL HAVE TRAINING AND/OR EXPERIENCE NECESSARY TO PERFORM THE DUTIES CONTAINED IN THEIR JOB DESCRIPTIONS.

(3) TRAINING

- (a) ALL DATA ACQUISITION SITE STAFF SHALL BE GIVEN THE APPROPRIATE TRAINING FOR THE TASK ASSIGNED.
- (b) ALL DATA ACQUISITION SITE STAFF SHALL ENGAGE IN AN ONGOING PROGRAM OF INSERVICE 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 DIVISION.

(J) TRAINING OF USERS

- (1) AN ONGOING COMPREHENSIVE PROGRAM OF TRAINING FOR USERS SHALL BE MADE AVAILABLE FOR EACH OF THE SERVICES SUPPORTED BY THE DATA ACQUISITION SITE.
- (2) ALL APPROPRIATE TRAINING PROGRAMS SHALL FOLLOW THE CEU GUIDELINES AS SPECIFIED BY THE DEPARTMENT.

Effective: July 1, 1995

Replaces: 3301-3-01

Promulgated under: R.C. Chapter 119.

Rule authorized by: R.C. 3301.075

Rule amplifies: R.C. 3301.075; 3313.92

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