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**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.
- (B) Terminology used in this chapter shall be defined as follows:
- (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 during the designated EMIS counting period.
  - (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) "Continuous improvement plan" means an annual report produced by the information technology center that describes actions to improve the quality of services, customer satisfaction, or operation efficiencies of the information technology center.
  - (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 through 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.

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- (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 that 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 or governing board of a school district, educational service center, or council of government that 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) "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.
- (15) "Information technology center" (ITC) means an entity that has been authorized pursuant to section 3301.075 of the Revised Code and authorized by the department to provide core services to user entities.
- (16) "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.
- (17) "Large district user entity" means a user entity with an ADM greater than or equal to twenty-thousand students.
- (18) "Ohio education computer network" (OECN) means that collective group of information technology centers authorized pursuant to section 3301.075 of the Revised Code, and their participating 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.
- (19) "Quality implementation metrics" are the data reported by the Ohio department of education that reflect information technology center actual performance relative to the quality implementation standards.
- (20) "Quality implementation standards" are the benchmarks set by the Ohio department of education for successful delivery of core services.
- (21) "Site review" means an on-site peer review conducted by the Ohio department of education or its

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designee as a means to assess the effectiveness of the delivery of core services and the general user entity satisfaction of an information technology center.

- (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 entity as determined by the department.

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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, provides or plans to provide information technology services to user entities, and holds the appropriate site 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, and uses or expresses the intent to use services provided by an information technology center.

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

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

- (A) An organizational governance document ratified by the governing body of each proposed participating user entity of the information technology center that shall be reviewed by legal counsel for compliance with Chapter 167. or section 3313.92 of the Revised Code;
- (B) A schedule of services and proposed agreements for execution between the information technology center providing the services and its user entity permit holders;
- (C) Information technology centers in existence as of January 1, 2005, shall maintain a minimum base of twelve user entities that are provided with core services or 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 specified by the department, 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 user entities that are provided with core services and have a minimum aggregate ADM of twenty-five thousand students; and
- (D) A minimum schedule of staffing, training, core services, resources, and procedural operations as determined by the department consistent with rules 3301-3-06 and 3301-3-07 of the Administrative Code.

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**3301-3-04 Information technology center permit validity and revocation.**

- (A) To retain its site-permit, an information technology center shall:
- (1) Meet the requirements of rule 3301-3-03 of the Administrative Code.
  - (2) Fulfill the responsibilities defined in rule 3301-3-06 of the Administrative Code and meet the performance requirements defined in rule 3301-3-07 of the Administrative Code. The department may conduct a site-review of an information technology center, which shall be required to correct any noted deficiencies within a time period established by the department.
- (B) Any site-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 the rules of this chapter.

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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 site-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;
- (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; and
- (G) Provide for a system to enable information technology centers to document user entities receiving core services in order to facilitate the calculation and distribution of subsidy funding and to demonstrate compliance with the paragraph (C) of rule 3301-3-03 of the Administrative Code.

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

(A) An information technology center shall:

- (1) Promote a cooperative and 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 that supports 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 and the information technology center, support connectivity to the department or its designee, and maintain a system of electronic contact information as specified by the department; and
- (5) Ensure 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. Upon receipt of district authorization, an information technology center will transfer or return district data without delay or impediment.
- (6) Offer core services to all user entities and provide districts with the opportunity to obtain services on an individual-service basis and not inhibit districts from obtaining services from one or more information technology centers of their choosing.
- (7) Post on its website a list of all the services that it provides and the corresponding cost for each of those services.

(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 pursuant to the contractual agreement between the information technology center and the user entity.

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

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 or Chapter 167. of the Revised Code, reviewed by legal counsel for compliance with section 3313.92 or Chapter 167. of the Revised Code, and be approved by the superintendent of public instruction.
- (2) The agreement shall include such provisions for a governing assembly as a board of directors or an executive committee.
- (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, including, 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 information technology center. Amounts to be paid in settlement of any such claims or damages, including attorneys' fees and costs and expenses, shall be apportioned among all districts participating in the information technology center to the extent permitted by law.

The provisions of paragraph (A)(7) of this rule would not be applicable to cases of misfeasance, malfeasance, nonfeasance, or other illegal or inappropriate activities directly attributed to the actions of the fiscal agent.

- (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 shall 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.

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- (i) An information technology center organized under section 3313.92 of the Revised Code shall designate one user entity participating in the consortium agreement to act as fiscal agent.
  - (ii) An information technology center organized as a council of governments in accordance with Chapter 167. of the Revised Code may employ its own treasurer to assume all financial responsibilities or may elect to designate one user entity participating in the council to act as fiscal agent.
  - (iii) The fiscal agent treasurer or the treasurer employed by a council of governments is responsible for all financial transactions associated with the information technology center.
  - (iv) The fiscal agent treasurer or the treasurer employed by a council of governments shall be licensed in accordance with section 3301.074 of the Revised Code.
- (b) Financial accounting records of information technology center activities shall be separately maintained and be auditable.
- (i) Information technology centers shall perform all financial transactions and accounting procedures in compliance with applicable laws of the state of Ohio and requirements of the auditor of state.
  - (ii) Information technology centers shall establish, define, and adhere to procedures for receipting expenditures and accounting and equipment acquisition, inventory, and disposition.
- (c) 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.
- (d) 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) The information technology center shall establish a schedule of fees for services that, in combination with state subsidy funding, cash reserves, and other sources of revenue, shall generate operating funds sufficient to meet anticipated expenditures.

### (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 rule 3301-3-03 of the Administrative Code.
- (b) The information technology center shall be in compliance with section 3301.075 of the Revised Code and with the OECN line item appropriation language contained in House Bill 1 of the 128th General Assembly.

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- (c) The information technology center 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

- (a) Core services shall be 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
  - (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 department 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 that may include, but not be limited to, voice, video, and data services. Any educational entity desiring to be connected shall have the option of access and 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 with the department a continuous improvement plan that meets department guidelines and timeframes as set by the department. 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 help-desk system with quality implementation standards defined by the department in partnership with the OECN. The system

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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 to the department during the site-review conducted pursuant to 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, data release, and other safeguards

(a) A written business continuity plan shall be formulated, reviewed at regular intervals by the governing body of the information technology center, and be kept 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, and shall specify how data are stored and restored and the method for disposal of data.

(f) The computer system shall be reviewed at regular intervals 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.

(j) A written data release policy shall be implemented and communicated by the information technology center. The policy shall describe the process for requesting a release, return, or transfer of data. A release, return, or transfer of data shall occur no later than ten business days following the district's request, unless otherwise specified and agreed upon by both the district and the information technology center.

#### (5) Information technology center personnel

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- (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 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 relative to their area of assignment. Staff training shall be aligned with the continuous improvement plan of the information technology center and reflect the policies and guidelines established by the local professional development committee (LPDC).
- (e) Information technology staff who hold an educator license or certificate issued by the Ohio department of education and who are utilizing the LPDC process in order to renew and maintain department licensure shall follow the license renewal and professional development requirements and timelines established in rule 3301-24-08 of the Administrative Code.