

**As Introduced**

**124th General Assembly  
Regular Session  
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**H. B. No. 204**

**REPRESENTATIVES Williams, Grendell, Goodman, Faber, Gilb, Flowers,  
Schaffer, Brinkman**

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**A B I L L**

To amend sections 3313.612, 3313.975, and 3317.03 and 1  
to enact sections 3302.21, 3302.23, 3302.25, 2  
3302.27, 3302.29, 3302.31, and 3302.33 of the 3  
Revised Code to establish child-centered 4  
scholarship programs in school districts in a state 5  
of academic emergency. 6

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3313.612, 3313.975, and 3317.03 be 7  
amended and sections 3302.21, 3302.23, 3302.25, 3302.27, 3302.29, 8  
3302.31, and 3302.33 of the Revised Code be enacted to read as 9  
follows: 10

**Sec. 3302.21.** As used in sections 3302.21 to 3302.33 of the 11  
Revised Code: 12

(A) "Native student" means a student entitled under section 13  
3313.64 or 3313.65 of the Revised Code to attend school in the 14  
school district. 15

(B) "Parent" has the same meaning as in section 3313.98 of 16  
the Revised Code. 17

(C) "Registered private school" means a school registered 18  
with the superintendent of public instruction under section 19

3302.33 of the Revised Code. 20

Sec. 3302.23. The superintendent of public instruction shall 21  
establish a child-centered scholarship program in each city, 22  
local, and exempted village school district that receives a report 23  
under section 3302.03 of the Revised Code that the district is in 24  
a state of academic emergency. The program shall commence in each 25  
such district in the first school year that begins after the 26  
district receives that report. Under each scholarship program, the 27  
department of education shall pay a scholarship in accordance with 28  
section 3302.27 of the Revised Code to the parent of each native 29  
student enrolled in grades kindergarten through twelve in a 30  
registered private school. 31

Sec. 3302.25. Any parent seeking a scholarship under section 32  
3302.27 of the Revised Code shall notify the department of 33  
education, in the form and manner prescribed by the state board of 34  
education, of the student and parent's names and address, the 35  
registered private school in which the student has been accepted 36  
for enrollment in the upcoming school year, the tuition charged by 37  
the school, and any additional information that the state board 38  
requires to be reported. A parent shall make this report no later 39  
than the fifteenth day of March preceding the school year. 40

Sec. 3302.27. (A) As used in this section: 41

(1) "Formula amount" and "cost-of-doing-business factor" have 42  
the same meanings as in section 3317.02 of the Revised Code. 43

(2) "State share percentage" has the same meaning as in 44  
section 3317.022 of the Revised Code. 45

(B) The amount of each scholarship paid under a 46  
child-centered scholarship program shall be the lesser of the 47  
tuition charged by the registered private school in which the 48

<u>student is enrolled or the sum of the following:</u>	49
<u>(1) The amount calculated as follows:</u>	50
<u>state share percentage X formula amount X</u>	51
<u>cost-of-doing-business factor</u>	52
<u>(2) If the student is receiving special education and related</u>	53
<u>services pursuant to an individualized education program as</u>	54
<u>defined in section 3323.01 of the Revised Code for a handicap</u>	55
<u>described in division (A) of section 3317.013 of the Revised Code,</u>	56
<u>the state share percentage of the product of the formula amount</u>	57
<u>times the multiple specified in division (A) of section 3317.013</u>	58
<u>of the Revised Code;</u>	59
<u>(3) If the student receives special education and related</u>	60
<u>services pursuant to an individualized education program as</u>	61
<u>defined in section 3323.01 of the Revised Code for a handicap</u>	62
<u>described in division (B) of section 3317.013 or division (F)(3)</u>	63
<u>of section 3317.02 of the Revised Code, the state share percentage</u>	64
<u>of the product of the formula amount times the multiple specified</u>	65
<u>in division (B) of section 3317.013 of the Revised Code;</u>	66
<u>(4) If the student lives in a family participating in Ohio</u>	67
<u>works first under Chapter 5107. of the Revised Code, an amount</u>	68
<u>determined by dividing the amount calculated for the school</u>	69
<u>district under division (B) or divisions (C) and (E) of section</u>	70
<u>3317.029 of the Revised Code by the number of children ages five</u>	71
<u>through seventeen residing in the district and living in a family</u>	72
<u>participating in Ohio works first, as most recently reported under</u>	73
<u>section 3317.10 of the Revised Code.</u>	74
<u>(C) The department shall pay scholarships only to parents who</u>	75
<u>comply with section 3302.25 of the Revised Code. The department</u>	76
<u>shall pay each such parent from time to time during the school</u>	77
<u>year a portion of the amount prescribed by this section. The</u>	78
<u>department shall make its first payment to each parent not later</u>	79
<u>than the last day of November. That payment shall equal at least</u>	80

one-third of the amount prescribed by this section. 81

(D) The department shall proportionately reduce the payment 82  
to the parent of any student who withdraws from a registered 83  
private school prior to the end of the school year. The state 84  
board of education shall adopt rules in accordance with Chapter 85  
119. of the Revised Code prescribing procedures for parents, 86  
administrators of schools, or both, to report to the department 87  
when a student withdraws from school prior to the end of the 88  
school year. 89

Sec. 3302.29. The department of education shall deduct the 90  
aggregate amount paid each fiscal year under section 3302.27 of 91  
the Revised Code to the parents of a school district's native 92  
students from the payments made to the school district under 93  
Chapter 3317. and, if necessary, sections 321.14 and 323.156 of 94  
the Revised Code. 95

Sec. 3302.31. If a school district in which a child-centered 96  
scholarship program is operating under sections 3302.21 to 3302.33 97  
of the Revised Code receives a report under section 3302.03 of the 98  
Revised Code that it is no longer in a state of academic 99  
emergency, no new students may receive scholarships beginning in 100  
the first school year that starts after the district receives that 101  
report. However, each student who received a scholarship in the 102  
previous year shall continue to receive one for as long as the 103  
student remains a native student and attends a registered private 104  
school, and until the student completes twelfth grade. 105

If the district subsequently receives a report under section 106  
3302.03 of the Revised Code that it is once again in a state of 107  
academic emergency, the program shall resume payment of new 108  
scholarships beginning in the school year that starts after the 109  
district receives that report. 110

Sec. 3302.33. (A) No private school may receive payments from 111  
parents awarded scholarships under section 3302.27 of the Revised 112  
Code until the chief administrator of the private school registers 113  
the school with the superintendent of public instruction. The 114  
state superintendent shall register any school that meets the 115  
following requirements: 116

(1) The school indicates in writing its commitment to follow 117  
all requirements for a child-centered scholarship program 118  
specified under sections 3302.21 to 3302.33 of the Revised Code. 119

(2) The school meets all state minimum standards for 120  
chartered nonpublic schools in effect on July 1, 1992, except that 121  
the state superintendent at the superintendent's discretion may 122  
register nonchartered nonpublic schools meeting the other 123  
requirements of this division. 124

(3) The school agrees to administer all tests prescribed 125  
under section 3301.0710 of the Revised Code that pertain to the 126  
grade levels served by the school, which the department of 127  
education shall furnish to the school. 128

(4) The school does not discriminate on the basis of race, 129  
religion, or ethnic background. 130

(5) The school enrolls a minimum of ten students per class or 131  
a sum of at least twenty-five students in all the classes offered. 132

(6) The school does not advocate or foster unlawful behavior 133  
or teach hatred of any person or group on the basis of race, 134  
ethnicity, national origin, or religion. 135

(7) The school does not provide false or misleading 136  
information about the school to parents, students, or the general 137  
public. 138

(B) The state superintendent shall revoke the registration of 139  
any school if, after a hearing, the superintendent determines that 140

the school is in violation of any of the provisions of division 141  
(A) of this section. 142

**Sec. 3313.612.** (A) On and after September 15, 1998, no 143  
nonpublic school chartered by the state board of education shall 144  
grant any high school diploma to any person unless the person has 145  
attained at least the applicable scores designated under division 146  
(B) of section 3301.0710 of the Revised Code on all the tests 147  
required by that division ~~except as follows~~. 148

No nonchartered nonpublic school that is registered under 149  
section 3302.33 of the Revised Code shall grant any high school 150  
diploma to any person unless the person has attained at least the 151  
applicable scores designated under division (B) of section 152  
3301.0710 of the Revised Code on all the tests required by that 153  
division. 154

~~(A)~~(B) This ~~prohibition~~ section does not apply to any of the 155  
following: 156

(1) Any person with regard to any test from which the person 157  
was excused pursuant to division (C)(1) of section 3301.0711 of 158  
the Revised Code; 159

~~(B)~~ This ~~prohibition does not apply to any~~ (2) Any person 160  
with regard to the citizenship test if all of the following apply: 161

~~(1)~~(a) The person is not a citizen of the United States~~;~~. 162

~~(2)~~(b) The person is not a permanent resident of the United 163  
States~~;~~. 164

~~(3)~~(c) The person indicates no intention to reside in the 165  
United States after completion of high school. 166

(C) As used in this division, "English-limited student" has 167  
the same meaning as in division (C)(3) of section 3301.0711 of the 168  
Revised Code. 169

Notwithstanding the exemption for English-limited students 170  
provided in division (C)(3) of section 3301.0711 of the Revised 171  
Code, no English-limited student who has not attained the 172  
applicable scores designated under division (B) of section 173  
3301.0710 of the Revised Code on all five proficiency tests 174  
required by that division shall be awarded a diploma under this 175  
section. 176

**Sec. 3313.975.** As used in this section and in sections 177  
3313.975 to 3313.979 of the Revised Code, "the pilot project 178  
school district" or "the district" means any school district 179  
included in the pilot project scholarship program pursuant to this 180  
section. 181

(A) The superintendent of public instruction shall establish 182  
a pilot project scholarship program and shall include in such 183  
program any school districts that are or have ever been under 184  
federal court order requiring supervision and operational 185  
management of the district by the state superintendent, but do not 186  
have a child-centered scholarship program operating under sections 187  
3302.21 to 3302.33 of the Revised Code. The program shall provide 188  
for a number of students residing in any such district to receive 189  
scholarships to attend alternative schools, and for an equal 190  
number of students to receive tutorial assistance grants while 191  
attending public school in any such district. 192

(B) The state superintendent shall establish an application 193  
process and deadline for accepting applications from students 194  
residing in the district to participate in the scholarship 195  
program. In the initial year of the program students may only use 196  
a scholarship to attend school in grades kindergarten through 197  
third. 198

The state superintendent shall award as many scholarships and 199  
tutorial assistance grants as can be funded given the amount 200

appropriated for the program. In no case, however, shall more than  
fifty per cent of all scholarships awarded be used by students who  
were enrolled in a nonpublic school during the school year of  
application for a scholarship.

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(C)(1) The pilot project program shall continue in effect  
each year that the general assembly has appropriated sufficient  
money to fund scholarships and tutorial assistance grants. In each  
year the program continues, no new students may receive  
scholarships unless they are enrolled in grade kindergarten, one,  
two, or three. However, any student who has received a scholarship  
the preceding year may continue to receive one until the student  
has completed grade eight.

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(2) If the general assembly discontinues the scholarship  
program, all students who are attending an alternative school  
under the pilot project shall be entitled to continued admittance  
to that specific school through all grades up to the eighth grade  
that are provided in such school, under the same conditions as  
when they were participating in the pilot project. The state  
superintendent shall continue to make scholarship payments in  
accordance with division (A) or (B) of section 3313.979 of the  
Revised Code for students who remain enrolled in an alternative  
school under this provision in any year that funds have been  
appropriated for this purpose.

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If funds are not appropriated, the tuition charged to the  
parents of a student who remains enrolled in an alternative school  
under this provision shall not be increased beyond the amount  
equal to the amount of the scholarship plus any additional amount  
charged that student's parent in the most recent year of  
attendance as a participant in the pilot project, except that  
tuition for all the students enrolled in such school may be  
increased by the same percentage.

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(D) Notwithstanding sections 124.39, 3307.54, and 3319.17 of

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the Revised Code, if the pilot project school district experiences 233  
a decrease in enrollment due to participation in a state-sponsored 234  
scholarship program pursuant to sections 3313.974 to 3313.979 of 235  
the Revised Code, the district board of education may enter into 236  
an agreement with any teacher it employs to provide to that 237  
teacher severance pay or early retirement incentives, or both, if 238  
the teacher agrees to terminate the employment contract with the 239  
district board, provided any collective bargaining agreement in 240  
force pursuant to Chapter 4117. of the Revised Code does not 241  
prohibit such an agreement for termination of a teacher's 242  
employment contract. 243

**Sec. 3317.03.** Notwithstanding divisions (A)(1), (B)(1), and 244  
(C) of this section, any student enrolled in kindergarten more 245  
than half time shall be reported as one-half student under this 246  
section. 247

(A) The superintendent of each city and exempted village 248  
school district and of each educational service center shall, for 249  
the schools under the superintendent's supervision, certify to the 250  
state board of education on or before the fifteenth day of October 251  
in each year for the first full school week in October the formula 252  
ADM, which shall consist of the average daily membership during 253  
such week of the sum of the following: 254

(1) On an FTE basis, the number of students in grades 255  
kindergarten through twelve receiving any educational services 256  
from the district, except that the following categories of 257  
students shall not be included in the determination: 258

(a) Students enrolled in adult education classes; 259

(b) Adjacent or other district students enrolled in the 260  
district under an open enrollment policy pursuant to section 261  
3313.98 of the Revised Code; 262

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

(e) An educational service center or cooperative education district;

(f) Another school district under a cooperative education agreement, compact, or contract;

(g) A registered private school pursuant to a child-centered

scholarship program established under sections 3302.21 to 3302.33 293  
of the Revised Code. 294

(3) One-fourth of the number of students enrolled in a joint 295  
vocational school district or under a vocational education 296  
compact, excluding any students entitled to attend school in the 297  
district under section 3313.64 or 3313.65 of the Revised Code who 298  
are enrolled in another school district through an open enrollment 299  
policy as reported under division (A)(2)(d) of this section and 300  
then enroll in a joint vocational school district or under a 301  
vocational education compact; 302

(4) The number of handicapped children, other than 303  
handicapped preschool children, entitled to attend school in the 304  
district pursuant to section 3313.64 or 3313.65 of the Revised 305  
Code who are placed with a county MR/DD board, minus the number of 306  
such children placed with a county MR/DD board in fiscal year 307  
1998. If this calculation produces a negative number, the number 308  
reported under division (A)(4) of this section shall be zero. 309

(B) To enable the department of education to obtain the data 310  
needed to complete the calculation of payments pursuant to this 311  
chapter, in addition to the formula ADM, each superintendent shall 312  
report separately the following student counts: 313

(1) The total average daily membership in regular day classes 314  
included in the report under division (A)(1) or (2) of this 315  
section for kindergarten, and each of grades one through twelve in 316  
schools under the superintendent's supervision; 317

(2) The number of all handicapped preschool children enrolled 318  
as of the first day of December in classes in the district that 319  
are eligible for approval by the state board of education under 320  
division (B) of section 3317.05 of the Revised Code and the number 321  
of those classes, which shall be reported not later than the 322  
fifteenth day of December, in accordance with rules adopted under 323  
that section; 324

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are participating in a pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section, are enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, are enrolled in an adjacent or other school district under section 3313.98 of the Revised Code, are enrolled in a community school established under Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school, or are participating in a program operated by a county MR/DD board or a state institution;

(4) The number of pupils enrolled in joint vocational schools;

(5) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving category one special education services, described in division (A) of section 3317.013 of the Revised Code;

(6) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving category two special education services, described in division (B) of section 3317.013 of the Revised Code;

(7) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section identified as having any of the handicaps specified in division (F)(3) of section 3317.02 of the Revised Code;

(8) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category one

vocational education programs or classes, described in division	356
(A) of section 3317.014 of the Revised Code, operated by the	357
school district or by another district, other than a joint	358
vocational school district, or by an educational service center;	359
(9) The average daily membership of pupils reported under	360
division (A)(1) or (2) of this section enrolled in category two	361
vocational education programs or services, described in division	362
(B) of section 3317.014 of the Revised Code, operated by the	363
school district or another school district, other than a joint	364
vocational school district, or by an educational service center;	365
(10) The average number of children transported by the school	366
district on board-owned or contractor-owned and -operated buses,	367
reported in accordance with rules adopted by the department of	368
education;	369
(11)(a) The number of children, other than handicapped	370
preschool children, the district placed with a county MR/DD board	371
in fiscal year 1998;	372
(b) The number of handicapped children, other than	373
handicapped preschool children, placed with a county MR/DD board	374
in the current fiscal year to receive category one special	375
education services, described in division (A) of section 3317.013	376
of the Revised Code;	377
(c) The number of handicapped children, other than	378
handicapped preschool children, placed with a county MR/DD board	379
in the current fiscal year to receive category two special	380
education services, described in division (B) of section 3317.013	381
of the Revised Code;	382
(d) The number of handicapped children, other than	383
handicapped preschool children, placed with a county MR/DD board	384
in the current fiscal year to receive category three special	385
education services, described in division (F)(3) of section	386

3317.02 of the Revised Code.

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(C) Except as otherwise provided in this section for kindergarten students, the average daily membership in divisions (B)(1) to (9) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section. No child shall be counted as more than a total of one child in the sum of the average daily memberships of a school district under division (A), divisions (B)(1) to (9), or division (D) of this section, except as follows:

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(1) A child with a handicap described in section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code may be counted both in formula ADM and in category one, two, or three special education ADM and, if applicable, in category one or two vocational education ADM. As provided in division (C) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, or three special education ADM in the same proportion that the child is counted in formula ADM.

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(2) A child enrolled in vocational education programs or classes described in section 3314.014 of the Revised Code may be counted both in formula ADM and category one or two vocational education ADM and, if applicable, in category one, two, or three special education ADM. Such a child shall be counted in category one or two vocational education ADM in the same proportion as the percentage of time that the child spends in the vocational education programs or classes.

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Based on the information reported under this section, the department of education shall determine the total student count, as defined in section 3301.011 of the Revised Code, for each school district.

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(D)(1) The superintendent of each joint vocational school district shall certify to the superintendent of public instruction on or before the fifteenth day of October in each year for the first full school week in October the formula ADM, which shall consist of the average daily membership during such week, on an FTE basis, of the number of students receiving any educational services from the district, except that the following categories of students shall not be included in the determination:

(a) Students enrolled in adult education classes;

(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students:

(a) Students enrolled in each grade included in the joint vocational district schools;

(b) Handicapped children receiving category one special education services, described in division (A) of section 3317.013 of the Revised Code;

(c) Handicapped children receiving category two special education services, described in division (B) of section 3317.013 of the Revised Code; 449  
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(d) Handicapped children identified as having any of the handicaps specified in division (F)(3) of section 3317.02 of the Revised Code; 452  
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(e) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code; 455  
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(f) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code. 458  
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The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code. 461  
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(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of 466  
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any school any of the following:

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(1) Any pupil who has graduated from the twelfth grade of a public high school;

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(2) Any pupil who is not a resident of the state;

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(3) Any pupil who was enrolled in the schools of the district during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) of that section;

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(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge.

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If, however, any veteran described by division (E)(4)(b) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in average daily membership.

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Notwithstanding division (E)(3) of this section, the membership of any school may include a pupil who did not take a test required by section 3301.0711 of the Revised Code if the superintendent of public instruction grants a waiver from the requirement to take the test to the specific pupil. The superintendent may grant such a waiver only for good cause in accordance with rules adopted by the state board of education.

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Except as provided in division (B)(2) of this section, the average daily membership figure of any local, city, exempted village, or joint vocational school district shall be determined

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by dividing the figure representing the sum of the number of  
pupils enrolled during each day the school of attendance is  
actually open for instruction during the first full school week in  
October by the total number of days the school was actually open  
for instruction during that week. For purposes of state funding,  
"enrolled" persons are only those pupils who are attending school,  
those who have attended school during the current school year and  
are absent for authorized reasons, and those handicapped children  
currently receiving home instruction.

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The average daily membership figure of any cooperative  
education school district shall be determined in accordance with  
rules adopted by the state board of education.

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(F)(1) If the formula ADM for the first full school week in  
February is at least three per cent greater than that certified  
for the first full school week in the preceding October, the  
superintendent of schools of any city, exempted village, or joint  
vocational school district or educational service center shall  
certify such increase to the superintendent of public instruction.  
Such certification shall be submitted no later than the fifteenth  
day of February. For the balance of the fiscal year, beginning  
with the February payments, the superintendent of public  
instruction shall use the increased formula ADM in calculating or  
recalculating the amounts to be allocated in accordance with  
section 3317.022 or 3317.16 of the Revised Code. In no event shall  
the superintendent use an increased membership certified to the  
superintendent after the fifteenth day of February.

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(2) If on the first school day of April the total number of  
classes or units for handicapped preschool children that are  
eligible for approval under division (B) of section 3317.05 of the  
Revised Code exceeds the number of units that have been approved  
for the year under that division, the superintendent of schools of  
any city, exempted village, or cooperative education school

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district or educational service center shall make the  
certifications required by this section for that day. If the state  
board of education determines additional units can be approved for  
the fiscal year within any limitations set forth in the acts  
appropriating moneys for the funding of such units, the board  
shall approve additional units for the fiscal year on the basis of  
such average daily membership. For each unit so approved, the  
department of education shall pay an amount computed in the manner  
prescribed in section 3317.161 or 3317.19 and section 3317.162 of  
the Revised Code.

(G)(1)(a) The superintendent of an institution operating a  
special education program pursuant to section 3323.091 of the  
Revised Code shall, for the programs under such superintendent's  
supervision, certify to the state board of education the average  
daily membership of all handicapped children in classes or  
programs approved annually by the state board of education, in the  
manner prescribed by the superintendent of public instruction.

(b) The superintendent of an institution with vocational  
education units approved under division (A) of section 3317.05 of  
the Revised Code shall, for the units under the superintendent's  
supervision, certify to the state board of education the average  
daily membership in those units, in the manner prescribed by the  
superintendent of public instruction.

(2) The superintendent of each county MR/DD board that  
maintains special education classes or units approved by the state  
board of education pursuant to section 3317.05 of the Revised Code  
shall do both of the following:

(a) Certify to the state board, in the manner prescribed by  
the board, the average daily membership in classes and units  
approved under division (D)(1) of section 3317.05 of the Revised  
Code for each school district that has placed children in the  
classes or units;

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(b) Certify to the state board, in the manner prescribed by 575  
the board, the number of all handicapped preschool children 576  
enrolled as of the first day of December in classes eligible for 577  
approval under division (B) of section 3317.05 of the Revised 578  
Code, and the number of those classes. 579

(3)(a) If during the first full school week in February the 580  
average daily membership of the classes or units maintained by the 581  
county MR/DD board that are eligible for approval under division 582  
(D)(1) of section 3317.05 of the Revised Code is greater than the 583  
average daily membership for the preceding October, the 584  
superintendent of the board shall make the certifications required 585  
by this section for such week. 586

(b) If on the first school day of April the number of classes 587  
or units maintained for handicapped preschool children by the 588  
county MR/DD board that are eligible for approval under division 589  
(B) of section 3317.05 of the Revised Code is greater than the 590  
number of units approved for the year under that division, the 591  
superintendent shall make the certification required by this 592  
section for that day. 593

(c) If the state board determines that additional classes or 594  
units can be approved for the fiscal year within any limitations 595  
set forth in the acts appropriating moneys for the funding of the 596  
classes and units described in division (G)(3)(a) or (b) of this 597  
section, the board shall approve and fund additional units for the 598  
fiscal year on the basis of such average daily membership. For 599  
each unit so approved, the department of education shall pay an 600  
amount computed in the manner prescribed in sections 3317.161 and 601  
3317.162 of the Revised Code. 602

(H) Except as provided in division (I) of this section, when 603  
any city, local, or exempted village school district provides 604  
instruction for a nonresident pupil whose attendance is 605  
unauthorized attendance as defined in section 3327.06 of the 606

Revised Code, that pupil's membership shall not be included in that district's membership figure used in the calculation of that district's formula ADM or included in the determination of any unit approved for the district under section 3317.05 of the Revised Code. The reporting official shall report separately the average daily membership of all pupils whose attendance in the district is unauthorized attendance, and the membership of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

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(I)(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its average daily membership.

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(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 through 3313.979 of the Revised Code may count in average daily membership:

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(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code;

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(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school.

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(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all

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students in the cooperative education district, also indicating  
the city, local, or exempted village district where each pupil is  
entitled to attend school under section 3313.64 or 3313.65 of the  
Revised Code.

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**Section 2.** That existing sections 3313.612, 3313.975, and  
3317.03 of the Revised Code are hereby repealed.

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**Section 3.** Section 3317.03 of the Revised Code is presented  
in this act as a composite of the section as amended by both Am.  
Sub. H.B. 640 and Sub. S.B. 173 of the 123rd General Assembly. The  
General Assembly, applying the principle stated in division (B) of  
section 1.52 of the Revised Code that amendments are to be  
harmonized if reasonably capable of simultaneous operation, finds  
that the composite is the resulting version of the section in  
effect prior to the effective date of the section as presented in  
this act.

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