

# As Introduced

**124th General Assembly  
Regular Session  
2001-2002**

**H. B. No. 364**

**REPRESENTATIVES Husted, Clancy, Calvert, Raga, DeWine, Seitz, Setzer,  
White, Goodman, Gilb, Faber, Webster, Schaffer, Brinkman, Flowers,  
Callender, Schmidt, Williams, Grendell, Young, Widowfield, Schneider,  
Wolpert, Blasdel, Allen**

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## **A B I L L**

To amend sections 149.43, 3314.02, 3314.03, 3314.06, 1  
3314.07, 3314.072, 3314.09, 3314.091, 3314.13, 2  
3317.024, 3317.03, 3317.07, 3318.50, 3319.30, 3  
3327.08, and 3365.08; to amend, for the purpose of 4  
adopting a new section number as indicated in 5  
parentheses, section 3314.011 (3314.16); and to 6  
enact sections 3313.537, 3314.014, 3314.022, 7  
3314.031, 3314.081, 3314.17, and 3318.53 of the 8  
Revised Code to expand the sponsorship and area of 9  
the state in which community schools may be 10  
established, to allow certain unlicensed teachers 11  
to teach in community schools, to establish the 12  
State Board of Community Schools, to establish the 13  
Community School Classroom Facilities Assistance 14  
Program, and to make other changes in the community 15  
school law. 16

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

**Section 1.** That sections 149.43, 3314.02, 3314.03, 3314.06, 17  
3314.07, 3314.072, 3314.09, 3314.091, 3314.13, 3317.024, 3317.03, 18

3317.07, 3318.50, 3319.30, 3327.08, and 3365.08 be amended; 19  
section 3314.011 (3314.16) be amended for the purpose of adopting 20  
a new section number as indicated in parentheses; and sections 21  
3313.537, 3314.014, 3314.022, 3314.031, 3314.081, 3314.17, and 22  
3318.53 of the Revised Code be enacted to read as follows: 23

**Sec. 149.43.** (A) As used in this section: 24

(1) "Public record" means any record that is kept by any 25  
public office, including, but not limited to, state, county, city, 26  
village, township, and school district units, except that "public 27  
record" does not mean any of the following: 28

(a) Medical records; 29

(b) Records pertaining to probation and parole proceedings; 30

(c) Records pertaining to actions under section 2151.85 and 31  
division (C) of section 2919.121 of the Revised Code and to 32  
appeals of actions arising under those sections; 33

(d) Records pertaining to adoption proceedings, including the 34  
contents of an adoption file maintained by the department of 35  
health under section 3705.12 of the Revised Code; 36

(e) Information in a record contained in the putative father 37  
registry established by section 3107.062 of the Revised Code, 38  
regardless of whether the information is held by the department of 39  
job and family services or, pursuant to section 3111.69 of the 40  
Revised Code, the office of child support in the department or a 41  
child support enforcement agency; 42

(f) Records listed in division (A) of section 3107.42 of the 43  
Revised Code or specified in division (A) of section 3107.52 of 44  
the Revised Code; 45

(g) Trial preparation records; 46

(h) Confidential law enforcement investigatory records; 47

(i) Records containing information that is confidential under section 2317.023 or 4112.05 of the Revised Code;	48 49
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	50 51
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	52 53 54 55
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	56 57 58 59
(m) Intellectual property records;	60
(n) Donor profile records;	61
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	62 63
(p) Peace officer residential and familial information;	64
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	65 66 67
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	68 69
(s) Records provided to, statements made by review board members during meetings of, and all work products of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code, other than the report prepared pursuant to section 307.626 of the Revised Code;	70 71 72 73 74
(t) Records provided to and statements made by the executive director of a public children services agency or a prosecuting	75 76

attorney acting pursuant to section 5153.171 of the Revised Code 77  
other than the information released under that section; 78

(u) Test materials, examinations, or evaluation tools used in 79  
an examination for licensure as a nursing home administrator that 80  
the board of examiners of nursing home administrators administers 81  
under section 4751.04 of the Revised Code or contracts under that 82  
section with a private or government entity to administer; 83

(v) Records the release of which is prohibited by state or 85  
federal law. 86

(2) "Confidential law enforcement investigatory record" means 87  
any record that pertains to a law enforcement matter of a 88  
criminal, quasi-criminal, civil, or administrative nature, but 89  
only to the extent that the release of the record would create a 90  
high probability of disclosure of any of the following: 91

(a) The identity of a suspect who has not been charged with 92  
the offense to which the record pertains, or of an information 93  
source or witness to whom confidentiality has been reasonably 94  
promised; 95

(b) Information provided by an information source or witness 96  
to whom confidentiality has been reasonably promised, which 97  
information would reasonably tend to disclose the source's or 98  
witness's identity; 99

(c) Specific confidential investigatory techniques or 100  
procedures or specific investigatory work product; 101

(d) Information that would endanger the life or physical 102  
safety of law enforcement personnel, a crime victim, a witness, or 103  
a confidential information source. 104

(3) "Medical record" means any document or combination of 105  
documents, except births, deaths, and the fact of admission to or 106

discharge from a hospital, that pertains to the medical history, 107  
diagnosis, prognosis, or medical condition of a patient and that 108  
is generated and maintained in the process of medical treatment. 109

(4) "Trial preparation record" means any record that contains 110  
information that is specifically compiled in reasonable 111  
anticipation of, or in defense of, a civil or criminal action or 112  
proceeding, including the independent thought processes and 113  
personal trial preparation of an attorney. 114

(5) "Intellectual property record" means a record, other than 115  
a financial or administrative record, that is produced or 116  
collected by or for faculty or staff of a state institution of 117  
higher learning in the conduct of or as a result of study or 118  
research on an educational, commercial, scientific, artistic, 119  
technical, or scholarly issue, regardless of whether the study or 120  
research was sponsored by the institution alone or in conjunction 121  
with a governmental body or private concern, and that has not been 122  
publicly released, published, or patented. 123

(6) "Donor profile record" means all records about donors or 124  
potential donors to a public institution of higher education 125  
except the names and reported addresses of the actual donors and 126  
the date, amount, and conditions of the actual donation. 127

(7) "Peace officer residential and familial information" 128  
means either of the following: 129

(a) Any information maintained in a personnel record of a 130  
peace officer that discloses any of the following: 131

(i) The address of the actual personal residence of a peace 132  
officer, except for the state or political subdivision in which 133  
the peace officer resides; 134

(ii) Information compiled from referral to or participation 135  
in an employee assistance program; 136

(iii) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a peace officer;

(iv) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a peace officer by the peace officer's employer;

(v) The identity and amount of any charitable or employment benefit deduction made by the peace officer's employer from the peace officer's compensation unless the amount of the deduction is required by state or federal law;

(vi) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a peace officer.

(b) Any record that identifies a person's occupation as a peace officer other than statements required to include the disclosure of that fact under the campaign finance law.

As used in divisions (A)(7) and (B)(5) of this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff.

(8) "Information pertaining to the recreational activities of a person under the age of eighteen" means information that is kept in the ordinary course of business by a public office, that pertains to the recreational activities of a person under the age

of eighteen years, and that discloses any of the following: 168

(a) The address or telephone number of a person under the age 169  
of eighteen or the address or telephone number of that person's 170  
parent, guardian, custodian, or emergency contact person; 171

(b) The social security number, birth date, or photographic 172  
image of a person under the age of eighteen; 173

(c) Any medical record, history, or information pertaining to 174  
a person under the age of eighteen; 175

(d) Any additional information sought or required about a 176  
person under the age of eighteen for the purpose of allowing that 177  
person to participate in any recreational activity conducted or 178  
sponsored by a public office or to use or obtain admission 179  
privileges to any recreational facility owned or operated by a 180  
public office. 181

(B)(1) Subject to division (B)(4) of this section, all public 182  
records shall be promptly prepared and made available for 183  
inspection to any person at all reasonable times during regular 184  
business hours. Subject to division (B)(4) of this section, upon 185  
request, a public office or person responsible for public records 186  
shall make copies available at cost, within a reasonable period of 187  
time. In order to facilitate broader access to public records, 188  
public offices shall maintain public records in a manner that they 189  
can be made available for inspection in accordance with this 190  
division. 191

(2) If any person chooses to obtain a copy of a public record 192  
in accordance with division (B)(1) of this section, the public 193  
office or person responsible for the public record shall permit 194  
that person to choose to have the public record duplicated upon 195  
paper, upon the same medium upon which the public office or person 196  
responsible for the public record keeps it, or upon any other 197  
medium upon which the public office or person responsible for the 198

public record determines that it reasonably can be duplicated as  
an integral part of the normal operations of the public office or  
person responsible for the public record. When the person seeking  
the copy makes a choice under this division, the public office or  
person responsible for the public record shall provide a copy of  
it in accordance with the choice made by the person seeking the  
copy.

(3) Upon a request made in accordance with division (B)(1) of  
this section, a public office or person responsible for public  
records shall transmit a copy of a public record to any person by  
United States mail within a reasonable period of time after  
receiving the request for the copy. The public office or person  
responsible for the public record may require the person making  
the request to pay in advance the cost of postage and other  
supplies used in the mailing.

Any public office may adopt a policy and procedures that it  
will follow in transmitting, within a reasonable period of time  
after receiving a request, copies of public records by United  
States mail pursuant to this division. A public office that adopts  
a policy and procedures under this division shall comply with them  
in performing its duties under this division.

In any policy and procedures adopted under this division, a  
public office may limit the number of records requested by a  
person that the office will transmit by United States mail to ten  
per month, unless the person certifies to the office in writing  
that the person does not intend to use or forward the requested  
records, or the information contained in them, for commercial  
purposes. For purposes of this division, "commercial" shall be  
narrowly construed and does not include reporting or gathering  
news, reporting or gathering information to assist citizen  
oversight or understanding of the operation or activities of  
government, or nonprofit educational research.



(4) A public office or person responsible for public records 231  
is not required to permit a person who is incarcerated pursuant to 232  
a criminal conviction or a juvenile adjudication to inspect or to 233  
obtain a copy of any public record concerning a criminal 234  
investigation or prosecution or concerning what would be a 235  
criminal investigation or prosecution if the subject of the 236  
investigation or prosecution were an adult, unless the request to 237  
inspect or to obtain a copy of the record is for the purpose of 238  
acquiring information that is subject to release as a public 239  
record under this section and the judge who imposed the sentence 240  
or made the adjudication with respect to the person, or the 241  
judge's successor in office, finds that the information sought in 242  
the public record is necessary to support what appears to be a 243  
justiciable claim of the person. 244

(5) Upon written request made and signed by a journalist on 245  
or after December 16, 1999, a public office, or person responsible 246  
for public records, having custody of the records of the agency 247  
employing a specified peace officer shall disclose to the 248  
journalist the address of the actual personal residence of the 249  
peace officer and, if the peace officer's spouse, former spouse, 250  
or child is employed by a public office, the name and address of 251  
the employer of the peace officer's spouse, former spouse, or 252  
child. The request shall include the journalist's name and title 253  
and the name and address of the journalist's employer and shall 254  
state that disclosure of the information sought would be in the 255  
public interest. 256

As used in division (B)(5) of this section, "journalist" 257  
means a person engaged in, connected with, or employed by any news 258  
medium, including a newspaper, magazine, press association, news 259  
agency, or wire service, a radio or television station, or a 260  
similar medium, for the purpose of gathering, processing, 261  
transmitting, compiling, editing, or disseminating information for 262

the general public. 263

(C) If a person allegedly is aggrieved by the failure of a 264  
public office to promptly prepare a public record and to make it 265  
available to the person for inspection in accordance with division 266  
(B) of this section, or if a person who has requested a copy of a 267  
public record allegedly is aggrieved by the failure of a public 268  
office or the person responsible for the public record to make a 269  
copy available to the person allegedly aggrieved in accordance 270  
with division (B) of this section, the person allegedly aggrieved 271  
may commence a mandamus action to obtain a judgment that orders 272  
the public office or the person responsible for the public record 273  
to comply with division (B) of this section and that awards 274  
reasonable attorney's fees to the person that instituted the 275  
mandamus action. The mandamus action may be commenced in the court 276  
of common pleas of the county in which division (B) of this 277  
section allegedly was not complied with, in the supreme court 278  
pursuant to its original jurisdiction under Section 2 of Article 279  
IV, Ohio Constitution, or in the court of appeals for the 280  
appellate district in which division (B) of this section allegedly 281  
was not complied with pursuant to its original jurisdiction under 282  
Section 3 of Article IV, Ohio Constitution. 283

(D) Chapter 1347. of the Revised Code does not limit the 284  
provisions of this section. 285

(E)(1) The bureau of motor vehicles may adopt rules pursuant 286  
to Chapter 119. of the Revised Code to reasonably limit the number 287  
of bulk commercial special extraction requests made by a person 288  
for the same records or for updated records during a calendar 289  
year. The rules may include provisions for charges to be made for 290  
bulk commercial special extraction requests for the actual cost of 291  
the bureau, plus special extraction costs, plus ten per cent. The 292  
bureau may charge for expenses for redacting information, the 293  
release of which is prohibited by law. 294

(2) As used in divisions (B)(3) and (E)(1) of this section:	295
(a) "Actual cost" means the cost of depleted supplies,	296
records storage media costs, actual mailing and alternative	297
delivery costs, or other transmitting costs, and any direct	298
equipment operating and maintenance costs, including actual costs	299
paid to private contractors for copying services.	300
(b) "Bulk commercial special extraction request" means a	301
request for copies of a record for information in a format other	302
than the format already available, or information that cannot be	303
extracted without examination of all items in a records series,	304
class of records, or data base by a person who intends to use or	305
forward the copies for surveys, marketing, solicitation, or resale	306
for commercial purposes. "Bulk commercial special extraction	307
request" does not include a request by a person who gives	308
assurance to the bureau that the person making the request does	309
not intend to use or forward the requested copies for surveys,	310
marketing, solicitation, or resale for commercial purposes.	311
(c) "Commercial" means profit-seeking production, buying, or	312
selling of any good, service, or other product.	313
(d) "Special extraction costs" means the cost of the time	314
spent by the lowest paid employee competent to perform the task,	315
the actual amount paid to outside private contractors employed by	316
the bureau, or the actual cost incurred to create computer	317
programs to make the special extraction. "Special extraction	318
costs" include any charges paid to a public agency for computer or	319
records services.	320
(3) For purposes of divisions (E)(1) and (2) of this section,	321
"commercial surveys, marketing, solicitation, or resale" shall be	322
narrowly construed and does not include reporting or gathering	323
news, reporting or gathering information to assist citizen	324
oversight or understanding of the operation or activities of	325

government, or nonprofit educational research.

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(F) The governing authority of any for profit community school established under Chapter 3314. of the Revised Code shall not be subject to this section; however, the sponsor of such school shall be subject to this section and any public records relating to the community school maintained by that sponsor shall be subject to disclosure pursuant to this section.

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Sec. 3313.537. No city, local, or exempted village school district shall prohibit the participation of any student enrolled in a community school under Chapter 3314. of the Revised Code in any extracurricular activity, including interscholastic athletics, offered by a school within the district if the same activity is not offered by the community school.

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Sec. 3314.014. (A) For the purpose of establishing an additional state-level entity to sponsor and monitor community schools, there is hereby created the state board of community schools, composed of seven members appointed by the governor. The superintendent of public instruction, or the superintendent's designee, shall serve as an ex officio nonvoting member of the board.

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Members appointed by the governor shall be selected from among persons with an interest in and commitment to education reform with particular interest in fostering the development of community schools. At least one member shall have a background in finance, one member shall have a background in business, one member shall have a background in school design and administration, and one member shall have a background in school assessment and accountability. Of the initial seven members appointed by the governor, one shall be appointed to a one-year term, two shall be appointed to two-year terms, two shall be

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appointed to three-year terms, one shall be appointed to a 356  
four-year term, and one shall be appointed to a five-year term. 357  
Thereafter, members shall be appointed to five-year terms, 358  
beginning on the first day of July and ending on the thirtieth day 359  
of June. Members may be reappointed. Vacancies shall be filled in 360  
the same manner as original appointments. Members shall receive no 361  
compensation but shall be reimbursed for actual and necessary 362  
expenses incurred in the performance of their official duties. 363

(B) The governor shall appoint an initial executive director 364  
of the board who shall serve at the pleasure of the board. The 365  
board shall appoint any subsequent executive director who shall 366  
serve at the pleasure of the board. The director shall be 367  
supportive of efforts to ensure a wide range of educational 368  
options for Ohio students. 369

(C) The board is a body corporate and politic, an agency of 370  
state government and an instrumentality of the state, performing 371  
essential governmental functions of the state. The carrying out of 372  
the purposes and the exercise by the board of its powers conferred 373  
under this chapter are essential public functions and public 374  
purposes of the state. The board may, in its own name, sue and be 375  
sued, enter into contracts, and perform all the powers and duties 376  
granted to the board under this chapter, but it does not have and 377  
shall not exercise the power of eminent domain. 378

The attorney general shall serve as the legal representative 379  
for the board and may appoint other counsel as necessary for that 380  
purpose in accordance with section 109.07 of the Revised Code. 381

(D) The general assembly shall provide funding for the 382  
operation of the board. 383

(E) The board shall do all of the following: 384

(1) Enter into, renew, and revoke community school contracts 385  
under section 3314.02 of the Revised Code; 386

<u>(2) Employ and establish the compensation of the executive director and such clerical and administrative staff as needed;</u>	387 388
<u>(3) Monitor and evaluate the academic programs, operational performance, and legal compliance of community schools with which the commission has contracted;</u>	389 390 391
<u>(4) Establish rules for carrying out its duties in accordance with section 111.15 of the Revised Code;</u>	392 393
<u>(5) Issue an annual report regarding the board's activities to the governor, the speaker of the house of representatives, the president of the senate, and the chairpersons of house and senate committees principally responsible for education matters;</u>	394 395 396 397
<u>(6) Make legislative recommendations to the general assembly designed to enhance the operation and performance of community schools and the innovative nature, effectiveness, accountability, and fiscal soundness of those schools as authorized under this chapter;</u>	398 399 400 401 402
<u>(7) Receive and accept any gifts, grants, pledges, or donations to be used for the furtherance of any duty of the board;</u>	403 404
<u>(8) Establish a timetable for the department of education to make payments to community schools in the amounts specified by section 3314.08 of the Revised Code, except that if the department has good cause not to make a payment to one or more schools by a date established by the board, the department may request the board to alter the timetable for such good cause.</u>	405 406 407 408 409 410
<u>(F) Notwithstanding section 101.83 of the Revised Code, that section does not apply to the state board of community schools.</u>	411 412
<b>Sec. 3314.02.</b> (A) As used in this chapter:	413
(1) "Sponsor" means a public entity listed in division (C)(1) of this section with which the governing authority of the proposed	414 415

community school enters into a contract pursuant to this section. 416

(2) "Pilot project area" means the school districts included 417  
in the territory of the former community school pilot project 418  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 419  
the 122nd general assembly. 420

(3) "Challenged school district" means any of the following: 421

(a) A school district that is part of the pilot project area; 422  
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(b) A school district that is in a state of academic 424  
emergency or academic watch under section 3302.03 of the Revised 425  
Code; 426

(c) A big eight school district; 427

(d) An urban school district. 428

(4) "Big eight school district" means a school district that 429  
for fiscal year 1997 had both of the following: 430

(a) A percentage of children residing in the district and 431  
participating in the predecessor of Ohio works first greater than 432  
thirty per cent, as reported pursuant to section 3317.10 of the 433  
Revised Code; 434

(b) An average daily membership greater than twelve thousand, 435  
as reported pursuant to former division (A) of section 3317.03 of 436  
the Revised Code. 437

(5) "New start-up school" means a community school other than 438  
one created by converting all or part of an existing public 439  
school, as designated in the school's contract pursuant to 440  
division (A)(17) of section 3314.03 of the Revised Code. 441

(6) "Urban school district" means one of the state's 442  
twenty-one urban school districts as defined in division (O) of 443  
section 3317.02 of the Revised Code as that section existed prior 444

to July 1, 1998.

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(B) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, or exempted village school district in which the public school is proposed to be converted. Upon receipt of a proposal, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school, indicating the intention of the board of education to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board of education. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board of education shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

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(C)(1) Any person or group of individuals may propose under this division the establishment of a new start-up school to be located in a challenged school district. The proposal may be made to any of the following public entities:

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(a) The board of education of the district in which the school is proposed to be located;

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(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located;

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(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be

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located has the major portion of its territory; 476

(d) The state board of education; 477

(e) If the school is proposed to be located in the pilot 478  
project area, the governing board of the educational service 479  
center serving the county containing the majority of the territory 480  
of the pilot project area; 481

(f) ~~If the school is proposed to be located in the pilot~~ 482  
~~project area, a~~ A sponsoring authority designated by the board of 483  
trustees of ~~a state university located in the pilot project area,~~ 484  
any of the thirteen state-supported universities listed in section 485  
3345.011 of the Revised Code or the board of trustees itself; 486

(g) The state board of community schools created by section 487  
3314.014 of the Revised Code. 488

The public entity may enter into a preliminary agreement 489  
pursuant to division (C)(2) of this section with the proposing 490  
person or group. 491

(2) A preliminary agreement indicates the intention of a 492  
public entity described in division (C)(1) of this section to 493  
sponsor the community school. A proposing person or group that has 494  
such a preliminary agreement may proceed to finalize plans for the 495  
school, establish a governing authority for the school, and 496  
negotiate a contract with the public entity. Provided the 497  
proposing person or group adheres to the preliminary agreement and 498  
all provisions of this chapter, the public entity shall negotiate 499  
in good faith to enter into a contract in accordance with section 500  
3314.03 of the Revised Code. 501

(3) A new start-up school that is established in a school 502  
district while that district is in a state of academic emergency 503  
or academic watch under section 3302.03 of the Revised Code may 504  
continue in existence once the school district is no longer in a 505  
state of academic emergency or watch, provided there is a valid 506

contract between the school and a sponsor. 507

(D) A majority vote of the board of a sponsoring ~~school~~ 508  
~~district board~~ entity and a majority vote of the members of the 509  
governing authority of a community school shall be required to 510  
adopt a contract and convert the public school to a community 511  
school or establish the new start-up school. An unlimited number 512  
of community schools may be established in any school district 513  
provided that a contract is entered into for each community school 514  
pursuant to this chapter. 515

Sec. 3314.022. The governing authority of any community 516  
school established under this chapter may contract with the 517  
governing authority of another community school, the board of 518  
education of a school district, or the administrative authority of 519  
a nonpublic school for provision of services for any disabled 520  
student enrolled at the school. Any school district board of 521  
education shall negotiate with a community school governing 522  
authority that seeks to contract for the provision of services for 523  
a disabled student under this section in the same manner as it 524  
would with the board of education of another school district that 525  
seeks to contract for such services. 526

**Sec. 3314.03.** (A) Each contract entered into under section 527  
3314.02 of the Revised Code between a sponsor and the governing 528  
authority of a community school shall specify the following: 529

(1) That the school shall ~~be~~ either: 530

(a) Be established as a nonprofit corporation established 531  
under Chapter 1702. of the Revised Code; 532

(b) Be established as a for profit entity provided that the 533  
governing authority first posts a bond payable to the state in an 534  
amount equal to one per cent of the entity's gross revenue during 535  
the tax year that ended prior to the year the contract between the 536

school's sponsor and the governing authority is executed. If the  
entity was not in business for an entire tax year prior to the  
year the contract is executed, the governing authority shall post  
a bond in an amount of at least one million dollars. Any bond  
posted under this division shall be used to cover any repayment of  
moneys that the school may owe to the state in the event that the  
school closes prior to the end of any fiscal year.

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(2) The education program of the school, including the  
school's mission, the characteristics of the students the school  
is expected to attract, the ages and grades of students, and the  
focus of the curriculum;

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(3) The academic goals to be achieved and the method of  
measurement that will be used to determine progress toward those  
goals, which shall include the statewide achievement tests;

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(4) Performance standards by which the success of the school  
will be evaluated by the sponsor;

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(5) The admission standards of section 3314.06 of the Revised  
Code;

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(6) Dismissal procedures;

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(7) The ways by which the school will achieve racial and  
ethnic balance reflective of the community it serves;

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(8) Requirements and procedures for financial audits by the  
auditor of state. The contract shall require financial records of  
the school to be maintained in the same manner as are financial  
records of school districts, pursuant to rules of the auditor of  
state, and the audits shall be conducted in accordance with  
section 117.10 of the Revised Code.

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(9) The facilities to be used and their locations;

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(10) Qualifications of teachers, ~~including a requirement that  
the school's classroom teachers be licensed in accordance with~~

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~~sections 3319.22 to 3319.31 of the Revised Code, except that a~~ 567  
~~community school may engage noncertificated persons to teach up to~~ 568  
~~twelve hours per week pursuant to section 3319.301 which shall be~~ 569  
~~in conformance with section 3314.031 of the Revised Code;~~ 570

(11) That the school will comply with the following 571  
requirements: 572

(a) The school will provide learning opportunities to a 573  
minimum of twenty-five students for a minimum of nine hundred 574  
twenty hours per school year; 575

(b) The governing authority will purchase liability 576  
insurance, or otherwise provide for the potential liability of the 577  
school; 578

(c) The school will be nonsectarian in its programs, 579  
admission policies, employment practices, and all other 580  
operations, and will not be operated by a sectarian school or 581  
religious institution; 582

(d) The school will comply with divisions (A), (B), and (C) 583  
of section 3301.0715 and sections 9.90, 9.91, 109.65, 121.22, 584  
149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 585  
3301.0712, ~~3301.0714~~, 3313.50, 3313.643, 3313.66, 3313.661, 586  
3313.662, 3313.67, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 587  
3313.80, 3313.96, 3319.321, 3319.39, 3321.01, 3327.10, 4111.17, 588  
and 4113.52 and Chapters 117., 1347., 2744., 3365., 4112., 4123., 589  
4141., and 4167. of the Revised Code as if it were a school 590  
district and will comply with section 3301.0714 of the Revised 591  
Code in the manner specified in section 3314.17 of the Revised 592  
Code; 593

(e) The school shall comply with Chapter 102. of the Revised 594  
Code except that nothing in that chapter shall prohibit a member 595  
of the school's governing board from also being an employee of the 596  
school and nothing in that chapter or section 2921.42 of the 597

Revised Code shall prohibit a member of the school's governing board from having an interest in a contract into which the governing board enters;

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education;

(g) The school governing authority will submit an annual report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor, the parents of all students enrolled in the school, and the legislative office of education oversight. The school will collect and provide any data that the legislative office of education oversight requests in furtherance of any study or research that the general assembly requires the office to conduct, including the studies required under Section 50.39 of Am. Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of Am. Sub. H.B. 215 of the 122nd general assembly, as amended.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an academic year and shall not exceed five years;

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the

total estimated per pupil expenditure amount for each such year. 629  
The plan shall specify for each year the base formula amount that 630  
will be used for purposes of funding calculations under section 631  
3314.08 of the Revised Code. This base formula amount for any year 632  
shall not exceed the formula amount defined under section 3317.02 633  
of the Revised Code. The plan may also specify for any year a 634  
percentage figure to be used for reducing the per pupil amount of 635  
disadvantaged pupil impact aid calculated pursuant to section 636  
3317.029 of the Revised Code the school is to receive that year 637  
under section 3314.08 of the Revised Code. 638

(16) Requirements and procedures regarding the disposition of 639  
employees of the school in the event the contract is terminated or 640  
not renewed pursuant to section 3314.07 of the Revised Code; 641

(17) Whether the school is to be created by converting all or 642  
part of an existing public school or is to be a new start-up 643  
school, and if it is a converted public school, specification of 644  
any duties or responsibilities of an employer that the board of 645  
education that operated the school before conversion is delegating 646  
to the governing board of the community school with respect to all 647  
or any specified group of employees provided the delegation is not 648  
prohibited by a collective bargaining agreement applicable to such 649  
employees; 650

(18) Provisions establishing procedures for resolving 651  
disputes or differences of opinion between the sponsor and the 652  
governing authority of the community school; 653

(19) A provision requiring the governing authority to adopt a 654  
policy regarding the admission of students who reside outside the 655  
district in which the school is located. That policy shall comply 656  
with the admissions procedures specified in section 3314.06 of the 657  
Revised Code and, at the sole discretion of the authority, shall 658  
do one of the following: 659

(a) Prohibit the enrollment of students who reside outside the district in which the school is located; 660 661

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located; 662 663

(c) Permit the enrollment of students who reside in any other district in the state. 664 665

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following: 666 667 668

(1) The process by which the governing authority of the school will be selected in the future; 669 670

(2) The management and administration of the school; 671

(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion; 672 673 674 675

(4) The instructional program and educational philosophy of the school; 676 677

(5) Internal financial controls. 678

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. 679 680 681 682 683 684

Sec. 3314.031. A community school established under this chapter shall employ as teachers only persons who meet at least one of the following conditions: 685 686 687

(A) The person is licensed in accordance with sections 688

3319.22 to 3319.31 of the Revised Code.

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(B) The person holds a permit issued under section 3319.301 of the Revised Code and the person teaches for not more than twelve hours per week.

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(C) The person holds a bachelor's degree and the employing school provides a mentoring program for that person for one year in the same manner as required for persons with an alternative educator license under rule 3301-24-10 of the Administrative Code. If a person is employed by a single community school for one year in complete conformance with this division, that person may thereafter teach in any community school in the state without any further licensing or mentorship requirement. The office of community school options established under section 3314.11 of the Revised Code shall establish and maintain a registry of persons employed under this division.

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**Sec. 3314.06.** The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

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(A) That except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

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(B) That admission to the school may be limited to students who have attained a specific grade level or are within a specific age group; to students that meet a definition of "at-risk," as defined in the contract; or to residents of a specific geographic area within the district, as defined in the contract.

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(C) Whether enrollment is limited to students who reside in the district in which the school is located or is open to

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residents of other districts, as provided in the policy adopted  
pursuant to the contract.

(D) That there will be no discrimination in the admission of  
students to the school on the basis of race, creed, color,  
handicapping condition, or sex, except that the governing  
authority may establish a single-gender school for the purpose  
described in division (G) of this section; and that, upon  
admission of any handicapped student, the community school will  
comply with all federal and state laws regarding the education of  
handicapped students.

(E) That the school may not limit admission to students on  
the basis of intellectual ability, measures of achievement or  
aptitude, or athletic ability.

(F) That the community school will admit the number of  
students that does not exceed the capacity of the school's  
programs, classes, grade levels, or facilities.

(G) That the purpose of any single-gender school that is  
established shall be to take advantage of the academic benefits  
some students realize from single-gender instruction and  
facilities and to offer students and parents residing in the  
district the option of a single-gender education.

(H) That, except as otherwise provided under division (B) of  
this section, if the number of applicants exceeds the capacity  
restrictions of division (F) of this section, students shall be  
admitted by lot from all those submitting applications, except  
preference shall be given to students attending the school the  
previous year and to students who reside in the district in which  
the school is located. Preference may be given to siblings of  
students attending the school the previous year.

Notwithstanding divisions (A) through ~~(G)~~(H) of this section,  
in the event the racial composition of the enrollment of the

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community school is violative of a federal desegregation order, 750  
the community school shall take any and all corrective measures to 751  
comply with the desegregation order. 752

**Sec. 3314.07.** (A) The expiration of the contract for a 753  
community school between a sponsor and a school shall be the date 754  
provided in the contract. A successor contract may be entered into 755  
unless the contract is terminated or not renewed pursuant to this 756  
section. 757

(B)(1) A sponsor may choose not to renew a contract at its 758  
expiration or may choose to terminate a contract prior to its 759  
expiration for any of the following reasons: 760

(a) Failure to meet student performance requirements stated 761  
in the contract; 762

(b) Failure to meet generally accepted standards of fiscal 763  
management; 764

(c) Violation of any provision of the contract or applicable 765  
state or federal law; 766

(d) Other good cause. 767

(2) ~~A sponsor may choose to terminate a contract prior to its~~ 768  
~~expiration if the sponsor has suspended the operation of the~~ 769  
~~contract under section 3314.072 of the Revised Code~~ A termination 770  
of a contract under this section shall be effective only at the 771  
conclusion of a school year. 772

(3) At least ~~ninety~~ one hundred eighty days prior to the 773  
termination or nonrenewal of a contract, the sponsor shall notify 774  
the school of the proposed action in writing. The notice shall 775  
include the reasons for the proposed action in detail, the 776  
effective date of the termination or nonrenewal, and a statement 777  
that the school may, within fourteen days of receiving the notice, 778  
request an informal hearing before the sponsor. Such request must 779

be in writing. ~~The informal hearing shall be held within seventy~~ 780  
~~days of the receipt of a request for the hearing. Promptly~~ 781  
~~following~~ Following the informal hearing, the sponsor shall issue 782  
a written decision either affirming or rescinding the decision to 783  
terminate or not renew the contract. 784

(4) A decision by the sponsor to terminate a contract may be 785  
appealed to the state board of education. The decision by the 786  
state board pertaining to an appeal under this division is final. 787  
If the sponsor is the state board, its decision to terminate a 788  
contract under division (B)~~(4)~~(3) of this section shall be final. 789

~~(5) The termination of a contract under this section shall be~~ 790  
~~effective upon the occurrence of the later of the following~~ 791  
~~events:~~ 792

~~(a) Ninety days following the date the sponsor notifies the~~ 793  
~~school of its decision to terminate the contract as prescribed in~~ 794  
~~division (B)(3) of this section;~~ 795

~~(b) If an informal hearing is requested under division (B)(3)~~ 796  
~~of this section and as a result of that hearing the sponsor~~ 797  
~~affirms its decision to terminate the contract, the effective date~~ 798  
~~of the termination specified in the notice issued under division~~ 799  
~~(B)(3) of this section, or if that decision is appealed to the~~ 800  
~~state board under division (B)(4) of this section and the state~~ 801  
~~board affirms that decision, the date established in the~~ 802  
~~resolution of the state board affirming the sponsor's decision.~~ 803

(C) A child attending a community school whose contract has 804  
been terminated, nonrenewed, or suspended or that closes for any 805  
reason shall be admitted to the schools of the district in which 806  
the child is entitled to attend under section 3313.64 or 3313.65 807  
of the Revised Code. Any deadlines established for the purpose of 808  
admitting students under section 3313.97 or 3313.98 shall be 809  
waived for students to whom this division pertains. 810

(D) A sponsor of a community school and the officers, 811  
directors, or employees of such a sponsor are not liable in 812  
damages in a tort or other civil action for harm allegedly arising 813  
from either of the following: 814

(1) A failure of the community school or any of its officers, 815  
directors, or employees to perform any statutory or common law 816  
duty or responsibility or any other legal obligation; 817

(2) An action or omission of the community school or any of 818  
its officers, directors, or employees that results in harm. 819

(E) As used in this section: 820

(1) "Harm" means injury, death, or loss to person or 821  
property. 822

(2) "Tort action" means a civil action for damages for 823  
injury, death, or loss to person or property other than a civil 824  
action for damages for a breach of contract or another agreement 825  
between persons. 826

**Sec. 3314.072.** The provisions of this section are enacted to 827  
promote the public health, safety, and welfare by establishing 828  
procedures under which the governing authorities of community 829  
schools established under this chapter will be held accountable 830  
for their compliance with the terms of the contracts they enter 831  
into with their school's sponsors and the law relating to the 832  
school's operation. Suspension of the operation of a school 833  
imposed under this section is intended to encourage the governing 834  
authority's compliance with the terms of the school's contract and 835  
the law and is not intended to be an alteration of the terms of 836  
that contract. 837

(A) If a sponsor of a community school established under this 838  
chapter suspends the operation of that school pursuant to 839  
procedures set forth in this section, the governing authority 840

shall not operate that school while the suspension is in effect. 841  
Any such suspension shall remain in effect until the sponsor 842  
notifies the governing authority that it is no longer in effect. 843  
The contract of a school of which operation is suspended under 844  
this section also may be subject to termination or nonrenewal 845  
under section 3314.07 of the Revised Code. 846

(B) If at any time ~~the sponsor of a community school~~ 847  
~~established under this chapter determines that~~ conditions at the 848  
school do not comply with a health and safety standard established 849  
by law for school buildings, the sponsor shall immediately suspend 850  
the operation of the school pursuant to procedures set forth in 851  
division (D) of this section. 852

(C)(1) For any of the reasons prescribed in division 853  
(B)(1)(a) to (d) of section 3314.07 of the Revised Code, the 854  
sponsor of a community school established under this chapter may 855  
suspend the operation of the school only if it first issues to the 856  
governing authority notice of the sponsor's intent to suspend the 857  
operation of the contract. Such notice shall explain the reasons 858  
for the sponsor's intent to suspend operation of the contract and 859  
shall provide the school's governing authority with five business 860  
days to submit to the sponsor a proposal to remedy the conditions 861  
cited as reasons for the suspension. 862

(2) The sponsor shall promptly review any proposed remedy 863  
timely submitted by the governing authority and either approve or 864  
disapprove the remedy. If the sponsor disapproves the remedy 865  
proposed by the governing authority, if the governing authority 866  
fails to submit a proposed remedy in the manner prescribed by the 867  
sponsor, or if the governing authority fails to implement the 868  
remedy as approved by the sponsor, the sponsor may suspend 869  
operation of the school pursuant to procedures set forth in 870  
division (D) of this section. 871

(D)(1) If division (B) of this section applies or if the 872

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sponsor of a community school established under this chapter  
decides to suspend the operation of a school as permitted in  
division (C)(2) of this section, the sponsor shall promptly send  
written notice to the governing authority stating that the  
operation of the school is immediately suspended, and explaining  
the specific reasons for the suspension. The notice shall state  
that the governing authority has five business days to submit a  
proposed remedy to the conditions cited as reasons for the  
suspension or face potential contract termination.

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(2) Upon receipt of the notice of suspension prescribed under  
division (D)(1) of this section, the governing authority shall  
immediately notify the employees of the school and the parents of  
the students enrolled in the school of the suspension and the  
reasons therefore, and shall cease all school operations on the  
next business day.

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Sec. 3314.081. To the extent permitted by federal law, the  
department of education shall include community schools  
established under this chapter in its annual allocation of federal  
moneys under Title I of the Elementary and Secondary Education Act  
of 1965, 20 U.S.C. 6301, et seq.

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**Sec. 3314.09.** (A) As used in this section and section  
3314.091 of the Revised Code, "native student" means a student  
entitled to attend school in the school district under section  
3313.64 or 3313.65 of the Revised Code.

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(B) Except as provided in section 3314.091 of the Revised  
Code, the board of education of each city, local, and exempted  
village school district shall provide transportation to and from  
school for its district's native students enrolled in a community  
school located in that district or another district on the same  
basis that it provides transportation for its native students

enrolled in schools to which they are assigned by the board of  
education at the same grade level and who live the same distance  
from school except when, in the judgment of the board, confirmed  
by the state board of education, the transportation is unnecessary  
or unreasonable. A board shall not be required to transport  
nonhandicapped students to and from a community school located in  
another school district if the transportation would require more  
than thirty minutes of direct travel time as measured by school  
bus from the collection point designated by the district's  
coordinator of school transportation.

(C) Where it is impractical to transport a pupil to and from  
a community school by school conveyance, a board may, in lieu of  
providing the transportation, pay a parent, guardian, or other  
person in charge of the child. The amount paid per pupil shall in  
no event exceed the average transportation cost per pupil, which  
shall be based on the cost of transportation of children by all  
boards of education in this state during the next preceding year.

(D) The daily and annual instructional schedules of a  
community school and admission policies of such school as  
established under section 3314.06 of the Revised Code are the sole  
responsibility of the community school's governing authority, and  
are subject only to the requirements of this chapter and the  
governing authority's contract with its sponsor. Each school  
district board of education that is required to provide  
transportation for community school students under this section  
shall provide the transportation in accordance with those  
schedules and policies so that students may be present on time and  
at all times that the community school is open for instruction.

**Sec. 3314.091.** (A) A school district is not required to  
provide transportation for any native student enrolled in a  
community school if the district board of education has entered

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into an agreement with the community school's governing authority 934  
that designates the community school as responsible for providing 935  
or arranging for the transportation of the district's native 936  
students to and from the community school. For any such agreement 937  
to be effective, it must be certified by the ~~superintendent of~~ 938  
~~public instruction~~ sponsor of the community school as having met 939  
both of the following requirements: 940

(1) It is submitted to the ~~department of education~~ sponsor by 941  
a deadline which shall be established by the ~~department~~ sponsor. 942

(2) It specifies qualifications, such as residing a minimum 944  
distance from the school, for students to have their 945  
transportation provided or arranged. 946

(B)(1) A community school governing ~~board~~ authority that 947  
enters into an agreement to provide transportation under this 948  
section shall provide or arrange transportation free of any charge 949  
for each of its enrolled students in grades kindergarten through 950  
eight who live more than two miles from the school, ~~except that~~ 951  
~~the governing board may make a payment in lieu of providing~~ 952  
~~transportation to the parent, guardian, or person in charge of the~~ 953  
~~student at the same rate as specified for a school district board~~ 954  
~~in division (C) of section 3314.09 of the Revised Code~~ except that 955  
if the drive time measured by the vehicle specified by the school 956  
for transporting ~~the students~~ such a student from the student's 957  
residence to the school is more than thirty minutes, the governing 958  
authority in lieu of providing or arranging such transportation 959  
may either: 960

(a) Charge the student's parent, guardian, or person in 961  
charge of the student a fee for the transportation service up to 962  
the actual cost of the service less any amount received by the 963  
school for transporting that student under division (C) of this 964



section; or

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(b) Make a payment for that student to the student's parent, guardian, or person in charge of the student at the same rate as specified for a school district board in division (C) of section 3314.09 of the Revised Code. The

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The governing board authority may provide or arrange transportation for any other enrolled student and may charge a fee for such service up to the actual cost of the service less any amount received by the school for transporting that student under division (C) of this section. The governing ~~board~~ authority may request the payment specified under division (C) of this section for any student it transports, for whom it arranges transportation, or for whom it makes a payment in lieu of providing transportation if the student lives more than one mile from the community school or is disabled and the individual education program requires transportation.

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(2) Notwithstanding anything to the contrary in division (B)(1) of this section, a community school governing ~~board~~ authority shall provide or arrange transportation free of any charge for any disabled student enrolled in the school for whom the student's individualized education program developed under Chapter 3323. of the Revised Code specifies transportation.

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(C)(1) If a school district board and a community school governing authority elect to enter into an agreement under this section, the department of education annually shall pay the community school the amount specified in division (C)(2) of this section for each of the enrolled students for whom the school's governing authority provides or arranges transportation to and from school. The department shall deduct the payment from the state payment under Chapter 3317. and, if necessary, sections 321.14 and 323.156 of the Revised Code that is otherwise paid to the school district in which the student enrolled in the community

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school resides. The department shall include the number of the  
district's native students for whom payment is made to a community  
school under this division in the calculation of the district's  
transportation payment under division (D) of section 3317.022 of  
the Revised Code.

A community school shall be paid under this division only for  
students who live more than one mile from the school or who are  
disabled and whose individualized education program requires  
transportation and whose transportation to and from school is  
actually provided or arranged or for whom a payment in lieu of  
transportation is made by the community school's governing  
authority. To qualify for the payments, the community school shall  
report to the department, in the form and manner required by the  
department, data on the number of students transported or whose  
transportation is arranged, the number of miles traveled, cost to  
transport, and any other information requested by the department.

A community school shall use payments received under this  
division solely to pay the costs of providing or arranging for the  
transportation of students who live more than one mile from the  
school or who are disabled and whose individualized education  
program requires transportation, which may include payments to a  
parent, guardian, or other person in charge of a child in lieu of  
transportation.

(2) The payment to a community school governing authority  
under this section for each student who lives more than one mile  
from the school or who is disabled and whose individualized  
education program requires transportation and for whom the school  
actually provides or arranges transportation or makes a payment in  
lieu of providing transportation, shall be made according to the  
following schedule:

(a) In fiscal year 2002, four-hundred fifty dollars per

student; 1029

(b) In fiscal year 2003 and every fiscal year thereafter, the 1030  
amount specified in division (C)(2)(a) of this section multiplied 1031  
by the negative or positive percentage of change reported in the 1032  
consumer price index (all urban consumers, transportation) by the 1033  
bureau of labor statistics of the United States department of 1034  
labor from the beginning of the calendar year that ended just 1035  
prior to the beginning of the fiscal year to the end of that 1036  
calendar year. 1037

(D) Except when arranged through payment to a parent, 1038  
guardian, or person in charge of a child, transportation provided 1039  
or arranged for by a community school pursuant to an agreement 1040  
under this section is subject to all provisions of the Revised 1041  
Code, and all rules adopted under the Revised Code, pertaining to 1042  
the construction, design, equipment, and operation of school buses 1043  
and other vehicles transporting students to and from school. The 1044  
drivers and mechanics of the vehicles are subject to all 1045  
provisions of the Revised Code, and all rules adopted under the 1046  
Revised Code, pertaining to drivers and mechanics of such 1047  
vehicles. The community school also shall comply with sections 1048  
3313.201, 3327.09, and 3327.10 and division (B) of section 3327.16 1049  
of the Revised Code as if it were a school district. For purposes 1050  
of complying with section 3327.10 of the Revised Code, the 1051  
educational service center that serves the county in which the 1052  
community school is located shall be the certifying agency, unless 1053  
the agreement designates the school district as the certifying 1054  
agency. 1055

**Sec. 3314.13.** (A) As used in this section: 1056

(1) "All-day kindergarten" has the same meaning as in section 1057  
3317.029 of the Revised Code. 1058

(2) "Formula amount" has the same meaning as in section 1059

3317.02 of the Revised Code. 1060

(B) The department of education annually shall pay each 1061  
community school established under this chapter one-half of the 1062  
formula amount for each student to whom both of the following 1063  
apply: 1064

(1) The student is entitled to attend school under section 1065  
3313.64 or 3313.65 of the Revised Code in a school district that 1066  
is eligible to receive a payment under division (D) of section 1067  
3317.029 of the Revised Code if it provides all-day kindergarten; 1068

(2) The student is reported by the community school ~~under~~ 1069  
~~division (B)(3) of section 3314.08 of the Revised Code~~ as enrolled 1070  
in all-day kindergarten at the community school. 1071

(C) If a student for whom payment is made under division (B) 1072  
of this section is entitled to attend school in a district that 1073  
receives any payment for all-day kindergarten under division (D) 1074  
of section 3317.029 of the Revised Code, the department shall 1075  
deduct the payment to the community school under this section from 1076  
the amount paid that school district under that division. If that 1077  
school district does not receive payment for all-day kindergarten 1078  
under that division because it does not provide all-day 1079  
kindergarten, the department shall pay the community school from 1080  
state funds appropriated generally for disadvantaged pupil impact 1081  
aid. 1082

(D) The department shall adjust the amounts deducted from 1083  
school districts and paid to community schools under this section 1084  
to reflect any enrollments of students in all-day kindergarten in 1085  
community schools for less than the equivalent of a full school 1086  
year. 1087

**Sec. ~~3314.011~~ 3314.16.** Every community school established 1088  
under this chapter shall have a designated fiscal officer. The 1089

auditor of state may require by rule that the fiscal officer of 1090  
any community school, before entering upon duties as fiscal 1091  
officer of the school, execute a bond in an amount and with surety 1092  
to be approved by the governing authority of the school, payable 1093  
to the state, conditioned for the faithful performance of all the 1094  
official duties required of the fiscal officer. Any such bond 1095  
shall be deposited with the governing authority of the school, and 1096  
a copy thereof, certified by the governing authority, shall be 1097  
filed with the county auditor. 1098

Sec. 3314.17. (A) Each community school established under 1099  
this chapter shall participate in the statewide education 1100  
management information system established under section 3301.0714 1101  
of the Revised Code. All provisions of that section and the 1102  
guidelines adopted under that section apply to each community 1103  
school as if it were a school district, except as modified for 1104  
community schools under division (B) of this section. 1105

(B) The guidelines adopted by the state board of education 1106  
under section 3301.0714 of the Revised Code may distinguish 1107  
methods and timelines for community schools to annually report 1108  
data, which methods and timelines differ from those prescribed for 1109  
school districts. Any methods and timelines prescribed for 1110  
community schools shall be appropriate to the academic schedule 1111  
and financing of community schools. The guidelines, however, shall 1112  
not modify the actual data required to be reported under that 1113  
section. 1114

(C) Each financial officer appointed under section 3314.16 of 1115  
the Revised Code is responsible for annually reporting the 1116  
community school's data under section 3301.0714 of the Revised 1117  
Code. If the superintendent of public instruction determines that 1118  
a community school financial officer has willfully failed to 1119  
report data or has willfully reported erroneous, inaccurate, or 1120  
incomplete data in any year, or has negligently reported 1121

erroneous, inaccurate, or incomplete data in the current and any 1122  
previous year, the superintendent may impose a civil penalty of 1123  
one hundred dollars on the financial officer after providing the 1124  
officer with notice and an opportunity for a hearing in accordance 1125  
with Chapter 119. of the Revised Code. The superintendent's 1126  
authority to impose civil penalties under this division does not 1127  
preclude the state board of education from suspending or revoking 1128  
the license of a community school employee under division (N) of 1129  
section 3301.0714 of the Revised Code. 1130

**Sec. 3317.024.** In addition to the moneys paid to eligible 1131  
school districts pursuant to section 3317.022 of the Revised Code, 1132  
moneys appropriated for the education programs in divisions (A) to 1133  
(H), (J) to (L), (O), (P), and (R) of this section shall be 1134  
distributed to school districts meeting the requirements of 1135  
section 3317.01 of the Revised Code; in the case of divisions (J) 1136  
and (P) of this section, to educational service centers as 1137  
provided in section 3317.11 of the Revised Code; in the case of 1138  
divisions (E), (M), and (N) of this section, to county MR/DD 1139  
boards; in the case of division (R) of this section, to joint 1140  
vocational school districts; in the case of division (K) of this 1141  
section, to cooperative education school districts; and in the 1142  
case of division (Q) of this section, to the institutions defined 1143  
under section 3317.082 of the Revised Code providing elementary or 1144  
secondary education programs to children other than children 1145  
receiving special education under section 3323.091 of the Revised 1146  
Code. The following shall be distributed monthly, quarterly, or 1147  
annually as may be determined by the state board of education: 1148

(A) A per pupil amount to each school district that 1149  
establishes a summer school remediation program that complies with 1150  
rules of the state board of education. 1151

(B) An amount for each island school district and each joint 1152

state school district for the operation of each high school and 1153  
each elementary school maintained within such district and for 1154  
capital improvements for such schools. Such amounts shall be 1155  
determined on the basis of standards adopted by the state board of 1156  
education. 1157

(C) An amount for each school district operating classes for 1158  
children of migrant workers who are unable to be in attendance in 1159  
an Ohio school during the entire regular school year. The amounts 1160  
shall be determined on the basis of standards adopted by the state 1161  
board of education, except that payment shall be made only for 1162  
subjects regularly offered by the school district providing the 1163  
classes. 1164

(D) An amount for each school district with guidance, 1165  
testing, and counseling programs approved by the state board of 1166  
education. The amount shall be determined on the basis of 1167  
standards adopted by the state board of education. 1168

(E) An amount for the emergency ~~purchase~~ acquisition of 1169  
school buses as provided for in section 3317.07 of the Revised 1170  
Code; 1171

(F) An amount for each school district required to pay 1172  
tuition for a child in an institution maintained by the department 1173  
of youth services pursuant to section 3317.082 of the Revised 1174  
Code, provided the child was not included in the calculation of 1175  
the district's average daily membership for the preceding school 1176  
year. 1177

(G) In fiscal year 2000 only, an amount to each school 1178  
district for supplemental salary allowances for each licensed 1179  
employee except those licensees serving as superintendents, 1180  
assistant superintendents, principals, or assistant principals, 1181  
whose term of service in any year is extended beyond the term of 1182  
service of regular classroom teachers, as described in section 1183

3301.0725 of the Revised Code; 1184

(H) An amount for adult basic literacy education for each 1185  
district participating in programs approved by the state board of 1186  
education. The amount shall be determined on the basis of 1187  
standards adopted by the state board of education. 1188

(I) Notwithstanding section 3317.01 of the Revised Code, but 1189  
only until June 30, 1999, to each city, local, and exempted 1190  
village school district, an amount for conducting driver education 1191  
courses at high schools for which the state board of education 1192  
prescribes minimum standards and to joint vocational and 1193  
cooperative education school districts and educational service 1194  
centers, an amount for conducting driver education courses to 1195  
pupils enrolled in a high school for which the state board 1196  
prescribes minimum standards. No payments shall be made under this 1197  
division after June 30, 1999. 1198

(J) An amount for the approved cost of transporting 1199  
developmentally handicapped pupils whom it is impossible or 1200  
impractical to transport by regular school bus in the course of 1201  
regular route transportation provided by the district or service 1202  
center. No district or service center is eligible to receive a 1203  
payment under this division for the cost of transporting any pupil 1204  
whom it transports by regular school bus and who is included in 1205  
the district's transportation ADM. The state board of education 1206  
shall establish standards and guidelines for use by the department 1207  
of education in determining the approved cost of such 1208  
transportation for each district or service center. 1209

(K) An amount to each school district, including each 1210  
cooperative education school district, pursuant to section 3313.81 1211  
of the Revised Code to assist in providing free lunches to needy 1212  
children and an amount to assist needy school districts in 1213  
purchasing necessary equipment for food preparation. The amounts 1214  
shall be determined on the basis of rules adopted by the state 1215



board of education. 1216

(L) An amount to each school district, for each pupil 1217  
attending a chartered nonpublic elementary or high school within 1218  
the district. The amount shall equal the amount appropriated for 1219  
the implementation of section 3317.06 of the Revised Code divided 1220  
by the average daily membership in grades kindergarten through 1221  
twelve in nonpublic elementary and high schools within the state 1222  
as determined during the first full week in October of each school 1223  
year. 1224

(M) An amount for each county MR/DD board, distributed on the 1225  
basis of standards adopted by the state board of education, for 1226  
the approved cost of transportation required for children 1227  
attending special education programs operated by the county MR/DD 1228  
board under section 3323.09 of the Revised Code; 1229

(N) An amount for each county MR/DD board, distributed on the 1230  
basis of standards adopted by the state board of education, for 1231  
supportive home services for preschool children; 1232

(O) An amount for each school district that establishes a 1233  
mentor teacher program that complies with rules of the state board 1234  
of education. No school district shall be required to establish or 1235  
maintain such a program in any year unless sufficient funds are 1236  
appropriated to cover the district's total costs for the program. 1237

(P) An amount to each school district or educational service 1238  
center for the total number of gifted units approved pursuant to 1239  
section 3317.05 of the Revised Code. The amount for each such unit 1240  
shall be the sum of the minimum salary for the teacher of the 1241  
unit, calculated on the basis of the teacher's training level and 1242  
years of experience pursuant to the salary schedule prescribed in 1243  
the version of section 3317.13 of the Revised Code in effect prior 1244  
to ~~the effective date of this amendment~~ July 1, 2001, plus fifteen 1245  
per cent of that minimum salary amount, plus two thousand six 1246

hundred seventy-eight dollars. 1247

(Q) An amount to each institution defined under section 1248  
3317.082 of the Revised Code providing elementary or secondary 1249  
education to children other than children receiving special 1250  
education under section 3323.091 of the Revised Code. This amount 1251  
for any institution in any fiscal year shall equal the total of 1252  
all tuition amounts required to be paid to the institution under 1253  
division (A)(1) of section 3317.082 of the Revised Code. 1254

(R) A grant to each school district and joint vocational 1255  
school district that operates a "graduation, reality, and 1256  
dual-role skills" (GRADS) program for pregnant and parenting 1257  
students that is approved by the department. The amount of the 1258  
payment shall be the district's state share percentage, as defined 1259  
in section 3317.022 or 3317.16 of the Revised Code, times the 1260  
GRADS personnel allowance times the full-time-equivalent number of 1261  
GRADS teachers approved by the department. The GRADS personnel 1262  
allowance is \$46,260 in fiscal years 2002 and 2003. 1263

The state board of education or any other board of education 1264  
or governing board may provide for any resident of a district or 1265  
educational service center territory any educational service for 1266  
which funds are made available to the board by the United States 1267  
under the authority of public law, whether such funds come 1268  
directly or indirectly from the United States or any agency or 1269  
department thereof or through the state or any agency, department, 1270  
or political subdivision thereof. 1271

**Sec. 3317.03.** Notwithstanding divisions (A)(1), (B)(1), and 1272  
(C) of this section, any student enrolled in kindergarten more 1273  
than half time shall be reported as one-half student under this 1274  
section. 1275

(A) The superintendent of each city and exempted village 1276  
school district and of each educational service center shall, for 1277

the schools under the superintendent's supervision, certify to the state board of education 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 of the sum of the following:

(1) On an FTE basis, the number of students in grades kindergarten through twelve 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 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 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; 1308

(c) A college pursuant to Chapter 3365. of the Revised Code, 1309  
except when the student is enrolled in the college while also 1310  
enrolled in a community school pursuant to Chapter 3314. of the 1311  
Revised Code; 1312

(d) An adjacent or other school district under an open 1313  
enrollment policy adopted pursuant to section 3313.98 of the 1314  
Revised Code; 1315

(e) An educational service center or cooperative education 1316  
district; 1317

(f) Another school district under a cooperative education 1318  
agreement, compact, or contract. 1319

(3) One-fourth of the number of students enrolled in a joint 1320  
vocational school district or under a vocational education 1321  
compact, excluding any students entitled to attend school in the 1322  
district under section 3313.64 or 3313.65 of the Revised Code who 1323  
are enrolled in another school district through an open enrollment 1324  
policy as reported under division (A)(2)(d) of this section and 1325  
then enroll in a joint vocational school district or under a 1326  
vocational education compact; 1327

(4) The number of handicapped children, other than 1328  
handicapped preschool children, entitled to attend school in the 1329  
district pursuant to section 3313.64 or 3313.65 of the Revised 1330  
Code who are placed with a county MR/DD board, minus the number of 1331  
such children placed with a county MR/DD board in fiscal year 1332  
1998. If this calculation produces a negative number, the number 1333  
reported under division (A)(4) of this section shall be zero. 1334

(B) To enable the department of education to obtain the data 1335  
needed to complete the calculation of payments pursuant to this 1336  
chapter, in addition to the formula ADM, each superintendent shall 1337  
report separately the following student counts: 1338

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

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

(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 special education services for the category one handicap 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 special education services for category two handicaps described in division (B) of section 3317.013 of the Revised Code;	1371 1372 1373 1374
(7) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;	1375 1376 1377 1378
(8) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;	1379 1380 1381 1382
(9) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;	1383 1384 1385 1386
(10) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code;	1387 1388 1389 1390
(11) 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 (A) of section 3317.014 of the Revised Code, operated by the school district or by another district, other than a joint vocational school district, or by an educational service center;	1391 1392 1393 1394 1395 1396
(12) The average daily membership of pupils reported under division (A)(1) or (2) of this section enrolled in category two vocational education programs or services, described in division (B) of section 3317.014 of the Revised Code, operated by the school district or another school district, other than a joint	1397 1398 1399 1400 1401

vocational school district, or by an educational service center; 1402

(13) The average number of children transported by the school 1403  
district on board-owned or contractor-owned and -operated buses, 1404  
reported in accordance with rules adopted by the department of 1405  
education; 1406

(14)(a) The number of children, other than handicapped 1407  
preschool children, the district placed with a county MR/DD board 1408  
in fiscal year 1998; 1409

(b) The number of handicapped children, other than 1410  
handicapped preschool children, placed with a county MR/DD board 1411  
in the current fiscal year to receive special education services 1412  
for the category one handicap described in division (A) of section 1413  
3317.013 of the Revised Code; 1414

(c) The number of handicapped children, other than 1415  
handicapped preschool children, placed with a county MR/DD board 1416  
in the current fiscal year to receive special education services 1417  
for category two handicaps described in division (B) of section 1418  
3317.013 of the Revised Code; 1419

(d) The number of handicapped children, other than 1420  
handicapped preschool children, placed with a county MR/DD board 1421  
in the current fiscal year to receive special education services 1422  
for category three handicaps described in division (C) of section 1423  
3317.013 of the Revised Code; 1424

(e) The number of handicapped children, other than 1425  
handicapped preschool children, placed with a county MR/DD board 1426  
in the current fiscal year to receive special education services 1427  
for category four handicaps described in division (D) of section 1428  
3317.013 of the Revised Code; 1429

(f) The number of handicapped children, other than 1430  
handicapped preschool children, placed with a county MR/DD board 1431  
in the current fiscal year to receive special education services 1432

for the category five handicap described in division (E) of 1433  
section 3317.013 of the Revised Code; 1434

(g) The number of handicapped children, other than 1435  
handicapped preschool children, placed with a county MR/DD board 1436  
in the current fiscal year to receive special education services 1437  
for category six handicaps described in division (F) of section 1438  
3317.013 of the Revised Code. 1439

(C)(1) Except as otherwise provided in this section for 1440  
kindergarten students, the average daily membership in divisions 1441  
(B)(1) to (12) of this section shall be based upon the number of 1442  
full-time equivalent students. The state board of education shall 1443  
adopt rules defining full-time equivalent students and for 1444  
determining the average daily membership therefrom for the 1445  
purposes of divisions (A), (B), and (D) of this section. ~~No~~ 1446

(2) A student enrolled in a community school established 1447  
under Chapter 3314. of the Revised Code shall be counted in the 1448  
formula ADM and, if applicable, the category one, two, or three 1449  
special education ADM of the school district in which the student 1450  
is entitled to attend school under section 3313.64 or 3313.65 of 1451  
the Revised Code for the same proportion of the school year that 1452  
the student is counted in the enrollment of the community school 1453  
for purposes of section 3314.08 of the Revised Code. 1454

(3) No child shall be counted as more than a total of one 1455  
child in the sum of the average daily memberships of a school 1456  
district under division (A), divisions (B)(1) to (12), or division 1457  
(D) of this section, except as follows: 1458

(1)(a) A child with a handicap described in section 3317.013 1459  
of the Revised Code may be counted both in formula ADM and in 1460  
category one, two, three, four, five, or six special education ADM 1461  
and, if applicable, in category one or two vocational education 1462  
ADM. As provided in division (C) of section 3317.02 of the Revised 1463



Code, such a child shall be counted in category one, two, three, 1464  
four, five, or six special education ADM in the same proportion 1465  
that the child is counted in formula ADM. 1466

~~(2)~~(b) A child enrolled in vocational education programs or 1467  
classes described in section 3314.014 of the Revised Code may be 1468  
counted both in formula ADM and category one or two vocational 1469  
education ADM and, if applicable, in category one, two, three, 1470  
four, five, or six special education ADM. Such a child shall be 1471  
counted in category one or two vocational education ADM in the 1472  
same proportion as the percentage of time that the child spends in 1473  
the vocational education programs or classes. 1474

(4) Based on the information reported under this section, the 1475  
department of education shall determine the total student count, 1476  
as defined in section 3301.011 of the Revised Code, for each 1477  
school district. 1478

(D)(1) The superintendent of each joint vocational school 1479  
district shall certify to the superintendent of public instruction 1480  
on or before the fifteenth day of October in each year for the 1481  
first full school week in October the formula ADM, which shall 1482  
consist of the average daily membership during such week, on an 1483  
FTE basis, of the number of students receiving any educational 1484  
services from the district, except that the following categories 1485  
of students shall not be included in the determination: 1486

(a) Students enrolled in adult education classes; 1487

(b) Adjacent or other district joint vocational students 1488  
enrolled in the district under an open enrollment policy pursuant 1489  
to section 3313.98 of the Revised Code; 1490

(c) Students receiving services in the district pursuant to a 1491  
compact, cooperative education agreement, or a contract, but who 1492  
are entitled to attend school in a city, local, or exempted 1493  
village school district whose territory is not part of the 1494

territory of the joint vocational district;	1495
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.	1496 1497
(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:	1498 1499 1500 1501 1502 1503
(a) Students enrolled in each grade included in the joint vocational district schools;	1504 1505
(b) Handicapped children receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;	1506 1507 1508
(c) Handicapped children receiving special education services for the category two handicaps described in division (B) of section 3317.013 of the Revised Code;	1509 1510 1511
(d) Handicapped children receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;	1512 1513 1514
(e) Handicapped children receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;	1515 1516 1517
(f) Handicapped children receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;	1518 1519 1520
(g) Handicapped children receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code;	1521 1522 1523
(h) Students receiving category one vocational education	1524

services, described in division (A) of section 3317.014 of the Revised Code; 1525  
1526

(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code. 1527  
1528  
1529

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. 1530  
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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 any school any of the following: 1535  
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(1) Any pupil who has graduated from the twelfth grade of a public high school; 1550  
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(2) Any pupil who is not a resident of the state; 1552

(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 1553  
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of the tests required by that section and was not excused pursuant 1556  
to division (C)(1) of that section; 1557

(4) Any pupil who has attained the age of twenty-two years, 1558  
except for veterans of the armed services whose attendance was 1559  
interrupted before completing the recognized twelve-year course of 1560  
the public schools by reason of induction or enlistment in the 1561  
armed forces and who apply for reenrollment in the public school 1562  
system of their residence not later than four years after 1563  
termination of war or their honorable discharge. 1564

If, however, any veteran described by division (E)(4) of this 1565  
section elects to enroll in special courses organized for veterans 1566  
for whom tuition is paid under the provisions of federal laws, or 1567  
otherwise, that veteran shall not be included in average daily 1568  
membership. 1569

Notwithstanding division (E)(3) of this section, the 1570  
membership of any school may include a pupil who did not take a 1571  
test required by section 3301.0711 of the Revised Code if the 1572  
superintendent of public instruction grants a waiver from the 1573  
requirement to take the test to the specific pupil. The 1574  
superintendent may grant such a waiver only for good cause in 1575  
accordance with rules adopted by the state board of education. 1576

Except as provided in ~~division~~ divisions (B)(2) and (F) of 1577  
this section, the average daily membership figure of any local, 1578  
city, exempted village, or joint vocational school district shall 1579  
be determined by dividing the figure representing the sum of the 1580  
number of pupils enrolled during each day the school of attendance 1581  
is actually open for instruction during the first full school week 1582  
in October by the total number of days the school was actually 1583  
open for instruction during that week. For purposes of state 1584  
funding, "enrolled" persons are only those pupils who are 1585  
attending school, those who have attended school during the 1586  
current school year and are absent for authorized reasons, and 1587

those handicapped children currently receiving home instruction. 1588

The average daily membership figure of any cooperative 1589  
education school district shall be determined in accordance with 1590  
rules adopted by the state board of education. 1591

(F)(1) If the formula ADM for the first full school week in 1592  
February is at least three per cent greater than that certified 1593  
for the first full school week in the preceding October, the 1594  
superintendent of schools of any city, exempted village, or joint 1595  
vocational school district or educational service center shall 1596  
certify such increase to the superintendent of public instruction. 1597  
Such certification shall be submitted no later than the fifteenth 1598  
day of February. For the balance of the fiscal year, beginning 1599  
with the February payments, the superintendent of public 1600  
instruction shall use the increased formula ADM in calculating or 1601  
recalculating the amounts to be allocated in accordance with 1602  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 1603  
the superintendent use an increased membership certified to the 1604  
superintendent after the fifteenth day of February. 1605

(2) If on the first school day of April the total number of 1606  
classes or units for handicapped preschool children that are 1607  
eligible for approval under division (B) of section 3317.05 of the 1608  
Revised Code exceeds the number of units that have been approved 1609  
for the year under that division, the superintendent of schools of 1610  
any city, exempted village, or cooperative education school 1611  
district or educational service center shall make the 1612  
certifications required by this section for that day. If the state 1613  
board of education determines additional units can be approved for 1614  
the fiscal year within any limitations set forth in the acts 1615  
appropriating moneys for the funding of such units, the board 1616  
shall approve additional units for the fiscal year on the basis of 1617  
such average daily membership. For each unit so approved, the 1618  
department of education shall pay an amount computed in the manner 1619

prescribed in section 3317.052 or 3317.19 and section 3317.053 of  
the Revised Code.

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(3) If a student attending a community school under Chapter  
3314. of the Revised Code is not included in the formula ADM  
certified for the first full school week of October for the school  
district in which the student is entitled to attend school under  
section 3313.64 or 3313.65 of the Revised Code, the department of  
education shall adjust the formula ADM of that school district to  
include the community school student in accordance with division  
(C)(2) of this section, and shall recalculate the school  
district's payments under this chapter for the entire fiscal year  
on the basis of that adjusted formula ADM. This requirement  
applies regardless of whether the student was enrolled, as defined  
in division (E) of this section, in the community school during  
the first full school week in October.

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(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.

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(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.

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(2) The superintendent of each county MR/DD board that  
maintains special education classes under section 3317.20 of the  
Revised Code or units approved by the state board of education  
pursuant to section 3317.05 of the Revised Code shall do both of

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the following: 1652

(a) Certify to the state board, in the manner prescribed by 1653  
the board, the average daily membership in classes under section 1654  
3317.20 of the Revised Code for each school district that has 1655  
placed children in the classes; 1656

(b) Certify to the state board, in the manner prescribed by 1657  
the board, the number of all handicapped preschool children 1658  
enrolled as of the first day of December in classes eligible for 1659  
approval under division (B) of section 3317.05 of the Revised 1660  
Code, and the number of those classes. 1661

(3)(a) If on the first school day of April the number of 1662  
classes or units maintained for handicapped preschool children by 1663  
the county MR/DD board that are eligible for approval under 1664  
division (B) of section 3317.05 of the Revised Code is greater 1665  
than the number of units approved for the year under that 1666  
division, the superintendent shall make the certification required 1667  
by this section for that day. 1668

(b) If the state board determines that additional classes or 1669  
units can be approved for the fiscal year within any limitations 1670  
set forth in the acts appropriating moneys for the funding of the 1671  
classes and units described in division (G)(3)(a) of this section, 1672  
the board shall approve and fund additional units for the fiscal 1673  
year on the basis of such average daily membership. For each unit 1674  
so approved, the department of education shall pay an amount 1675  
computed in the manner prescribed in sections 3317.052 and 1676  
3317.053 of the Revised Code. 1677

(H) Except as provided in division (I) of this section, when 1678  
any city, local, or exempted village school district provides 1679  
instruction for a nonresident pupil whose attendance is 1680  
unauthorized attendance as defined in section 3327.06 of the 1681  
Revised Code, that pupil's membership shall not be included in 1682

that district's membership figure used in the calculation of that 1683  
district's formula ADM or included in the determination of any 1684  
unit approved for the district under section 3317.05 of the 1685  
Revised Code. The reporting official shall report separately the 1686  
average daily membership of all pupils whose attendance in the 1687  
district is unauthorized attendance, and the membership of each 1688  
such pupil shall be credited to the school district in which the 1689  
pupil is entitled to attend school under division (B) of section 1690  
3313.64 or section 3313.65 of the Revised Code as determined by 1691  
the department of education. 1692

(I)(1) A city, local, exempted village, or joint vocational 1693  
school district admitting a scholarship student of a pilot project 1694  
district pursuant to division (C) of section 3313.976 of the 1695  
Revised Code may count such student in its average daily 1696  
membership. 1697

(2) In any year for which funds are appropriated for pilot 1698  
project scholarship programs, a school district implementing a 1699  
state-sponsored pilot project scholarship program that year 1700  
pursuant to sections 3313.974 through 3313.979 of the Revised Code 1701  
may count in average daily membership: 1702

(a) All children residing in the district and utilizing a 1703  
scholarship to attend kindergarten in any alternative school, as 1704  
defined in section 3313.974 of the Revised Code; 1705

(b) All children who were enrolled in the district in the 1706  
preceding year who are utilizing a scholarship to attend any such 1707  
alternative school. 1708

(J) The superintendent of each cooperative education school 1709  
district shall certify to the superintendent of public 1710  
instruction, in a manner prescribed by the state board of 1711  
education, the applicable average daily memberships for all 1712  
students in the cooperative education district, also indicating 1713



the city, local, or exempted village district where each pupil is 1714  
entitled to attend school under section 3313.64 or 3313.65 of the 1715  
Revised Code. 1716

**Sec. 3317.07.** The state board of education shall establish 1717  
rules for the purpose of distributing subsidies for ~~the purchase~~ 1718  
~~of~~ acquiring school buses under division (E) of section 3317.024 1719  
of the Revised Code. 1720

No school bus subsidy payments shall be paid to any district 1721  
unless such district can demonstrate that pupils residing more 1722  
than one mile from the school could not be transported without 1723  
such additional aid. 1724

The amount paid to a county MR/DD board for buses for 1725  
transportation of children in special education programs operated 1726  
by the board shall be one hundred per cent of the board's net 1727  
cost. 1728

The amount paid to a school district for buses ~~purchased~~ 1729  
acquired for transportation of handicapped, community school, and 1730  
nonpublic school pupils shall be one hundred per cent of the 1731  
school district's net cost. 1732

The state board of education shall adopt a formula to 1733  
determine the amount of payments that shall be distributed to 1734  
school districts to ~~purchase~~ acquire school buses for pupils other 1735  
than handicapped or nonpublic school pupils. 1736

A school district may use payments received under this 1737  
section to acquire school buses by any means permitted by section 1738  
3313.172 of the Revised Code, subject to sections 3313.46 and 1739  
3327.08 of the Revised Code. 1740

If any district or MR/DD board obtains bus services for pupil 1741  
transportation pursuant to a contract, such district or board may 1742  
use payments received under this section to defray the costs of 1743

contracting for bus services in lieu of for ~~purchasing~~ acquiring 1744  
buses. 1745

**Sec. 3318.50.** (A) As used in this section and in section 1746  
3318.52 of the Revised Code: 1747

~~(1) "Start-up community school" means a "new start-up school" 1748  
as that term is defined in division (A) of section 3314.02 of the 1749  
Revised Code. 1750~~

~~(2) "Classroom classroom facilities" has the same meaning as 1751  
in section 3318.01 means buildings, land, grounds, equipment, and 1752  
furnishings used by a community school in furtherance of its 1753  
mission and contract entered into by the school's governing 1754  
authority under Chapter 3314. of the Revised Code. 1755~~

(B) There is hereby established the community school 1756  
classroom facilities loan guarantee program. Under the program, 1757  
the Ohio school facilities commission may guarantee for up to 1758  
fifteen years up to eighty-five per cent of the sum of the 1759  
principal and interest on a loan made to the governing authority 1760  
of a ~~start-up~~ community school established under Chapter 3314. of 1761  
the Revised Code for the sole purpose of assisting the governing 1762  
~~board~~ authority in acquiring, improving, or replacing classroom 1763  
facilities for the community school by lease, purchase, remodeling 1764  
of existing facilities, or any other means ~~except by~~ including new 1765  
construction. 1766

The commission shall not make any loan guarantee under this 1767  
section unless the commission has determined both that the 1768  
applicant is creditworthy and that the classroom facilities ~~meet 1769  
specifications established by the commission under section 3318.51 1770  
of the Revised Code that have been acquired, improved, or replaced 1771  
under the loan meet applicable health and safety standards 1772  
established by law for school buildings or those facilities that 1773  
will be acquired, improved, or replaced under the loan will meet 1774~~

such standards. 1775

The commission shall not guarantee any loan under this 1776  
section unless the loan is obtained from a financial institution 1777  
regulated by the United States or this state. 1778

(C) At no time shall the commission exceed an aggregate 1779  
liability of ten million dollars to repay loans guaranteed under 1780  
this section. 1781

(D) Any payment made to a lending institution as a result of 1782  
default on a loan guaranteed under this section shall be made from 1783  
moneys in the community school classroom facilities loan guarantee 1784  
fund established under section 3318.52 of the Revised Code. 1785

(E) The commission may assess a fee of up to five hundred 1786  
dollars for each loan guaranteed under this section. 1787

(F) Not later than ninety days after the effective date of 1788  
this section, the commission shall adopt rules that prescribe loan 1789  
standards and procedures consistent with this section that are 1790  
designed to protect the state's interest in any loan guaranteed by 1791  
this section and to ensure that the state has a reasonable chance 1792  
of recovering any payments made by the state in the event of a 1793  
default on any such loan. 1794

Sec. 3318.53. There is hereby established the community 1795  
school classroom facilities support program. Under the program, in 1796  
any fiscal year that the general assembly appropriates moneys 1797  
specifically for such purpose, the Ohio school facilities 1798  
commission shall pay a stipend to each start-up community school 1799  
then currently chartered under Chapter 3314. of the Revised Code. 1800  
The stipend to each school shall be an amount equal to four 1801  
hundred fifty dollars times the number of students served by the 1802  
school in the year that the stipend is paid. The governing 1803  
authority of each community school may use the moneys paid under 1804  
this section to help defray any rental or loan payments the 1805

authority makes for classroom facilities used by the community 1806  
school. 1807

**Sec. 3319.30.** Except as provided in division (C) of section 1808  
3314.031 or in section 3319.36 of the Revised Code, no person 1809  
shall receive any compensation for the performance of duties as 1810  
teacher in any school supported wholly or in part by the state or 1811  
by federal funds who has not obtained a license of qualification 1812  
for the position as provided for under section 3319.22 of the 1813  
Revised Code and which license shall further certify to the good 1814  
moral character of the holder thereof. Any teacher so qualified 1815  
may, at the discretion of the employing board of education, 1816  
receive compensation for days on which the teacher is excused by 1817  
such board for the purpose of attending professional meetings, and 1818  
the board may provide and pay the salary of a substitute teacher 1819  
for such days. 1820

**Sec. 3327.08.** Boards of education of city school districts, 1821  
local school districts, exempted village school districts, 1822  
cooperative education school districts, and joint vocational 1823  
school districts and governing boards of educational service 1824  
centers may ~~purchase on individual contract~~ acquire, in accordance 1825  
with section 3313.172 of the Revised Code, school buses and other 1826  
equipment used in transporting children to and from school, and to 1827  
other functions ~~as~~ authorized by the boards, on individual 1828  
contract or the boards, at their discretion, may ~~purchase~~ acquire 1829  
the buses and equipment through any ~~system of~~ centralized 1830  
~~purchasing~~ system established by the state department of education 1831  
for that purpose, provided that state subsidy payments shall be 1832  
based on the amount of the lowest price available to the boards by 1833  
either method ~~of purchase~~. No board shall be deprived of any form 1834  
of state assistance in the ~~purchase~~ acquisition of buses and 1835  
equipment by reason of ~~purchases~~ acquisition of buses and 1836

equipment on an individual contract. 1837

The ~~purchase~~ acquisition of school buses shall be made only 1838  
after competitive bidding in accordance with section 3313.46 of 1839  
the Revised Code. All bids shall state that the buses, prior to 1840  
delivery, will comply with the safety rules of the department of 1841  
public safety adopted pursuant to section 4511.76 of the Revised 1842  
Code and all other pertinent provisions of law. 1843

**Sec. 3365.08.** (A) A college that expects to receive or 1844  
receives reimbursement under section 3365.07 of the Revised Code 1845  
shall furnish to a participant all textbooks and materials 1846  
directly related to a course taken by the participant under 1847  
division (B) of section 3365.04 of the Revised Code. No college 1848  
shall charge such participant for tuition, textbooks, materials, 1849  
or other fees directly related to any such course. 1850

(B) No student enrolled under this chapter in a course for 1851  
which credit toward high school graduation is awarded shall 1852  
receive direct financial aid through any state or federal program. 1853

(C) If a school district provides transportation for resident 1854  
school students in grades eleven and twelve under section 3327.01 1855  
of the Revised Code, a parent of a pupil enrolled in a course 1856  
under division (B) of section 3365.04 of the Revised Code may 1857  
apply to the board of education for full or partial reimbursement 1858  
for the necessary costs of transporting the student between the 1859  
secondary school the student attends and the college in which the 1860  
student is enrolled. Reimbursement may be paid solely from funds 1861  
received by the district under division (D) of section 3317.022 of 1862  
the Revised Code. The state board of education shall establish 1863  
guidelines, based on financial need, under which a district may 1864  
provide such reimbursement. 1865

(D) If a community school provides or arranges transportation 1866

for its pupils in grades nine through twelve under section 1867  
3314.091 of the Revised Code, a parent of a pupil of the community 1868  
school who is enrolled in a course under division (B) of section 1869  
3365.04 of the Revised Code may apply to the governing authority 1870  
of the community school for full or partial reimbursement of the 1871  
necessary costs of transporting the student between the community 1872  
school and the college. The governing authority may pay the 1873  
reimbursement in accordance with the state board's rules adopted 1874  
under division (C) of this section solely from funds paid to it 1875  
under section 3314.091 of the Revised Code. 1876

**Section 2.** That existing sections 149.43, 3314.011, 3314.02, 1877  
3314.03, 3314.06, 3314.07, 3314.072, 3314.09, 3314.091, 3314.13, 1878  
3317.024, 3317.03, 3317.07, 3318.50, 3319.30, 3327.08, and 3365.08 1879  
of the Revised Code are hereby repealed. 1880