

property seized or with any other provision of this section in 24853
relation to any property seized does not affect the validity of 24854
the seizure of the property, provided the seizure itself was made 24855
in accordance with law, and is not and shall not be considered to 24856
be the basis for the suppression of any evidence resulting from 24857
the seizure of the property, provided the seizure itself was made 24858
in accordance with law. 24859

(H) Contraband that has been forfeited pursuant to division 24860
(C) of this section shall not be available for use to pay any fine 24861
imposed upon a person who is convicted of or pleads guilty to an 24862
underlying criminal offense or a different offense arising out of 24863
the same facts and circumstances. 24864

Sec. 2935.36. (A) The prosecuting attorney may establish 24865
pre-trial diversion programs for adults who are accused of 24866
committing criminal offenses and whom the prosecuting attorney 24867
believes probably will not offend again. The prosecuting attorney 24868
may require, as a condition of an accused's participation in the 24869
program, the accused to pay a reasonable fee for supervision 24870
services that include, but are not limited to, monitoring and drug 24871
testing. The programs shall be operated pursuant to written 24872
standards approved by journal entry by the presiding judge or, in 24873
courts with only one judge, the judge of the court of common pleas 24874
and shall not be applicable to any of the following: 24875

(1) Repeat offenders or dangerous offenders; 24876

(2) Persons accused of an offense of violence, of a violation 24877
of section 2903.06, 2907.04, 2907.05, 2907.21, 2907.22, 2907.31, 24878
2907.32, 2907.34, 2911.31, 2919.12, 2919.13, 2919.22, 2921.02, 24879
2921.11, 2921.12, 2921.32, or 2923.20 of the Revised Code, or of a 24880
violation of section 2905.01, 2905.02, or 2919.23 of the Revised 24881
Code that, had it occurred prior to July 1, 1996, would have been 24882
a violation of section 2905.04 of the Revised Code as it existed 24883

prior to that date, with the exception that the prosecuting attorney may permit persons accused of any such offense to enter a pre-trial diversion program, if the prosecuting attorney finds any of the following:

(a) The accused did not cause, threaten, or intend serious physical harm to any person;

(b) The offense was the result of circumstances not likely to recur;

(c) The accused has no history of prior delinquency or criminal activity;

(d) The accused has led a law-abiding life for a substantial time before commission of the alleged offense;

(e) Substantial grounds tending to excuse or justify the alleged offense.

(3) Persons accused of a violation of Chapter 2925. or 3719. of the Revised Code;

(4) Drug dependent persons or persons in danger of becoming drug dependent persons, as defined in section 3719.011 of the Revised Code. However, this division does not affect the eligibility of such persons for intervention in lieu of conviction pursuant to section 2951.041 of the Revised Code.

(5) Persons accused of a violation of section 4511.19 of the Revised Code or a violation of any substantially similar municipal ordinance.

(B) An accused who enters a diversion program shall do all of the following:

(1) Waive, in writing and contingent upon the accused's successful completion of the program, the accused's right to a speedy trial, the preliminary hearing, the time period within which the grand jury may consider an indictment against the

accused, and arraignment, unless the hearing, indictment, or 24914
arraignment has already occurred; 24915

(2) Agree, in writing, to the tolling while in the program of 24916
all periods of limitation established by statutes or rules of 24917
court, that are applicable to the offense with which the accused 24918
is charged and to the conditions of the diversion program 24919
established by the prosecuting attorney; 24920

(3) Agree, in writing, to pay any reasonable fee for 24921
supervision services established by the prosecuting attorney. 24922

(C) The trial court, upon the application of the prosecuting 24923
attorney, shall order the release from confinement of any accused 24924
who has agreed to enter a pre-trial diversion program and shall 24925
discharge and release any existing bail and release any sureties 24926
on recognizances and shall release the accused on a recognizance 24927
bond conditioned upon the accused's compliance with the terms of 24928
the diversion program. The prosecuting attorney shall notify every 24929
victim of the crime and the arresting officers of the prosecuting 24930
attorney's intent to permit the accused to enter a pre-trial 24931
diversion program. The victim of the crime and the arresting 24932
officers shall have the opportunity to file written objections 24933
with the prosecuting attorney prior to the commencement of the 24934
pre-trial diversion program. 24935

(D) If the accused satisfactorily completes the diversion 24936
program, the prosecuting attorney shall recommend to the trial 24937
court that the charges against the accused be dismissed, and the 24938
court, upon the recommendation of the prosecuting attorney, shall 24939
dismiss the charges. If the accused chooses not to enter the 24940
prosecuting attorney's diversion program, or if the accused 24941
violates the conditions of the agreement pursuant to which the 24942
accused has been released, the accused may be brought to trial 24943
upon the charges in the manner provided by law, and the waiver 24944
executed pursuant to division (B)(1) of this section shall be void 24945

on the date the accused is removed from the program for the 24946
violation. 24947

(E) As used in this section: 24948

(1) "Repeat offender" means a person who has a history of 24949
persistent criminal activity and whose character and condition 24950
reveal a substantial risk that the person will commit another 24951
offense. It is prima-facie evidence that a person is a repeat 24952
offender if any of the following applies: 24953

(a) Having been convicted of one or more offenses of violence 24954
and having been imprisoned pursuant to sentence for any such 24955
offense, the person commits a subsequent offense of violence; 24956

(b) Having been convicted of one or more sexually oriented 24957
offenses as defined in section 2950.01 of the Revised Code and 24958
having been imprisoned pursuant to sentence for one or more of 24959
those offenses, the person commits a subsequent sexually oriented 24960
offense; 24961

(c) Having been convicted of one or more theft offenses as 24962
defined in section 2913.01 of the Revised Code and having been 24963
imprisoned pursuant to sentence for one or more of those theft 24964
offenses, the person commits a subsequent theft offense; 24965

(d) Having been convicted of one or more felony drug abuse 24966
offenses as defined in section 2925.01 of the Revised Code and 24967
having been imprisoned pursuant to sentence for one or more of 24968
those felony drug abuse offenses, the person commits a subsequent 24969
felony drug abuse offense; 24970

(e) Having been convicted of two or more felonies and having 24971
been imprisoned pursuant to sentence for one or more felonies, the 24972
person commits a subsequent offense; 24973

(f) Having been convicted of three or more offenses of any 24974
type or degree other than traffic offenses, alcoholic intoxication 24975

offenses, or minor misdemeanors and having been imprisoned 24976
pursuant to sentence for any such offense, the person commits a 24977
subsequent offense. 24978

(2) "Dangerous offender" means a person who has committed an 24979
offense, whose history, character, and condition reveal a 24980
substantial risk that the person will be a danger to others, and 24981
whose conduct has been characterized by a pattern of repetitive, 24982
compulsive, or aggressive behavior with heedless indifference to 24983
the consequences. 24984

Sec. 2949.091. (A)(1) The court, in which any person is 24985
convicted of or pleads guilty to any offense other than a traffic 24986
offense that is not a moving violation, shall impose the sum of 24987
~~eleven~~ fifteen dollars as costs in the case in addition to any 24988
other court costs that the court is required by law to impose upon 24989
the offender. All such moneys collected during a month shall be 24990
transmitted on or before the twentieth day of the following month 24991
by the clerk of the court to the treasurer of state and deposited 24992
by the treasurer of state into the general revenue fund. The court 24993
shall not waive the payment of the additional ~~eleven~~ fifteen 24994
dollars court costs, unless the court determines that the offender 24995
is indigent and waives the payment of all court costs imposed upon 24996
the indigent offender. 24997

(2) The juvenile court, in which a child is found to be a 24998
delinquent child or a juvenile traffic offender for an act which, 24999
if committed by an adult, would be an offense other than a traffic 25000
offense that is not a moving violation, shall impose the sum of 25001
~~eleven~~ fifteen dollars as costs in the case in addition to any 25002
other court costs that the court is required or permitted by law 25003
to impose upon the delinquent child or juvenile traffic offender. 25004
All such moneys collected during a month shall be transmitted on 25005
or before the twentieth day of the following month by the clerk of 25006

the court to the treasurer of state and deposited by the treasurer 25007
of state into the general revenue fund. The ~~eleven~~ fifteen dollars 25008
court costs shall be collected in all cases unless the court 25009
determines the juvenile is indigent and waives the payment of all 25010
court costs, or enters an order on its journal stating that it has 25011
determined that the juvenile is indigent, that no other court 25012
costs are to be taxed in the case, and that the payment of the 25013
~~eleven~~ fifteen dollars court costs is waived. 25014

(B) Whenever a person is charged with any offense other than 25015
a traffic offense that is not a moving violation and posts bail, 25016
the court shall add to the amount of the bail the ~~eleven~~ fifteen 25017
dollars required to be paid by division (A)(1) of this section. 25018
The ~~eleven~~ fifteen dollars shall be retained by the clerk of the 25019
court until the person is convicted, pleads guilty, forfeits bail, 25020
is found not guilty, or has the charges dismissed. If the person 25021
is convicted, pleads guilty, or forfeits bail, the clerk shall 25022
transmit the ~~eleven~~ fifteen dollars on or before the twentieth day 25023
of the month following the month in which the person was 25024
convicted, pleaded guilty, or forfeited bail to the treasurer of 25025
state, who shall deposit it into the general revenue fund. If the 25026
person is found not guilty or the charges are dismissed, the clerk 25027
shall return the ~~eleven~~ fifteen dollars to the person. 25028

(C) No person shall be placed or held in a detention facility 25029
for failing to pay the additional ~~eleven~~ fifteen dollars court 25030
costs or bail that are required to be paid by this section. 25031

(D) As used in this section: 25032

(1) "Moving violation" and "bail" have the same meanings as 25033
in section 2743.70 of the Revised Code. 25034

(2) "Detention facility" has the same meaning as in section 25035
2921.01 of the Revised Code. 25036

Sec. 3111.04. (A) An action to determine the existence or 25037
nonexistence of the father and child relationship may be brought 25038
by the child or the child's personal representative, the child's 25039
mother or her personal representative, a man alleged or alleging 25040
himself to be the child's father, the child support enforcement 25041
agency of the county in which the child resides if the child's 25042
mother is a recipient of public assistance or of services under 25043
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 25044
U.S.C.A. 651, as amended, or the alleged father's personal 25045
representative. 25046

(B) An agreement does not bar an action under this section. 25047

(C) If an action under this section is brought before the 25048
birth of the child and if the action is contested, all 25049
proceedings, except service of process and the taking of 25050
depositions to perpetuate testimony, may be stayed until after the 25051
birth. 25052

(D) A recipient of public assistance or of services under 25053
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 25054
U.S.C.A. 651, as amended, shall cooperate with the child support 25055
enforcement agency of the county in which a child resides to 25056
obtain an administrative determination pursuant to sections 25057
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 25058
determination pursuant to sections 3111.01 to 3111.18 of the 25059
Revised Code, of the existence or nonexistence of a parent and 25060
child relationship between the father and the child. If the 25061
recipient fails to cooperate, the agency may commence an action to 25062
determine the existence or nonexistence of a parent and child 25063
relationship between the father and the child pursuant to sections 25064
3111.01 to 3111.18 of the Revised Code. 25065

(E) As used in this section, "public assistance" means 25066
medical assistance under Chapter 5111. of the Revised Code, 25067

assistance under Chapter 5107. of the Revised Code, ~~or~~ disability 25068
financial assistance under Chapter 5115. of the Revised Code, or 25069
disability medical assistance under Chapter 5115. of the Revised 25070
Code. 25071

Sec. 3119.01. (A) As used in the Revised Code, "child support 25072
enforcement agency" means a child support enforcement agency 25073
designated under former section 2301.35 of the Revised Code prior 25074
to October 1, 1997, or a private or government entity designated 25075
as a child support enforcement agency under section 307.981 of the 25076
Revised Code. 25077

(B) As used in this chapter and Chapters 3121., 3123., and 25078
3125. of the Revised Code: 25079

(1) "Administrative child support order" means any order 25080
issued by a child support enforcement agency for the support of a 25081
child pursuant to section 3109.19 or 3111.81 of the Revised Code 25082
or former section 3111.211 of the Revised Code, section 3111.21 of 25083
the Revised Code as that section existed prior to January 1, 1998, 25084
or section 3111.20 or 3111.22 of the Revised Code as those 25085
sections existed prior to March 22, 2001. 25086

(2) "Child support order" means either a court child support 25087
order or an administrative child support order. 25088

(3) "Obligee" means the person who is entitled to receive the 25089
support payments under a support order. 25090

(4) "Obligor" means the person who is required to pay support 25091
under a support order. 25092

(5) "Support order" means either an administrative child 25093
support order or a court support order. 25094

(C) As used in this chapter: 25095

(1) "Combined gross income" means the combined gross income 25096
of both parents. 25097

(2) "Court child support order" means any order issued by a court for the support of a child pursuant to Chapter 3115. of the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33, 2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13, 3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(3) "Court support order" means either a court child support order or an order for the support of a spouse or former spouse issued pursuant to Chapter 3115. of the Revised Code, section 3105.18, 3105.65, or 3113.31 of the Revised Code, or division (B) of former section 3113.21 of the Revised Code.

(4) "Extraordinary medical expenses" means any uninsured medical expenses incurred for a child during a calendar year that exceed one hundred dollars.

(5) "Income" means either of the following:

(a) For a parent who is employed to full capacity, the gross income of the parent;

(b) For a parent who is unemployed or underemployed, the sum of the gross income of the parent and any potential income of the parent.

(6) "Insurer" means any person authorized under Title XXXIX of the Revised Code to engage in the business of insurance in this state, any health insuring corporation, and any legal entity that is self-insured and provides benefits to its employees or members.

(7) "Gross income" means, except as excluded in division (C)(7) of this section, the total of all earned and unearned income from all sources during a calendar year, whether or not the income is taxable, and includes income from salaries, wages, overtime pay, and bonuses to the extent described in division (D)

of section 3119.05 of the Revised Code; commissions; royalties; 25128
tips; rents; dividends; severance pay; pensions; interest; trust 25129
income; annuities; social security benefits, including retirement, 25130
disability, and survivor benefits that are not means-tested; 25131
workers' compensation benefits; unemployment insurance benefits; 25132
disability insurance benefits; benefits that are not means-tested 25133
and that are received by and in the possession of the veteran who 25134
is the beneficiary for any service-connected disability under a 25135
program or law administered by the United States department of 25136
veterans' affairs or veterans' administration; spousal support 25137
actually received; and all other sources of income. "Gross income" 25138
includes income of members of any branch of the United States 25139
armed services or national guard, including, amounts representing 25140
base pay, basic allowance for quarters, basic allowance for 25141
subsistence, supplemental subsistence allowance, cost of living 25142
adjustment, specialty pay, variable housing allowance, and pay for 25143
training or other types of required drills; self-generated income; 25144
and potential cash flow from any source. 25145

"Gross income" does not include any of the following: 25146

(a) Benefits received from means-tested government 25147
administered programs, including Ohio works first; prevention, 25148
retention, and contingency; means-tested veterans' benefits; 25149
supplemental security income; food stamps; disability financial 25150
assistance; or other assistance for which eligibility is 25151
determined on the basis of income or assets; 25152

(b) Benefits for any service-connected disability under a 25153
program or law administered by the United States department of 25154
veterans' affairs or veterans' administration that are not 25155
means-tested, that have not been distributed to the veteran who is 25156
the beneficiary of the benefits, and that are in the possession of 25157
the United States department of veterans' affairs or veterans' 25158
administration; 25159

(c) Child support received for children who were not born or adopted during the marriage at issue;	25160 25161
(d) Amounts paid for mandatory deductions from wages such as union dues but not taxes, social security, or retirement in lieu of social security;	25162 25163 25164
(e) Nonrecurring or unsustainable income or cash flow items;	25165
(f) Adoption assistance and foster care maintenance payments made pursuant to Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended.	25166 25167 25168
(8) "Nonrecurring or unsustainable income or cash flow item" means an income or cash flow item the parent receives in any year or for any number of years not to exceed three years that the parent does not expect to continue to receive on a regular basis. "Nonrecurring or unsustainable income or cash flow item" does not include a lottery prize award that is not paid in a lump sum or any other item of income or cash flow that the parent receives or expects to receive for each year for a period of more than three years or that the parent receives and invests or otherwise uses to produce income or cash flow for a period of more than three years.	25169 25170 25171 25172 25173 25174 25175 25176 25177 25178
(9)(a) "Ordinary and necessary expenses incurred in generating gross receipts" means actual cash items expended by the parent or the parent's business and includes depreciation expenses of business equipment as shown on the books of a business entity.	25179 25180 25181 25182
(b) Except as specifically included in "ordinary and necessary expenses incurred in generating gross receipts" by division (C)(9)(a) of this section, "ordinary and necessary expenses incurred in generating gross receipts" does not include depreciation expenses and other noncash items that are allowed as deductions on any federal tax return of the parent or the parent's business.	25183 25184 25185 25186 25187 25188 25189

(10) "Personal earnings" means compensation paid or payable 25190
for personal services, however denominated, and includes wages, 25191
salary, commissions, bonuses, draws against commissions, profit 25192
sharing, vacation pay, or any other compensation. 25193

(11) "Potential income" means both of the following for a 25194
parent who the court pursuant to a court support order, or a child 25195
support enforcement agency pursuant to an administrative child 25196
support order, determines is voluntarily unemployed or voluntarily 25197
underemployed: 25198

(a) Imputed income that the court or agency determines the 25199
parent would have earned if fully employed as determined from the 25200
following criteria: 25201

(i) The parent's prior employment experience; 25202

(ii) The parent's education; 25203

(iii) The parent's physical and mental disabilities, if any; 25204

(iv) The availability of employment in the geographic area in 25205
which the parent resides; 25206

(v) The prevailing wage and salary levels in the geographic 25207
area in which the parent resides; 25208

(vi) The parent's special skills and training; 25209

(vii) Whether there is evidence that the parent has the 25210
ability to earn the imputed income; 25211

(viii) The age and special needs of the child for whom child 25212
support is being calculated under this section; 25213

(ix) The parent's increased earning capacity because of 25214
experience; 25215

(x) Any other relevant factor. 25216

(b) Imputed income from any nonincome-producing assets of a 25217
parent, as determined from the local passbook savings rate or 25218

another appropriate rate as determined by the court or agency, not 25219
to exceed the rate of interest specified in division (A) of 25220
section 1343.03 of the Revised Code, if the income is significant. 25221

(12) "Schedule" means the basic child support schedule set 25222
forth in section 3119.021 of the Revised Code. 25223

(13) "Self-generated income" means gross receipts received by 25224
a parent from self-employment, proprietorship of a business, joint 25225
ownership of a partnership or closely held corporation, and rents 25226
minus ordinary and necessary expenses incurred by the parent in 25227
generating the gross receipts. "Self-generated income" includes 25228
expense reimbursements or in-kind payments received by a parent 25229
from self-employment, the operation of a business, or rents, 25230
including company cars, free housing, reimbursed meals, and other 25231
benefits, if the reimbursements are significant and reduce 25232
personal living expenses. 25233

(14) "Split parental rights and responsibilities" means a 25234
situation in which there is more than one child who is the subject 25235
of an allocation of parental rights and responsibilities and each 25236
parent is the residential parent and legal custodian of at least 25237
one of those children. 25238

(15) "Worksheet" means the applicable worksheet that is used 25239
to calculate a parent's child support obligation as set forth in 25240
sections 3119.022 and 3119.023 of the Revised Code. 25241

Sec. 3121.01. As used in this chapter: 25242

(A) "Court child support order," "court support order," and 25243
"personal earnings" have the same meanings as in section 3119.01 25244
of the Revised Code. 25245

(B) "Default" means any failure to pay under a support order 25246
that is an amount greater than or equal to the amount of support 25247
payable under the support order for one month. 25248

(C) "Financial institution" means a bank, savings and loan association, or credit union, or a regulated investment company or mutual fund.

(D) "Income" means any form of monetary payment, including personal earnings; workers' compensation payments; unemployment compensation benefits to the extent permitted by, and in accordance with, sections 3121.07 and 4141.284 of the Revised Code, and federal law governing the department of job and family services; pensions; annuities; allowances; private or governmental retirement benefits; disability or sick pay; insurance proceeds; lottery prize awards; federal, state, or local government benefits to the extent that the benefits can be withheld or deducted under the law governing the benefits; any form of trust fund or endowment; lump sum payments, including a one-time pay supplement of one hundred fifty dollars or more paid under section 124.183 of the Revised Code; and any other payment in money.

(E) "Payor" means any person or entity that pays or distributes income to an obligor, including an obligor if the obligor is self-employed; an employer; an employer paying an obligor's workers' compensation benefits; the public employees retirement board; the governing entity of a municipal retirement system; the board of trustees of the Ohio police and fire pension fund; the state teachers retirement board; the school employees retirement board; the state highway patrol retirement board; a provider, as defined in section 3305.01 of the Revised Code; the bureau of workers' compensation; or any other person or entity other than the department of job and family services with respect to unemployment compensation benefits paid pursuant to Chapter 4141. of the Revised Code.

Sec. 3123.952. A child support enforcement agency may submit the name of a delinquent obligor to the office of child support

for inclusion on a poster only if all of the following apply: 25280

(A) The obligor is subject to a support order and there has 25281
been an attempt to enforce the order through a public notice, a 25282
wage withholding order, a lien on property, a financial 25283
institution deduction order, or other court-ordered procedures. 25284

(B) The department of job and family services reviewed the 25285
obligor's records and confirms the child support enforcement 25286
agency's finding that the obligor's name and photograph may be 25287
submitted to be displayed on a poster. 25288

(C) The agency does not know or is unable to verify the 25289
obligor's whereabouts. 25290

(D) The obligor is not a participant in Ohio works first or 25291
the prevention, retention, and contingency program or a recipient 25292
of disability financial assistance, supplemental security income, 25293
or food stamps. 25294

(E) The child support enforcement agency does not have 25295
evidence that the obligor has filed for protection under the 25296
federal Bankruptcy Code, 11 U.S.C.A. 101, as amended. 25297

(F) The obligee gave written authorization to the agency to 25298
display the obligor on a poster. 25299

(G) A legal representative of the agency and a child support 25300
enforcement administrator reviewed the case. 25301

(H) The agency is able to submit to the department a 25302
description and photograph of the obligor, a statement of the 25303
possible locations of the obligor, and any other information 25304
required by the department. 25305

Sec. 3125.12. Each child support enforcement agency shall 25306
enter into a plan of cooperation with the board of county 25307
commissioners under section 307.983 of the Revised Code and comply 25308
with ~~the partnership~~ each fiscal agreement the board enters into 25309

under section 307.98 and contracts the board enters into under 25310
sections 307.981 and 307.982 of the Revised Code that affect the 25311
agency. 25312

Sec. 3301.0710. The state board of education shall adopt 25313
rules establishing a statewide program to test student 25314
achievement. The state board shall ensure that all tests 25315
administered under the testing program are aligned with the 25316
academic standards and model curricula adopted by the state board 25317
and are created with input from Ohio parents, Ohio classroom 25318
teachers, Ohio school administrators, and other Ohio school 25319
personnel pursuant to section 3301.079 of the Revised Code. 25320

The testing program shall be designed to ensure that students 25321
who receive a high school diploma demonstrate at least high school 25322
levels of achievement in reading, writing, mathematics, science, 25323
and social studies. 25324

(A)(1) The state board shall prescribe all of the following: 25325

(a) A statewide achievement test designed to measure the 25326
level of reading skill expected at the end of third grade; 25327

(b) Two statewide achievement tests, one each designed to 25328
measure the level of writing and mathematics skill expected at the 25329
end of fourth grade; 25330

(c) Two statewide achievement tests, one each designed to 25331
measure the level of science and social studies skill expected at 25332
the end of fifth grade; 25333

(d) Three statewide achievement tests, one each designed to 25334
measure the level of reading, writing, and mathematics skill 25335
expected at the end of seventh grade; 25336

(e) Two statewide achievement tests, one each designed to 25337
measure the level of science and social studies skill expected at 25338
the end of eighth grade. 25339

(2) The state board shall determine and designate at least 25340
four ranges of scores on each of the achievement tests described 25341
in division (A)(1) of this section. Each range of scores shall be 25342
deemed to demonstrate a level of achievement so that any student 25343
attaining a score within such range has achieved one of the 25344
following: 25345

(a) An advanced level of skill; 25346

(b) A proficient level of skill; 25347

(c) A basic level of skill; 25348

(d) A below basic level of skill. 25349

(B) The tests prescribed under this division shall 25350
collectively be known as the Ohio graduation tests. The state 25351
board shall prescribe five statewide high school achievement 25352
tests, one each designed to measure the level of reading, writing, 25353
mathematics, science, and social studies skill expected at the end 25354
of tenth grade, and shall determine and designate the score on 25355
each such test that shall be deemed to demonstrate that any 25356
student attaining such score has achieved at least a proficient 25357
level of skill appropriate for tenth grade. 25358

The state board may enter into a reciprocal agreement with 25359
the appropriate body or agency of any other state that has similar 25360
statewide achievement testing requirements for receiving high 25361
school diplomas, under which any student who has met an 25362
achievement testing requirement of one state is recognized as 25363
having met the similar achievement testing requirement of the 25364
other state for purposes of receiving a high school diploma. For 25365
purposes of this section and sections 3301.0711 and 3313.61 of the 25366
Revised Code, any student enrolled in any public high school in 25367
this state who has met an achievement testing requirement 25368
specified in a reciprocal agreement entered into under this 25369
division shall be deemed to have attained at least the applicable 25370

score designated under this division on each test required by this 25371
division that is specified in the agreement. 25372

(C) The state board shall annually designate as follows the 25373
dates on which the tests prescribed under this section shall be 25374
administered: 25375

(1) For the test prescribed under division (A)(1)(a) of this 25376
section, as follows: 25377

(a) One date prior to the thirty-first day of December each 25378
school year; 25379

(b) At least one date of each school year that is not earlier 25380
than Monday of the week containing the eighth day of March; 25381

(c) One date during the summer for students receiving summer 25382
remediation services under section 3313.608 of the Revised Code. 25383

(2) For the tests prescribed under divisions (A)(1)(b), (c), 25384
(d), and (e) of this section, at least one date of each school 25385
year that is not earlier than Monday of the week containing the 25386
eighth day of March; 25387

(3) For the tests prescribed under division (B) of this 25388
section, at least one date in each school year that is not earlier 25389
than Monday of the week containing the fifteenth day of March for 25390
all tenth grade students and at least one date prior to the 25391
thirty-first day of December and at least one date subsequent to 25392
that date but prior to the thirty-first day of March of each 25393
school year for eleventh and twelfth grade students. 25394

(D) In prescribing test dates pursuant to division (C)(3) of 25395
this section, the board shall, to the greatest extent practicable, 25396
provide options to school districts in the case of tests 25397
administered under that division to eleventh and twelfth grade 25398
students and in the case of tests administered to students 25399
pursuant to division (C)(2) of section 3301.0711 of the Revised 25400

Code. Such options shall include at least an opportunity for 25401
school districts to give such tests outside of regular school 25402
hours. 25403

(E) In prescribing test dates pursuant to this section, the 25404
state board of education shall designate the dates in such a way 25405
as to allow a reasonable length of time between the administration 25406
of tests prescribed under this section and any administration of 25407
the National Assessment of Education Progress Test given to 25408
students in the same grade level pursuant to section 3301.27 of 25409
the Revised Code. 25410

(F) The state board shall prescribe a practice version of 25411
each Ohio graduation test described in division (B) of this 25412
section that is of comparable length to the actual test. 25413

Sec. 3301.0711. (A) The department of education shall: 25414

(1) Annually furnish to, grade, and score all tests required 25415
by section 3301.0710 of the Revised Code to be administered by 25416
city, local, exempted village, and joint vocational school 25417
districts, except that each district shall score any test 25418
administered pursuant to division (B)(8) of this section. In 25419
furnishing the practice versions of Ohio graduation tests 25420
prescribed by division (F) of section 3301.0710 of the Revised 25421
Code, the department shall make the tests available on its website 25422
for reproduction by districts. In awarding contracts for grading 25423
tests, the department shall give preference to Ohio-based entities 25424
employing Ohio residents. 25425

(2) Adopt rules for the ethical use of tests and prescribing 25426
the manner in which the tests prescribed by section 3301.0710 of 25427
the Revised Code shall be administered to students. 25428

(B) Except as provided in divisions (C) and (J) of this 25429
section, the board of education of each city, local, and exempted 25430

village school district shall, in accordance with rules adopted 25431
under division (A) of this section: 25432

(1) Administer the test prescribed under division (A)(1)(a) 25433
of section 3301.0710 of the Revised Code twice annually to all 25434
students in the third grade who have not attained the score 25435
designated for that test under division (A)(2)(b) of section 25436
3301.0710 of the Revised Code and once each summer to students 25437
receiving summer remediation services under section 3313.608 of 25438
the Revised Code. 25439

(2) Administer the tests prescribed under division (A)(1)(b) 25440
of section 3301.0710 of the Revised Code at least once annually to 25441
all students in the fourth grade. 25442

(3) Administer the tests prescribed under division (A)(1)(c) 25443
of section 3301.0710 of the Revised Code at least once annually to 25444
all students in the fifth grade. 25445

(4) Administer the tests prescribed under division (A)(1)(d) 25446
of section 3301.0710 of the Revised Code at least once annually to 25447
all students in the seventh grade. 25448

(5) Administer the tests prescribed under division (A)(1)(e) 25449
of section 3301.0710 of the Revised Code at least once annually to 25450
all students in the eighth grade. 25451

(6) Except as provided in division (B)(7) of this ~~sections~~ 25452
section, administer any test prescribed under division (B) of 25453
section 3301.0710 of the Revised Code as follows: 25454

(a) At least once annually to all tenth grade students and at 25455
least twice annually to all students in eleventh or twelfth grade 25456
who have not yet attained the score on that test designated under 25457
that division; 25458

(b) To any person who has successfully completed the 25459
curriculum in any high school or the individualized education 25460

program developed for the person by any high school pursuant to 25461
section 3323.08 of the Revised Code but has not received a high 25462
school diploma and who requests to take such test, at any time 25463
such test is administered in the district. 25464

(7) In lieu of the board of education of any city, local, or 25465
exempted village school district in which the student is also 25466
enrolled, the board of a joint vocational school district shall 25467
administer any test prescribed under division (B) of section 25468
3301.0710 of the Revised Code at least twice annually to any 25469
student enrolled in the joint vocational school district who has 25470
not yet attained the score on that test designated under that 25471
division. A board of a joint vocational school district may also 25472
administer such a test to any student described in division 25473
(B)(6)(b) of this section. 25474

(8) If the district has been declared to be under an academic 25475
watch or in a state of academic emergency pursuant to section 25476
3302.03 of the Revised Code, administer each test prescribed by 25477
division (F) of section 3301.0710 of the Revised Code in September 25478
to all ninth grade students, beginning in the school year that 25479
starts July 1, 2004. 25480

(C)(1)(a) Any student receiving special education services 25481
under Chapter 3323. of the Revised Code may be excused from taking 25482
any particular test required to be administered under this section 25483
if the individualized education program developed for the student 25484
pursuant to section 3323.08 of the Revised Code excuses the 25485
student from taking that test and instead specifies an alternate 25486
assessment method approved by the department of education as 25487
conforming to requirements of federal law for receipt of federal 25488
funds for disadvantaged pupils. To the extent possible, the 25489
individualized education program shall not excuse the student from 25490
taking a test unless no reasonable accommodation can be made to 25491
enable the student to take the test. 25492

(b) Any alternate assessment approved by the department for a student under this division shall produce measurable results comparable to those produced by the tests which the alternate assessments are replacing in order to allow for the student's assessment results to be included in the data compiled for a school district under section 3302.03 of the Revised Code.

(c) Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be excused from taking any particular test required to be administered under this section if a plan developed for the student pursuant to rules adopted by the state board excuses the student from taking that test. In the case of any student so excused from taking a test, the chartered nonpublic school shall not prohibit the student from taking the test.

(2) A district board may, for medical reasons or other good cause, excuse a student from taking a test administered under this section on the date scheduled, but any such test shall be administered to such excused student not later than nine days following the scheduled date. The board shall annually report the number of students who have not taken one or more of the tests required by this section to the state board of education not later than the thirtieth day of June.

(3) As used in this division, "English-limited student" means a student whose primary language is not English, who has been enrolled in United States schools for less than three full school years, and who within the school year has been identified, in accordance with criteria provided by the department of education, as lacking adequate proficiency in English for a test under this section to produce valid results with respect to that student's

academic progress. 25525

A school district board or governing authority of a nonpublic 25526
school may grant a temporary, one-year exemption from any test 25527
administered under this section to an English-limited student. Not 25528
more than three temporary one-year exemptions may be granted to 25529
any student. During any school year in which a student is excused 25530
from taking one or more tests administered under this section, the 25531
school district shall assess that student's progress in learning 25532
English, in accordance with procedures approved by the department. 25533

No district board or governing authority of a chartered 25534
nonpublic school shall prohibit an English-limited student from 25535
taking a test under this section. 25536

(D) This division does not apply to any student receiving 25537
services pursuant to an individualized education program developed 25538
for the student pursuant to section 3323.08 of the Revised Code. 25539

(1) In the school year next succeeding the school year in 25540
which the tests prescribed by division (A)(1) of section 3301.0710 25541
of the Revised Code or former division (A)(1), (A)(2), or (B) of 25542
section 3301.0710 of the Revised Code as it existed prior to the 25543
effective date of this amendment September 11, 2001, are 25544
administered to any student, the board of education of any school 25545
district in which the student is enrolled in that year shall 25546
provide to the student intervention services commensurate with the 25547
student's test performance, including any intensive intervention 25548
required under section 3313.608 of the Revised Code, in any skill 25549
in which the student failed to demonstrate at least a score at the 25550
proficient level on a proficiency test or a score in the basic 25551
range on an achievement test. ~~This division does not apply to any 25552
student receiving services pursuant to an individualized education 25553
program developed for the student pursuant to section 3323.08 of 25554
the Revised Code. 25555~~

(2) Following any administration of the tests prescribed by 25556
division (F) of section 3301.0710 of the Revised Code to ninth 25557
grade students, each school district that has been declared to be 25558
in a state of academic emergency pursuant to section 3302.03 of 25559
the Revised Code shall determine for each high school in the 25560
district whether the school shall be required to provide 25561
intervention services to any students who took the tests. In 25562
determining which high schools shall provide intervention services 25563
based on the resources available, the district shall consider each 25564
school's graduation rate and scores on the practice tests. If any 25565
achievement tests in reading and math are adopted by the state 25566
board of education for administration in the eighth grade, the 25567
district also shall consider the scores received by ninth grade 25568
students on those tests in the eighth grade in determining which 25569
high schools shall provide intervention services. 25570

Each high school selected to provide intervention services 25571
under this division shall provide intervention services to any 25572
student whose test results indicate that the student is failing to 25573
make satisfactory progress toward being able to attain scores at 25574
the proficient level on the Ohio Graduation Tests. Intervention 25575
services shall be provided in any skill in which a student 25576
demonstrates unsatisfactory progress and shall be commensurate 25577
with the student's test performance. Schools shall provide the 25578
intervention services prior to the end of the school year, during 25579
the summer following the ninth grade, in the next succeeding 25580
school year, or at any combination of those times. 25581

(E) Except as provided in section 3313.608 of the Revised 25582
Code and division (M) of this section, no school district board of 25583
education shall utilize any student's failure to attain a 25584
specified score on any test administered under this section as a 25585
factor in any decision to deny the student promotion to a higher 25586
grade level. However, a district board may choose not to promote 25587

to the next grade level any student who does not take any test 25588
administered under this section or make up such test as provided 25589
by division (C)(2) of this section and who is not exempted from 25590
the requirement to take the test under division (C)(1) or (3) of 25591
this section. 25592

(F) No person shall be charged a fee for taking any test 25593
administered under this section. 25594

(G) Not later than sixty days after any administration of any 25595
test prescribed by section 3301.0710 of the Revised Code, the 25596
department shall send to each school district board a list of the 25597
individual test scores of all persons taking the test. For any 25598
tests administered under this section by a joint vocational school 25599
district, the department shall also send to each city, local, or 25600
exempted village school district a list of the individual test 25601
scores of any students of such city, local, or exempted village 25602
school district who are attending school in the joint vocational 25603
school district. 25604

(H) Individual test scores on any tests administered under 25605
this section shall be released by a district board only in 25606
accordance with section 3319.321 of the Revised Code and the rules 25607
adopted under division (A) of this section. No district board or 25608
its employees shall utilize individual or aggregate test results 25609
in any manner that conflicts with rules for the ethical use of 25610
tests adopted pursuant to division (A) of this section. 25611

(I) Except as provided in division (G) of this section, the 25612
department shall not release any individual test scores on any 25613
test administered under this section and shall adopt rules to 25614
ensure the protection of student confidentiality at all times. 25615

(J) Notwithstanding division (D) of section 3311.52 of the 25616
Revised Code, this section does not apply to the board of 25617
education of any cooperative education school district except as 25618

provided under rules adopted pursuant to this division. 25619

(1) In accordance with rules that the state board of 25620
education shall adopt, the board of education of any city, 25621
exempted village, or local school district with territory in a 25622
cooperative education school district established pursuant to 25623
divisions (A) to (C) of section 3311.52 of the Revised Code may 25624
enter into an agreement with the board of education of the 25625
cooperative education school district for administering any test 25626
prescribed under this section to students of the city, exempted 25627
village, or local school district who are attending school in the 25628
cooperative education school district. 25629

(2) In accordance with rules that the state board of 25630
education shall adopt, the board of education of any city, 25631
exempted village, or local school district with territory in a 25632
cooperative education school district established pursuant to 25633
section 3311.521 of the Revised Code shall enter into an agreement 25634
with the cooperative district that provides for the administration 25635
of any test prescribed under this section to both of the 25636
following: 25637

(a) Students who are attending school in the cooperative 25638
district and who, if the cooperative district were not 25639
established, would be entitled to attend school in the city, 25640
local, or exempted village school district pursuant to section 25641
3313.64 or 3313.65 of the Revised Code; 25642

(b) Persons described in division (B)(6)(b) of this section. 25643

Any testing of students pursuant to such an agreement shall 25644
be in lieu of any testing of such students or persons pursuant to 25645
this section. 25646

(K)(1) Any chartered nonpublic school may participate in the 25647
testing program by administering any of the tests prescribed by 25648
section 3301.0710 of the Revised Code if the chief administrator 25649

of the school specifies which tests the school wishes to 25650
administer. Such specification shall be made in writing to the 25651
superintendent of public instruction prior to the first day of 25652
August of any school year in which tests are administered and 25653
shall include a pledge that the nonpublic school will administer 25654
the specified tests in the same manner as public schools are 25655
required to do under this section and rules adopted by the 25656
department. 25657

(2) The department of education shall furnish the tests 25658
prescribed by section 3301.0710 of the Revised Code to any 25659
chartered nonpublic school electing to participate under this 25660
division. 25661

(L)(1) The superintendent of the state school for the blind 25662
and the superintendent of the state school for the deaf shall 25663
administer the tests described by section 3301.0710 of the Revised 25664
Code. Each superintendent shall administer the tests in the same 25665
manner as district boards are required to do under this section 25666
and rules adopted by the department of education and in conformity 25667
with division (C)(1)(a) of this section. 25668

(2) The department of education shall furnish the tests 25669
described by section 3301.0710 of the Revised Code to each 25670
superintendent. 25671

(M) Notwithstanding division (E) of this section, a school 25672
district may use a student's failure to attain a score in at least 25673
the basic range on any of the tests described by division 25674
(A)(1)(b), (c), (d), or (e) of section 3301.0710 of the Revised 25675
Code as a factor in retaining that student in the current grade 25676
level. 25677

(N)(1) All tests required by section 3301.0710 of the Revised 25678
Code shall become public records pursuant to section 149.43 of the 25679
Revised Code on the first day of July following the school year 25680

that the test was administered. 25681

(2) The department may field test proposed test questions 25682
with samples of students to determine the validity, reliability, 25683
or appropriateness of test questions for possible inclusion in a 25684
future year's test. 25685

Field test questions shall not be considered in computing 25686
test scores for individual students. Field test questions may be 25687
included as part of the administration of any test required by 25688
section 3301.0710 of the Revised Code. 25689

(3) Any field test question administered under division 25690
(N)(2) of this section shall not be a public record. Such field 25691
test questions shall be redacted from any tests which are released 25692
as a public record pursuant to division (N)(1) of this section. 25693

Sec. 3301.0714. (A) The state board of education shall adopt 25694
rules for a statewide education management information system. The 25695
rules shall require the state board to establish guidelines for 25696
the establishment and maintenance of the system in accordance with 25697
this section and the rules adopted under this section. The 25698
guidelines shall include: 25699

(1) Standards identifying and defining the types of data in 25700
the system in accordance with divisions (B) and (C) of this 25701
section; 25702

(2) Procedures for annually collecting and reporting the data 25703
to the state board in accordance with division (D) of this 25704
section; 25705

(3) Procedures for annually compiling the data in accordance 25706
with division (G) of this section; 25707

(4) Procedures for annually reporting the data to the public 25708
in accordance with division (H) of this section. 25709

(B) The guidelines adopted under this section shall require 25710

the data maintained in the education management information system 25711
to include at least the following: 25712

(1) Student participation and performance data, for each 25713
grade in each school district as a whole and for each grade in 25714
each school building in each school district, that includes: 25715

(a) The numbers of students receiving each category of 25716
instructional service offered by the school district, such as 25717
regular education instruction, vocational education instruction, 25718
specialized instruction programs or enrichment instruction that is 25719
part of the educational curriculum, instruction for gifted 25720
students, instruction for handicapped students, and remedial 25721
instruction. The guidelines shall require instructional services 25722
under this division to be divided into discrete categories if an 25723
instructional service is limited to a specific subject, a specific 25724
type of student, or both, such as regular instructional services 25725
in mathematics, remedial reading instructional services, 25726
instructional services specifically for students gifted in 25727
mathematics or some other subject area, or instructional services 25728
for students with a specific type of handicap. The categories of 25729
instructional services required by the guidelines under this 25730
division shall be the same as the categories of instructional 25731
services used in determining cost units pursuant to division 25732
(C)(3) of this section. 25733

(b) The numbers of students receiving support or 25734
extracurricular services for each of the support services or 25735
extracurricular programs offered by the school district, such as 25736
counseling services, health services, and extracurricular sports 25737
and fine arts programs. The categories of services required by the 25738
guidelines under this division shall be the same as the categories 25739
of services used in determining cost units pursuant to division 25740
(C)(4)(a) of this section. 25741

(c) Average student grades in each subject in grades nine 25742

through twelve;	25743
(d) Academic achievement levels as assessed by the testing of student achievement under sections 3301.0710 and 3301.0711 of the Revised Code;	25744 25745 25746
(e) The number of students designated as having a handicapping condition pursuant to division (C)(1) of section 3301.0711 of the Revised Code;	25747 25748 25749
(f) The numbers of students reported to the state board pursuant to division (C)(2) of section 3301.0711 of the Revised Code;	25750 25751 25752
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	25753 25754 25755 25756
(h) Expulsion rates;	25757
(i) Suspension rates;	25758
(j) The percentage of students receiving corporal punishment;	25759
(k) Dropout rates;	25760
(l) Rates of retention in grade;	25761
(m) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	25762 25763 25764
(n) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	25765 25766 25767 25768 25769
(o) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the	25770 25771

Revised Code to permit a comparison of the academic readiness of 25772
kindergarten students. However, no district shall be required to 25773
report to the department the results of any diagnostic assessment 25774
administered to a kindergarten student if the parent of that 25775
student requests the district not to report those results. 25776

(2) Personnel and classroom enrollment data for each school 25777
district, including: 25778

(a) The total numbers of licensed employees and nonlicensed 25779
employees and the numbers of full-time equivalent licensed 25780
employees and nonlicensed employees providing each category of 25781
instructional service, instructional support service, and 25782
administrative support service used pursuant to division (C)(3) of 25783
this section. The guidelines adopted under this section shall 25784
require these categories of data to be maintained for the school 25785
district as a whole and, wherever applicable, for each grade in 25786
the school district as a whole, for each school building as a 25787
whole, and for each grade in each school building. 25788

(b) The total number of employees and the number of full-time 25789
equivalent employees providing each category of service used 25790
pursuant to divisions (C)(4)(a) and (b) of this section, and the 25791
total numbers of licensed employees and nonlicensed employees and 25792
the numbers of full-time equivalent licensed employees and 25793
nonlicensed employees providing each category used pursuant to 25794
division (C)(4)(c) of this section. The guidelines adopted under 25795
this section shall require these categories of data to be 25796
maintained for the school district as a whole and, wherever 25797
applicable, for each grade in the school district as a whole, for 25798
each school building as a whole, and for each grade in each school 25799
building. 25800

(c) The total number of regular classroom teachers teaching 25801
classes of regular education and the average number of pupils 25802
enrolled in each such class, in each of grades kindergarten 25803

through five in the district as a whole and in each school building in the school district.

(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government.

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs.

(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:

(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C)(1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in formula ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C)(2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B)(1)(a) of this section. The guidelines shall require the cost units under division (C)(3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category required by guidelines adopted under division (B)(1)(a) of this section that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students in conjunction with each instructional services category;

(c) The cost of the administrative support services related to each instructional services category, such as the cost of personnel that develop the curriculum for the instructional services category and the cost of personnel supervising or coordinating the delivery of the instructional services category.

(4) Support or extracurricular services costs for each category of service directly provided to students and required by

guidelines adopted pursuant to division (B)(1)(b) of this section. 25867

The guidelines shall require the cost units under division (C)(4) 25868

of this section to be designed so that each of them may be 25869

compiled and reported in terms of average expenditure per pupil 25870

receiving the service in the school district as a whole and 25871

average expenditure per pupil receiving the service in each 25872

building in the school district and in terms of a total cost for 25873

each category of service and, as a breakdown of the total cost, a 25874

cost for each of the following components: 25875

(a) The cost of each support or extracurricular services 25876

category required by guidelines adopted under division (B)(1)(b) 25877

of this section that is provided directly to students by a 25878

licensed employee, such as services provided by a guidance 25879

counselor or any services provided by a licensed employee under a 25880

supplemental contract; 25881

(b) The cost of each such services category provided directly 25882

to students by a nonlicensed employee, such as janitorial 25883

services, cafeteria services, or services of a sports trainer; 25884

(c) The cost of the administrative services related to each 25885

services category in division (C)(4)(a) or (b) of this section, 25886

such as the cost of any licensed or nonlicensed employees that 25887

develop, supervise, coordinate, or otherwise are involved in 25888

administering or aiding the delivery of each services category. 25889

(D)(1) The guidelines adopted under this section shall 25890

require school districts to collect information about individual 25891

students, staff members, or both in connection with any data 25892

required by division (B) or (C) of this section or other reporting 25893

requirements established in the Revised Code. The guidelines may 25894

also require school districts to report information about 25895

individual staff members in connection with any data required by 25896

division (B) or (C) of this section or other reporting 25897

requirements established in the Revised Code. The guidelines shall 25898

not authorize school districts to request social security numbers 25899
of individual students. The guidelines shall prohibit the 25900
reporting under this section of a student's name, address, and 25901
social security number to the state board of education or the 25902
department of education. The guidelines shall also prohibit the 25903
reporting under this section of any personally identifiable 25904
information about any student, except for the purpose of assigning 25905
the data verification code required by division (D)(2) of this 25906
section, to any other person unless such person is employed by the 25907
school district or the data acquisition site operated under 25908
section 3301.075 of the Revised Code and is authorized by the 25909
district or acquisition site to have access to such information. 25910
The guidelines may require school districts to provide the social 25911
security numbers of individual staff members. 25912

(2) The guidelines shall provide for each school district or 25913
community school to assign a data verification code that is unique 25914
on a statewide basis over time to each student whose initial Ohio 25915
enrollment is in that district or school and to report all 25916
required individual student data for that student utilizing such 25917
code. The guidelines shall also provide for assigning data 25918
verification codes to all students enrolled in districts or 25919
community schools on the effective date of the guidelines 25920
established under this section. 25921

Individual student data shall be reported to the department 25922
through the data acquisition sites utilizing the code but at no 25923
time shall the state board or the department have access to 25924
information that would enable any data verification code to be 25925
matched to personally identifiable student data. 25926

Each school district shall ensure that the data verification 25927
code is included in the student's records reported to any 25928
subsequent school district or community school in which the 25929
student enrolls and shall remove all references to the code in any 25930

records retained in the district or school that pertain to any 25931
student no longer enrolled. Any such subsequent district or school 25932
shall utilize the same identifier in its reporting of data under 25933
this section. 25934

(E) The guidelines adopted under this section may require 25935
school districts to collect and report data, information, or 25936
reports other than that described in divisions (A), (B), and (C) 25937
of this section for the purpose of complying with other reporting 25938
requirements established in the Revised Code. The other data, 25939
information, or reports may be maintained in the education 25940
management information system but are not required to be compiled 25941
as part of the profile formats required under division (G) of this 25942
section or the annual statewide report required under division (H) 25943
of this section. 25944

(F) Beginning with the school year that begins July 1, 1991, 25945
the board of education of each school district shall annually 25946
collect and report to the state board, in accordance with the 25947
guidelines established by the board, the data required pursuant to 25948
this section. A school district may collect and report these data 25949
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 25950

(G) The state board shall, in accordance with the procedures 25951
it adopts, annually compile the data reported by each school 25952
district pursuant to division (D) of this section. The state board 25953
shall design formats for profiling each school district as a whole 25954
and each school building within each district and shall compile 25955
the data in accordance with these formats. These profile formats 25956
shall: 25957

(1) Include all of the data gathered under this section in a 25958
manner that facilitates comparison among school districts and 25959
among school buildings within each school district; 25960

(2) Present the data on academic achievement levels as 25961

assessed by the testing of student achievement maintained pursuant 25962
to division (B)(1)(e) of this section so that the academic 25963
achievement levels of students who are excused from taking any 25964
such test pursuant to division (C)(1) of section 3301.0711 of the 25965
Revised Code are distinguished from the academic achievement 25966
levels of students who are not so excused. 25967

(H)(1) The state board shall, in accordance with the 25968
procedures it adopts, annually prepare a statewide report for all 25969
school districts and the general public that includes the profile 25970
of each of the school districts developed pursuant to division (G) 25971
of this section. Copies of the report shall be sent to each school 25972
district. 25973

(2) The state board shall, in accordance with the procedures 25974
it adopts, annually prepare an individual report for each school 25975
district and the general public that includes the profiles of each 25976
of the school buildings in that school district developed pursuant 25977
to division (G) of this section. Copies of the report shall be 25978
sent to the superintendent of the district and to each member of 25979
the district board of education. 25980

(3) Copies of the reports received from the state board under 25981
divisions (H)(1) and (2) of this section shall be made available 25982
to the general public at each school district's offices. Each 25983
district board of education shall make copies of each report 25984
available to any person upon request and payment of a reasonable 25985
fee for the cost of reproducing the report. The board shall 25986
annually publish in a newspaper of general circulation in the 25987
school district, at least twice during the two weeks prior to the 25988
week in which the reports will first be available, a notice 25989
containing the address where the reports are available and the 25990
date on which the reports will be available. 25991

(I) Any data that is collected or maintained pursuant to this 25992
section and that identifies an individual pupil is not a public 25993

record for the purposes of section 149.43 of the Revised Code.	25994
(J) As used in this section:	25995
(1) "School district" means any city, local, exempted village, or joint vocational school district.	25996 25997
(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code.	25998 25999 26000 26001 26002
(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data.	26003 26004 26005 26006 26007
(L) Any time the department of education determines that a school district has taken any of the actions described under division (L)(1), (2), or (3) of this section, it shall make a report of the actions of the district, send a copy of the report to the superintendent of such school district, and maintain a copy of the report in its files:	26008 26009 26010 26011 26012 26013
(1) The school district fails to meet any deadline established pursuant to this section for the reporting of any data to the education management information system;	26014 26015 26016
(2) The school district fails to meet any deadline established pursuant to this section for the correction of any data reported to the education management information system;	26017 26018 26019
(3) The school district reports data to the education management information system in a condition, as determined by the department, that indicates that the district did not make a good faith effort in reporting the data to the system.	26020 26021 26022 26023

Any report made under this division shall include 26024
recommendations for corrective action by the school district. 26025

Upon making a report for the first time in a fiscal year, the 26026
department shall withhold ten per cent of the total amount due 26027
during that fiscal year under Chapter 3317. of the Revised Code to 26028
the school district to which the report applies. Upon making a 26029
second report in a fiscal year, the department shall withhold an 26030
additional twenty per cent of such total amount due during that 26031
fiscal year to the school district to which the report applies. 26032
The department shall not release such funds unless it determines 26033
that the district has taken corrective action. However, no such 26034
release of funds shall occur if the district fails to take 26035
corrective action within forty-five days of the date upon which 26036
the report was made by the department. 26037

~~(M) The department of education, after consultation with the 26038
Ohio education computer network, may provide at no cost to school 26039
districts uniform computer software for use in reporting data to 26040
the education management information system, provided that no 26041
school district shall be required to utilize such software to 26042
report data to the education management information system if such 26043
district is so reporting data in an accurate, complete, and timely 26044
manner in a format compatible with that required by the education 26045
management information system No data acquisition site or school 26046
district shall acquire, change, or update its student 26047
administration software package to manage and report data required 26048
to be reported to the department unless it converts to a student 26049
software package that is certified by the department. 26050~~

(N) The state board of education, in accordance with sections 26051
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 26052
license as defined under division (A) of section 3319.31 of the 26053
Revised Code that has been issued to any school district employee 26054
found to have willfully reported erroneous, inaccurate, or 26055

incomplete data to the education management information system. 26056

(O) No person shall release or maintain any information about 26057
any student in violation of this section. Whoever violates this 26058
division is guilty of a misdemeanor of the fourth degree. 26059

(P) The department shall disaggregate the data collected 26060
under division (B)(1)(o) of this section according to the race and 26061
socioeconomic status of the students assessed. No data collected 26062
under that division shall be included on the report cards required 26063
by section 3302.03 of the Revised Code. 26064

(Q) If the department cannot compile any of the information 26065
required by division (D)(5) of section 3302.03 of the Revised Code 26066
based upon the data collected under this section, the department 26067
shall develop a plan and a reasonable timeline for the collection 26068
of any data necessary to comply with that division. 26069

Sec. 3301.31. As used in this section and sections 3301.32 to 26070
3301.38 of the Revised Code: 26071

(A) "Eligible individual" means an individual eligible for 26072
Title IV-A services under a head start program. 26073

(B) "Head start agency" means any or all of the following: 26074

(1) An entity in this state that has been approved to be an 26075
agency for purposes of the "Head Start Act," 95 Stat. 489 (1981), 26076
42 U.S.C. 9831, as amended; 26077

(2) A Title IV-A head start agency; 26078

(3) A Title IV-A head start plus agency. 26079

(C) "Head start program" has the same meaning as in section 26080
5104.01 of the Revised Code. 26081

(D) "Title IV-A services" means benefits and services that 26082
are allowable under Title IV-A of the "Social Security Act," as 26083
specified in 42 U.S.C.A 604(a), except that they shall not be 26084

benefits and services included in the term "assistance" as defined 26085
in 45 C.F.R. 260.31(a) and shall be benefits and services that are 26086
excluded from the definition of the term "assistance" under 45 26087
C.F.R. 260.31(b). 26088

(E) "Title IV-A head start agency" means an agency receiving 26089
funds to operate a head start program as prescribed in section 26090
3301.34 of the Revised Code. 26091

(F) "Title IV-A head start plus agency" means an agency 26092
receiving funds to operate a head start program as prescribed in 26093
section 3301.35 of the Revised Code. 26094

Sec. 3301.33. (A) There is hereby established the Title IV-A 26095
head start program to provide head start program services to 26096
eligible individuals. 26097

(B) In accordance with the interagency agreement described in 26098
division (C) of this section, there is hereby established the 26099
Title IV-A head start plus program to provide year-long head start 26100
program services and child care services to eligible individuals. 26101

(C) The programs established under divisions (A) and (B) of 26102
this section shall be administered by the department of education 26103
in accordance with an interagency agreement entered into with the 26104
department of job and family services under section 5101.801 of 26105
the Revised Code. This interagency agreement shall establish the 26106
implementation date of the Title IV-A head start plus program, 26107
which is July 1, 2004. The programs shall provide Title IV-A 26108
services to eligible individuals who meet eligibility requirements 26109
established in rules and administrative orders adopted by the 26110
department of job and family services under Chapter 5104. of the 26111
Revised Code. The department of job and family services and the 26112
department of education jointly shall adopt policies and 26113
procedures establishing program requirements for eligibility, 26114
services, program administration, fiscal accountability, and other 26115

criteria necessary to comply with the provisions of Title IV-A of 26116
the "Social Security Act," 110 Stat. 2113, 42 U.S.C. 601 (1996), 26117
as amended. 26118

The department of education shall be responsible for 26119
approving through an application process all Title IV-A head start 26120
agencies and Title IV-A head start plus agencies for provision of 26121
services under the programs established under this section. An 26122
agency that is not approved by the department shall not be 26123
reimbursed for the cost of providing services under the programs. 26124

Sec. 3301.34. In administering the Title IV-A head start 26125
program established under division (A) of section 3301.33 of the 26126
Revised Code, the department of education shall enter into a 26127
contract with each Title IV-A head start agency establishing the 26128
terms and conditions applicable to the provision of Title IV-A 26129
services for eligible individuals. The contracts shall specify the 26130
respective duties of the Title IV-A head start agencies and the 26131
department of education, reporting requirements, eligibility 26132
requirements, reimbursement methodology, audit requirements, and 26133
other provisions determined necessary in accordance with section 26134
3301.38 of the Revised Code. The department of education shall 26135
reimburse the Title IV-A head start agencies for Title IV-A 26136
services provided to individuals determined eligible for Title 26137
IV-A services by the county department of job and family services 26138
in accordance with the terms of the contract, policies and 26139
procedures adopted by the department of education and the 26140
department of job and family services under section 3301.33 of the 26141
Revised Code, and the interagency agreement entered into by the 26142
departments. 26143

The department of education shall ensure that all 26144
reimbursements paid to a Title IV-A head start agency are only for 26145
Title IV-A services. 26146

The department of education shall ensure that all 26147
reimbursements paid to a Title IV-A head start agency are for only 26148
those individuals determined eligible for Title IV-A services by 26149
the appropriate county department of job and family services, as 26150
provided for in section 3301.36 of the Revised Code. 26151

Sec. 3301.35. (A) In administering the Title IV-A head start 26152
plus program established under division (B) of section 3301.33, 26153
the department of education shall enter into a contract with each 26154
Title IV-A head start plus agency under which the department shall 26155
reimburse the agency for allowable expenses in connection to 26156
services provided to eligible individuals. 26157

(B) Each county department of job and family services shall 26158
assist the department of education in administering the program 26159
within its respective county in accordance with requirements 26160
established by the state department of job and family services 26161
under section 5101.801 of the Revised Code. The county department 26162
shall ensure that all reimbursements paid to a Title IV-A head 26163
start plus agency are for only Title IV-A services. 26164

The administration of the Title IV-A head start plus program 26165
by the county department shall solely consist of determining 26166
eligibility of individuals and establishing co-payment 26167
requirements in accordance with rules adopted by the state 26168
department of job and family services. 26169

(C) The department of education shall enter into contracts 26170
with only those agencies that have been approved by the department 26171
of education as a Title IV-A head start plus agency and that have 26172
been licensed in accordance with section 3301.37 of the Revised 26173
Code. Each contract entered into under this division shall specify 26174
all of the following: 26175

(1) Requirements applicable to the allowable use of and 26176

<u>accountability for Title IV-A funds;</u>	26177
<u>(2) Requirements for access, inspection, and examination of the agency's financial and program records by the county department, the state department of job and family services, the department of education, the auditor of state, and any other state or federal agency with authority to inspect and examine such records;</u>	26178 26179 26180 26181 26182 26183
<u>(3) Applicable audit requirements applicable to funds received under the contract;</u>	26184 26185
<u>(4) Reporting requirements by and for the county department, the state department of job and family services, and the department of education;</u>	26186 26187 26188
<u>(5) Provisions for the department of education to suspend, modify, or terminate the contract if the department of education suspends or removes the agency from the list of approved Title IV-A head start plus agencies or if the state department of job and family services denies or revokes a license for the agency.</u>	26189 26190 26191 26192 26193
<u>Sec. 3301.36. Each county department of job and family services shall determine eligibility for Title IV-A services for individuals seeking Title IV-A services from a Title IV-A head start agency or Title IV-A head start plus agency.</u>	26194 26195 26196 26197
<u>Sec. 3301.37. (A) Each entity operating a head start program shall be licensed or certified by the department of job and family services in accordance with Chapter 5104. of the Revised Code.</u>	26198 26199 26200
<u>(B) Notwithstanding division (A) of this section, any current license issued under section 3301.58 of the Revised Code by the department of education to an entity operating a head start program prior to the effective date of this section is hereby deemed to be a license issued by the department of job and family services under Chapter 5104. of the Revised Code. The expiration</u>	26201 26202 26203 26204 26205 26206

date of the license shall be the earlier of the expiration date 26207
specified in the license as issued under section 3301.58 of the 26208
Revised Code or September 1, 2005. In order to continue operation 26209
of its head start program after that expiration date, the entity 26210
shall obtain a license as prescribed in division (A) of this 26211
section. 26212

Sec. 3301.38. (A) The department of education shall adopt 26213
policies and procedures for the approval, suspension, and removal 26214
of Title IV-A head start and Title IV-A head start plus agencies 26215
from the approved list of providers. 26216

(B) If a head start program that received state funding prior 26217
to July 1, 2001, waives its right to state funding or has its 26218
state funding eliminated for not meeting financial standards or 26219
program performance standards, the grantee or delegates shall 26220
transfer control of title to property, equipment, and remaining 26221
supplies purchased with state funds to the department along with 26222
any reports prescribed by the department. 26223

(C) Title IV-A head start allocations shall be distributed on 26224
a per-pupil basis, which the department may adjust so that the per 26225
pupil amount multiplied by the number of eligible children 26226
enrolled and receiving services, as defined by the department of 26227
education, reported on the first day of December or the first 26228
business day following that date equals the amount allocated. 26229

(D) The department of education shall prescribe the 26230
assessment instrument and determine target levels for critical 26231
performance indicators for the purpose of assessing Title IV-A 26232
head start and Title IV-A head start plus agencies. Onsite reviews 26233
and follow-up visits shall be based on progress in meeting the 26234
prescribed target levels. 26235

(E) The department of education shall require Title IV-A head 26236
start and Title IV-A head start plus agencies to: 26237

<u>(1) Address federal head start education and assessment</u>	26238
<u>performance standards, as required by 45 C.F.R. 1304.20 to 1304.41</u>	26239
<u>and the Ohio department of education pre-kindergarten math and</u>	26240
<u>literacy content standards;</u>	26241
<u>(2) Comply with the department of education prescribed</u>	26242
<u>assessment requirements that are aligned with the assessment</u>	26243
<u>system for kindergarten through twelfth grade;</u>	26244
<u>(3) Comply with federal head start performance standards for</u>	26245
<u>comprehensive services in health, nutrition, mental health, family</u>	26246
<u>partnership, and social services as required by 45 C.F.R. 1304.20</u>	26247
<u>to 1304.41;</u>	26248
<u>(4) Require teachers to attend a minimum of twenty hours of</u>	26249
<u>professional development as prescribed by the department of</u>	26250
<u>education regarding the implementation of content standards and</u>	26251
<u>assessment; and</u>	26252
<u>(5) Document and report child progress using research-based</u>	26253
<u>indicators as prescribed by the department.</u>	26254
<u>(F) Costs for developing and administering a Title IV-A head</u>	26255
<u>start or Title IV-A head start plus program may not exceed fifteen</u>	26256
<u>percent of the total approved costs of the program.</u>	26257
<u>(G) In consultation with the department of job and family</u>	26258
<u>services, the department of education shall establish program</u>	26259
<u>requirements for Title IV-A head start and Title IV-A head start</u>	26260
<u>plus agencies.</u>	26261
<u>(H) The department of education may examine the financial and</u>	26262
<u>program records of Title IV-A head start agencies and Title IV-A</u>	26263
<u>head start plus agencies. The department of education shall</u>	26264
<u>monitor these agencies to ensure that all Title IV-A funds are</u>	26265
<u>used solely for purposes allowable under federal regulations,</u>	26266
<u>section 5101.801 of the Revised Code, and the Title IV-A state</u>	26267

plan and shall take prompt action to recover funds that are not 26268
expended accordingly. The department of job and family services 26269
may examine the financial records of Title IV-A head start 26270
agencies and Title IV-A head start plus agencies. 26271

(I)(1) A Title IV-A head start agency or Title IV-A head 26272
start plus agency shall propose and implement a corrective action 26273
plan that has been approved by the department of education when 26274
the department determines either of the following: 26275

(a) The financial practices of the Title IV-A head start 26276
agency or Title IV-A head start plus agency are not in accordance 26277
with standard accounting principles and federal requirements or do 26278
not meet financial standards required in the contract as specified 26279
under division (C) of section 3301.35 of the Revised Code; 26280

(b) The Title IV-A head start or Title IV-A head start plus 26281
agency fails to substantially meet the head start performance 26282
standards or exhibits below average performance as measured 26283
against the performance indicators. 26284

(2) The approved corrective action plan shall be signed by 26285
the appropriate official and agency governance body. 26286

(3) The corrective action plan shall include a schedule of 26287
monitoring by the department of education. This monitoring may 26288
include monthly reports, inspections, a timeline for correction of 26289
deficiencies, and technical assistance to be provided by the 26290
department or obtained by the Title IV-A head start agency or 26291
Title IV-A head start plus agency. The department may withhold 26292
funding to a Title IV-A head start agency or a Title IV-A head 26293
start plus agency. 26294

(4) If a Title IV-A head start agency or a Title IV-A head 26295
start plus agency fails to satisfactorily complete a corrective 26296
action, the department may suspend or terminate part or all of the 26297
funding to the agency and may remove the agency from the approved 26298

<u>list.</u>	26299
<u>(J) The department shall provide technical assistance to</u>	26300
<u>Title IV-A head start agencies in administering Title IV-A head</u>	26301
<u>start programs and to Title IV-A head start plus agencies and</u>	26302
<u>child care partners in administering head start plus programs.</u>	26303
Sec. 3301.33 3301.40. (A) As used in this section, "adult	26304
education" has the meaning as established under the "adult	26305
education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as	26306
amended.	26307
(B) Beginning July 1, 1996, the department of education may	26308
distribute state funds to organizations that qualify for federal	26309
funds under the "Adult Education Act," 102 Stat. 302 (1988), 20	26310
1201 to 1213d, as amended. The funds shall be used by qualifying	26311
organizations to provide adult education services. State funds	26312
distributed pursuant to this section shall be distributed in	26313
accordance with the rules adopted by the state board of education	26314
pursuant to this section.	26315
Each organization that receives funds under this section	26316
shall file program performance reports with the department. The	26317
reports shall be filed at times required by state board of	26318
education rule and contain assessments of individual students as	26319
they enter, progress through, and exit the adult education	26320
program; records regarding individual student program	26321
participation time; reports of individual student retention rates;	26322
and any other information required by rule.	26323
(C) The state board of education shall adopt rules for the	26324
distribution of funds under this section. The rules shall include	26325
the following:	26326
(1) Requirements for program performance reports.	26327
(2) Indicators of adult education program quality, including	26328

indicators of learner achievement, program environment, program 26329
planning, curriculum and instruction, staff development, support 26330
services, and recruitment and retention. 26331

(3) A formula for the distribution of funds under this 26332
section. The formula shall include as a factor an organization's 26333
quantifiable success in meeting the indicators of program quality 26334
established pursuant to division (C)(2) of this section. 26335

(4) Standards and procedures for reducing or discontinuing 26336
funding to organizations that fail to meet the requirements of 26337
this section. 26338

(5) Any other requirements or standards considered 26339
appropriate by the board. 26340

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 26341
Revised Code: 26342

(A) "Preschool program" means either of the following: 26343

(1) A child day-care program for preschool children that is 26344
operated by a school district board of education, or an eligible 26345
nonpublic school, ~~a head start grantee, or a head start delegate~~ 26346
~~agency.~~ 26347

(2) A child day-care program for preschool children age three 26348
or older that is operated by a county MR/DD board. 26349

(B) "Preschool child" or "child" means a child who has not 26350
entered kindergarten and is not of compulsory school age. 26351

(C) "Parent, guardian, or custodian" means the person or 26352
government agency that is or will be responsible for a child's 26353
school attendance under section 3321.01 of the Revised Code. 26354

(D) "Superintendent" means the superintendent of a school 26355
district or the chief administrative officer of an eligible 26356
nonpublic school. 26357

(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.

(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.

(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.

(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(8) of section 5104.02 of the Revised Code or chartered by the state board of education for any combination of grades one through twelve, regardless of whether it also offers kindergarten.

(I) "County MR/DD board" means a county board of mental retardation and developmental disabilities.

(J) "School child program" means a child day-care program for only school children that is operated by a school district board of education, county MR/DD board, or eligible nonpublic school.

(K) "School child" and "child day-care" have the same meanings as in section 5104.01 of the Revised Code.

(L) "School child program staff member" means an employee whose primary responsibility is the care, teaching, or supervision of children in a school child program.

~~(M) "Head start" means a program operated in accordance with subchapter II of the "Community Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C. 9831, and amendments thereto.~~

Sec. 3301.53. (A) Not later than July 1, 1988, the state

board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county MR/DD boards, or eligible nonpublic schools, ~~head start grantees, and head start delegate agencies~~. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the Revised Code;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;

(4) A requirement that boards of education intending to establish a preschool program on or after March 17, 1989, demonstrate a need for a preschool program that is not being met by any existing program providing child day-care, prior to establishing the program;

(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease;

(6) Requirements that the parents of preschool children

complete the emergency medical authorization form specified in 26418
section 3313.712 of the Revised Code. 26419

(B) The state board of education in consultation with the 26420
director of job and family services shall ensure that the rules 26421
adopted by the state board under sections 3301.52 to 3301.58 of 26422
the Revised Code are consistent with and meet or exceed the 26423
requirements of Chapter 5104. of the Revised Code with regard to 26424
child day-care centers. The state board and the director of job 26425
and family services shall review all such rules at least once 26426
every five years. 26427

(C) On or before January 1, 1992, the state board of 26428
education, in consultation with the director of job and family 26429
services, shall adopt rules for school child programs that are 26430
consistent with and meet or exceed the requirements of the rules 26431
adopted for school child day-care centers under Chapter 5104. of 26432
the Revised Code. 26433

Sec. 3301.54. (A)(1) Each preschool program shall be directed 26434
and supervised by a director, a head teacher, an elementary 26435
principal, or a site administrator who is on site and responsible 26436
for supervision of the program. Except as otherwise provided in 26437
division (A)(2), (3), or (4) of this section, this person shall 26438
hold a valid educator license designated as appropriate for 26439
teaching or being an administrator in a preschool setting issued 26440
pursuant to section 3319.22 of the Revised Code and have completed 26441
at least four courses in child development or early childhood 26442
education from an accredited college, university, or technical 26443
college. 26444

(2) If the person was employed prior to July 1, 1988, by a 26445
school district board of education or an eligible nonpublic school 26446
to direct a preschool program, the person shall be considered to 26447
meet the requirements of this section if the person holds a valid 26448

kindergarten-primary certificate described under former division 26449
(A) of section 3319.22 of the Revised Code as it existed on 26450
January 1, 1996. 26451

(3) If the person is employed to direct a preschool program 26452
operated by an eligible, nontax-supported, nonpublic school, the 26453
person shall be considered to meet the requirements of this 26454
section if the person holds a valid teaching certificate issued in 26455
accordance with section 3301.071 of the Revised Code. 26456

~~(4) If the person is a site administrator for a head start 26457
grantee or head start delegate agency, the person shall be 26458
considered to meet the requirements of this section if the person 26459
provides evidence that the person has attained at least a high 26460
school diploma or certification of high school equivalency issued 26461
by the state board of education or a comparable agency of another 26462
state, and that the person meets at least one of the following 26463
requirements: 26464~~

~~(a) Two years of experience working as a child care staff 26465
member in a child day care center or preschool program and at 26466
least four courses in child development or early childhood 26467
education from an accredited college, university, or technical 26468
college, except that a person who has two years of experience 26469
working as a child care staff member in a particular day care 26470
center or preschool program and who has been promoted to or 26471
designated director shall have one year from the time the person 26472
was promoted or designated to complete the required four courses; 26473~~

~~(b) Two years of training in an accredited college, 26474
university, or technical college that includes at least four 26475
courses in child development or early childhood education; 26476~~

~~(c) A child development associate credential issued by the 26477
national child development associate credentialing commission; 26478~~

~~(d) An associate or higher degree in child development or 26479~~

~~early childhood education from an accredited college, university,
or technical college.~~ 26480
26481

(B) Each preschool staff member shall be at least eighteen 26482
years of age and have a high school diploma or a certification of 26483
high school equivalency issued by the state board of education or 26484
a comparable agency of another state, except that a staff member 26485
may be less than eighteen years of age if the staff member is a 26486
graduate of a two-year vocational child-care training program 26487
approved by the state board of education, or is a student enrolled 26488
in the second year of such a program that leads to high school 26489
graduation, provided that the student performs duties in the 26490
preschool program under the continuous supervision of an 26491
experienced preschool staff member and receives periodic 26492
supervision from the vocational child-care training program 26493
teacher-coordinator in the student's high school. 26494

A preschool staff member shall annually complete fifteen 26495
hours of inservice training in child development or early 26496
childhood education, child abuse recognition and prevention, and 26497
first aid, and in the prevention, recognition, and management of 26498
communicable diseases, until a total of forty-five hours has been 26499
completed, unless the staff member holds an associate or higher 26500
degree in child development or early childhood education from an 26501
accredited college, university, or technical college, or any type 26502
of educator license designated as appropriate for teaching in an 26503
associate teaching position in a preschool setting issued by the 26504
state board of education pursuant to section 3319.22 of the 26505
Revised Code. 26506

Sec. 3301.55. (A) A school district, county MR/DD board, or 26507
~~eligible nonpublic school, head start grantee, or head start~~ 26508
~~delegate agency~~ operating a preschool program shall house the 26509
program in buildings that meet the following requirements: 26510

(1) The building is operated by the district, county MR/DD board, or eligible nonpublic school, ~~head start grantee, or head start delegate agency~~ and has been approved by the division of industrial compliance in the department of commerce or a certified municipal, township, or county building department for the purpose of operating a program for preschool children. Any such structure shall be constructed, equipped, repaired, altered, and maintained in accordance with applicable provisions of Chapters 3781. and 3791. and with rules adopted by the board of building standards under Chapter 3781. of the Revised Code for the safety and sanitation of structures erected for this purpose.

(2) The building is in compliance with fire and safety laws and regulations as evidenced by reports of annual school fire and safety inspections as conducted by appropriate local authorities.

(3) The school is in compliance with rules established by the state board of education regarding school food services.

(4) The facility includes not less than thirty-five square feet of indoor space for each child in the program. Safe play space, including both indoor and outdoor play space, totaling not less than sixty square feet for each child using the space at any one time, shall be regularly available and scheduled for use.

(5) First aid facilities and space for temporary placement or isolation of injured or ill children are provided.

(B) Each school district, county MR/DD board, or eligible nonpublic school, ~~head start grantee, or head start delegate agency~~ that operates, or proposes to operate, a preschool program shall submit a building plan including all information specified by the state board of education to the board not later than the first day of September of the school year in which the program is to be initiated. The board shall determine whether the buildings meet the requirements of this section and section 3301.53 of the

Revised Code, and notify the superintendent of its determination. 26542
If the board determines, on the basis of the building plan or any 26543
other information, that the buildings do not meet those 26544
requirements, it shall cause the buildings to be inspected by the 26545
department of education. The department shall make a report to the 26546
superintendent specifying any aspects of the building that are not 26547
in compliance with the requirements of this section and section 26548
3301.53 of the Revised Code and the time period that will be 26549
allowed the district, county MR/DD board, or school, ~~grantee, or~~ 26550
~~agency~~ to meet the requirements. 26551

Sec. 3301.57. (A) For the purpose of improving programs, 26552
facilities, and implementation of the standards promulgated by the 26553
state board of education under section 3301.53 of the Revised 26554
Code, the state department of education shall provide consultation 26555
and technical assistance to school districts, county MR/DD boards, 26556
and eligible nonpublic schools, ~~head start grantees, and head~~ 26557
~~start delegate agencies~~ operating preschool programs or school 26558
child programs, and inservice training to preschool staff members, 26559
school child program staff members, and nonteaching employees. 26560

(B) The department and the school district board of 26561
education, county MR/DD board, or eligible nonpublic school, ~~head~~ 26562
~~start grantee, or head start delegate agency~~ shall jointly monitor 26563
each preschool program and each school child program. 26564

If the program receives any grant or other funding from the 26565
state or federal government, the department annually shall monitor 26566
all reports on attendance, financial support, and expenditures 26567
according to provisions for use of the funds. 26568

(C) ~~The department of job and family services and the~~ 26569
~~department of education shall enter into a contract pursuant to~~ 26570
~~which the department of education inspects preschool programs and~~ 26571
~~school child programs in accordance with sections 3301.52 to~~ 26572

~~3301.59 of the Revised Code, the rules adopted under those 26573
sections, and any applicable procedures in Chapter 5104. of the 26574
Revised Code and investigates any complaints filed pursuant to 26575
those sections or rules. The contract shall require the department 26576
of job and family services to pay the department of education for 26577
conducting the inspections and investigations an amount equal to 26578
the amount that the department of job and family services would 26579
expend conducting the same number of inspections and 26580
investigations with its employees under Chapter 5104. of the 26581
Revised Code. 26582~~

~~(D)~~ The department of education, at least twice during every 26583
twelve-month period of operation of a preschool program or a 26584
licensed school child program, shall inspect the program and 26585
provide a written inspection report to the superintendent of the 26586
school district, county MR/DD board, or eligible nonpublic school, 26587
~~head start grantee, or head start delegate agency.~~ At least one 26588
inspection shall be unannounced, and all inspections may be 26589
unannounced. No person shall interfere with any inspection 26590
conducted pursuant to this division or to the rules adopted 26591
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 26592

Upon receipt of any complaint that a preschool program or a 26593
licensed school child program is out of compliance with the 26594
requirements in sections 3301.52 to 3301.59 of the Revised Code or 26595
the rules adopted under those sections, the department shall 26596
investigate and may inspect the program. 26597

~~(E)~~(D) If a preschool program or a licensed school child 26598
program is determined to be out of compliance with the 26599
requirements of sections 3301.52 to 3301.59 of the Revised Code or 26600
the rules adopted under those sections, the department of 26601
education shall notify the appropriate superintendent, county 26602
MR/DD board, or eligible nonpublic school, ~~head start grantee, or~~ 26603
~~head start delegate agency~~ in writing regarding the nature of the 26604

violation, what must be done to correct the violation, and by what 26605
date the correction must be made. If the correction is not made by 26606
the date established by the department, it may commence action 26607
under Chapter 119. of the Revised Code to close the program or to 26608
revoke the license of the program. If a program does not comply 26609
with an order to cease operation issued in accordance with Chapter 26610
119. of the Revised Code, the department shall notify the attorney 26611
general, the prosecuting attorney of the county in which the 26612
program is located, or the city attorney, village solicitor, or 26613
other chief legal officer of the municipal corporation in which 26614
the program is located that the program is operating in violation 26615
of sections 3301.52 to 3301.59 of the Revised Code or the rules 26616
adopted under those sections and in violation of an order to cease 26617
operation issued in accordance with Chapter 119. of the Revised 26618
Code. Upon receipt of the notification, the attorney general, 26619
prosecuting attorney, city attorney, village solicitor, or other 26620
chief legal officer shall file a complaint in the court of common 26621
pleas of the county in which the program is located requesting the 26622
court to issue an order enjoining the program from operating. The 26623
court shall grant the requested injunctive relief upon a showing 26624
that the program named in the complaint is operating in violation 26625
of sections 3301.52 to 3301.59 of the Revised Code or the rules 26626
adopted under those sections and in violation of an order to cease 26627
operation issued in accordance with Chapter 119. of the Revised 26628
Code. 26629

~~(F)~~(E) The department of education shall prepare an annual 26630
report on inspections conducted under this section. The report 26631
shall include the number of inspections conducted, the number and 26632
types of violations found, and the steps taken to address the 26633
violations. The department shall file the report with the 26634
governor, the president and minority leader of the senate, and the 26635
speaker and minority leader of the house of representatives on or 26636
before the first day of January of each year, beginning in 1999. 26637

Sec. 3301.58. (A) The department of education is responsible 26638
for the licensing of preschool programs and school child programs 26639
and for the enforcement of sections 3301.52 to 3301.59 of the 26640
Revised Code and of any rules adopted under those sections. No 26641
school district board of education, county MR/DD board, or 26642
~~eligible nonpublic school, head start grantee, or head start~~ 26643
~~delegate agency~~ shall operate, establish, manage, conduct, or 26644
maintain a preschool program without a license issued under this 26645
section. A school district board of education, county MR/DD board, 26646
or eligible nonpublic school may obtain a license under this 26647
section for a school child program. The school district board of 26648
education, county MR/DD board, or eligible nonpublic school, ~~head~~ 26649
~~start grantee, or head start delegate agency~~ shall post the 26650
current license for each preschool program and licensed school 26651
child program it operates, establishes, manages, conducts, or 26652
maintains in a conspicuous place in the preschool program or 26653
licensed school child program that is accessible to parents, 26654
custodians, or guardians and employees and staff members of the 26655
program at all times when the program is in operation. 26656

(B) Any school district board of education, county MR/DD 26657
board, or eligible nonpublic school, ~~head start grantee, or head~~ 26658
~~start delegate agency~~ that desires to operate, establish, manage, 26659
conduct, or maintain a preschool program shall apply to the 26660
department of education for a license on a form that the 26661
department shall prescribe by rule. Any school district board of 26662
education, county MR/DD board, or eligible nonpublic school that 26663
desires to obtain a license for a school child program shall apply 26664
to the department for a license on a form that the department 26665
shall prescribe by rule. The department shall provide at no charge 26666
to each applicant for a license under this section a copy of the 26667
requirements under sections 3301.52 to 3301.59 of the Revised Code 26668
and any rules adopted under those sections. The department shall 26669

mail application forms for the renewal of a license at least one 26670
hundred twenty days prior to the date of the expiration of the 26671
license, and the application for renewal of a license shall be 26672
filed with the department at least sixty days before the date of 26673
the expiration of the existing license. The department may 26674
establish application fees by rule adopted under Chapter 119. of 26675
the Revised Code, and all applicants for a license shall pay any 26676
fee established by the department at the time of making an 26677
application for a license. All fees collected pursuant to this 26678
section shall be paid into the state treasury to the credit of the 26679
general revenue fund. 26680

(C) Upon the filing of an application for a license, the 26681
department of education shall investigate and inspect the 26682
preschool program or school child program to determine the license 26683
capacity for each age category of children of the program and to 26684
determine whether the program complies with sections 3301.52 to 26685
3301.59 of the Revised Code and any rules adopted under those 26686
sections. When, after investigation and inspection, the department 26687
of education is satisfied that sections 3301.52 to 3301.59 of the 26688
Revised Code and any rules adopted under those sections are 26689
complied with by the applicant, the department of education shall 26690
issue the program a provisional license as soon as practicable in 26691
the form and manner prescribed by the rules of the department. The 26692
provisional license shall be valid for six months from the date of 26693
issuance unless revoked. 26694

(D) The department of education shall investigate and inspect 26695
a preschool program or school child program that has been issued a 26696
provisional license at least once during operation under the 26697
provisional license. If, after the investigation and inspection, 26698
the department of education determines that the requirements of 26699
sections 3301.52 to 3301.59 of the Revised Code and any rules 26700
adopted under those sections are met by the provisional licensee, 26701

the department of education shall issue a license that is 26702
effective for two years from the date of the issuance of the 26703
provisional license. 26704

(E) Upon the filing of an application for the renewal of a 26705
license by a preschool program or school child program, the 26706
department of education shall investigate and inspect the 26707
preschool program or school child program. If the department of 26708
education determines that the requirements of sections 3301.52 to 26709
3301.59 of the Revised Code and any rules adopted under those 26710
sections are met by the applicant, the department of education 26711
shall renew the license for two years from the date of the 26712
expiration date of the previous license. 26713

(F) The license or provisional license shall state the name 26714
of the school district board of education, county MR/DD board, or 26715
eligible nonpublic school, ~~head start grantee, or head start~~ 26716
~~delegate agency~~ that operates the preschool program or school 26717
child program and the license capacity of the program. The license 26718
shall include any other information required by section 5104.03 of 26719
the Revised Code for the license of a child day-care center. 26720

(G) The department of education may revoke the license of any 26721
preschool program or school child program that is not in 26722
compliance with the requirements of sections 3301.52 to 3301.59 of 26723
the Revised Code and any rules adopted under those sections. 26724

(H) If the department of education revokes a license or 26725
refuses to renew a license to a program, the department shall not 26726
issue a license to the program within two years from the date of 26727
the revocation or refusal. All actions of the department with 26728
respect to licensing preschool programs and school child programs 26729
shall be in accordance with Chapter 119. of the Revised Code. 26730

Sec. 3301.68. There is hereby created the legislative 26731
committee on education oversight as a subcommittee of the 26732

legislative service commission. The committee shall consist of 26733
five members of the house of representatives appointed by the 26734
speaker of the house of representatives and five members of the 26735
senate appointed by the president of the senate. Not more than 26736
three of the members appointed from each house shall be members of 26737
the same political party. Members shall serve during the term of 26738
office to which they were elected. 26739

The committee, subject to the oversight and direction of the 26740
legislative service commission, shall direct the work of the 26741
legislative office of education oversight, which is hereby 26742
established. The committee may employ a staff director and such 26743
other staff as are necessary for the operation of the office, who 26744
shall be in the unclassified service of the state, and may 26745
contract for the services of whatever technical advisors are 26746
necessary for the committee and the office to carry out their 26747
duties. 26748

The chairperson and vice-chairperson of the legislative 26749
service commission shall fix the compensation of the director. The 26750
director, with the approval of the director of the legislative 26751
service commission, shall fix the compensation of other staff of 26752
the office in accordance with a salary schedule established by the 26753
director of the legislative service commission. Contracts for the 26754
services of necessary technical advisors shall be approved by the 26755
director of the legislative service commission. 26756

All expenses incurred by the committee or office shall be 26757
paid upon vouchers approved by the chairperson of the committee. 26758
The committee shall adopt rules for the conduct of its business 26759
and the election of officers, except that the office of 26760
chairperson of the committee shall alternate each general assembly 26761
between a member of the house of representatives selected by the 26762
speaker and a member of the senate selected by the president. 26763

The committee shall select, for the office to review and 26764

evaluate, education and school-related programs that receive state 26765
financial assistance in any form. The reviews and evaluations may 26766
include any of the following: 26767

(A) Assessment of the uses school districts and institutions 26768
of higher education make of state money they receive and 26769
determination of the extent to which such money improves school 26770
district or institutional performance in the areas for which the 26771
money was intended to be used; 26772

(B) Determination of whether an education program meets its 26773
intended goals, has adequate operating or administrative 26774
procedures and fiscal controls, encompasses only authorized 26775
activities, has any undesirable or unintended effects, and is 26776
efficiently managed; 26777

(C) Examination of various pilot programs developed and 26778
initiated in school districts and at state-assisted colleges and 26779
universities to determine whether such programs suggest 26780
innovative, effective ways to deal with problems that may exist in 26781
other school districts or state-assisted colleges or universities, 26782
and to assess the fiscal costs and likely impact of adopting such 26783
programs throughout the state or in other state-assisted colleges 26784
and universities. 26785

The committee shall report the results of each program review 26786
the office conducts to the general assembly. 26787

If the general assembly directs the legislative office of 26788
education oversight to submit a study to the general assembly by a 26789
particular date, the committee, upon a majority vote of its 26790
members, may modify the scope and due date of the study to 26791
accommodate the availability of data and resources. 26792

Sec. 3301.80. (A) There is hereby created the Ohio SchoolNet 26793
commission as an independent agency. The commission shall 26794

administer programs to provide financial and other assistance to 26795
school districts and other educational institutions for the 26796
acquisition and utilization of educational technology. 26797

The commission is a body corporate and politic, an agency of 26798
the state performing essential governmental functions of the 26799
state. 26800

(B)(1) The commission shall consist of ~~eleven~~ thirteen 26801
members, ~~seven~~ nine of whom are voting members. Of the voting 26802
members, one shall be appointed by the speaker of the house of 26803
representatives ~~and~~, one shall be appointed by the president of 26804
the senate, and two shall be appointed by the governor. The 26805
members appointed by the speaker of the house and the president of 26806
the senate shall not be members of the general assembly. The state 26807
superintendent of public instruction or a designee of the 26808
superintendent, the director of budget and management or a 26809
designee of the director, the director of administrative services 26810
or a designee of the director, the chairperson of the public 26811
utilities commission or a designee of the chairperson, and the 26812
director of the Ohio educational telecommunications network 26813
commission or a designee of the director shall serve on the 26814
commission as ex officio voting members. Of the nonvoting members, 26815
two shall be members of the house of representatives appointed by 26816
the speaker of the house and two shall be members of the senate 26817
appointed by the president of the senate. The members appointed 26818
from each house shall not be members of the same political party. 26819
The commission shall appoint officers from among its members. 26820

(2) The members shall serve without compensation. The voting 26821
members appointed by the speaker of the house of representatives 26822
~~and~~, the president of the senate, and the governor shall be 26823
reimbursed, pursuant to office of budget and management 26824
guidelines, for necessary expenses incurred in the performance of 26825
official duties. 26826

(3) The terms of office for the members appointed by the speaker of the house ~~and~~, the president of the senate, and the governor shall be for two years, with each term ending on the same day of the same month as did the term that it succeeds, except that the voting members so appointed may be removed at ~~anytime~~ any time by their respective appointing authority. The members appointed by the speaker of the house ~~and~~, the president of the senate, and the governor may be reappointed. Any member appointed from the house of representatives or senate who ceases to be a member of the legislative house from which the member was appointed shall cease to be a member of the commission. Vacancies among appointed members shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration date of the term for which a predecessor was appointed shall hold office as a member for the remainder of that term. The members appointed by the speaker of the house ~~and~~, the president of the senate, and the governor shall continue in office subsequent to the expiration date of that member's term until a successor takes office or until a period of sixty days has elapsed, whichever occurs first.

(C)(1) The commission shall be under the supervision of an executive director who shall be appointed by the commission. The executive director shall serve at the pleasure of the commission and shall direct commission employees in the administration of all programs for the provision of financial and other assistance to school districts and other educational institutions for the acquisition and utilization of educational technology.

(2) The employees of the Ohio SchoolNet commission shall be placed in the unclassified service. The commission shall fix the compensation of the executive director. The executive director shall employ and fix the compensation for such employees as necessary to facilitate the activities and purposes of the

commission. The employees shall serve at the pleasure of the executive director.

(3) The employees of the Ohio SchoolNet commission shall be exempt from Chapter 4117. of the Revised Code and shall not be public employees as defined in section 4117.01 of the Revised Code.

(D) The Ohio SchoolNet commission shall do all of the following:

(1) Make grants to institutions and other organizations as prescribed by the general assembly for the provision of technical assistance, professional development, and other support services to enable school districts, community schools established under Chapter 3314. of the Revised Code, and other educational institutions to utilize educational technology;

(2) Contract with the department of education, state institutions of higher education, private nonprofit institutions of higher education holding certificates of authorization under section 1713.02 of the Revised Code, and such other public or private entities as the executive director deems necessary for the administration and implementation of the programs under the commission's jurisdiction;

(3) Establish a reporting system to which school districts, community schools established under Chapter 3314. of the Revised Code, and other educational institutions receiving financial assistance pursuant to this section for the acquisition of educational technology report information as to the manner in which such assistance was expended, the manner in which the equipment or services purchased with the assistance is being utilized, the results or outcome of this utilization, and other information as may be required by the commission;

(4) Establish necessary guidelines governing purchasing and

procurement by participants in programs administered by the 26890
commission that facilitate the timely and effective implementation 26891
of such programs; 26892

(5) Take into consideration the efficiency and cost savings 26893
of statewide procurement prior to allocating and releasing funds 26894
for any programs under its administration. 26895

(E)(1) The executive director shall implement policies and 26896
directives issued by the Ohio SchoolNet commission. 26897

(2) The Ohio SchoolNet commission may establish a systems 26898
support network to facilitate the timely implementation of the 26899
programs, projects, or activities for which it provides 26900
assistance. 26901

(3) Chapters 123., 124., 125., and 153., and sections 9.331, 26902
9.332, and 9.333 of the Revised Code do not apply to contracts, 26903
programs, projects, or activities of the Ohio SchoolNet 26904
commission. 26905

Sec. 3307.01. As used in this chapter: 26906

(A) "Employer" means the board of education, school district, 26907
governing authority of any community school established under 26908
Chapter 3314. of the Revised Code, college, university, 26909
institution, or other agency within the state by which a teacher 26910
is employed and paid. 26911

(B) "Teacher" means all of the following: 26912

(1) Any person paid from public funds and employed in the 26913
public schools of the state under any type of contract described 26914
in section 3319.08 of the Revised Code in a position for which the 26915
person is required to have a license issued pursuant to sections 26916
3319.22 to 3319.31 of the Revised Code; 26917

(2) Any person employed as a teacher by a community school 26918
pursuant to Chapter 3314. of the Revised Code; 26919

(3) Any person holding an internship certificate issued under section 3319.28 of the Revised Code and employed in a public school in this state;

(4) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;

(5) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, the university of Toledo, and the medical college of Ohio at Toledo;

(6) The educational employees of the department of education, as determined by the state superintendent of public instruction.

In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.

"Teacher" does not include any academic or administrative employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code.

(C) "Member" means any person included in the membership of the state teachers retirement system, which shall consist of all teachers and contributors as defined in divisions (B) and (D) of this section and all disability benefit recipients, as defined in

section 3307.50 of the Revised Code. However, for purposes of this 26951
chapter, the following persons shall not be considered members: 26952

(1) A student, intern, or resident who is not a member while 26953
employed part-time by a school, college, or university at which 26954
the student, intern, or resident is regularly attending classes; 26955

(2) A person denied membership pursuant to section 3307.24 of 26956
the Revised Code; 26957

(3) An other system retirant, as defined in section 3307.35 26958
of the Revised Code, or a superannuate; 26959

(4) An individual employed in a program established pursuant 26960
to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 26961
U.S.C.A. 1501. 26962

(D) "Contributor" means any person who has an account in the 26963
teachers' savings fund or defined contribution fund. 26964

(E) "Beneficiary" means any person eligible to receive, or in 26965
receipt of, a retirement allowance or other benefit provided by 26966
this chapter. 26967

(F) "Year" means the year beginning the first day of July and 26968
ending with the thirtieth day of June next following, except that 26969
for the purpose of determining final average salary under the plan 26970
described in sections 3307.50 to 3307.79 of the Revised Code, 26971
"year" may mean the contract year. 26972

(G) "Local district pension system" means any school teachers 26973
pension fund created in any school district of the state in 26974
accordance with the laws of the state prior to September 1, 1920. 26975

(H) "Employer contribution" means the amount paid by an 26976
employer, as determined by the employer rate, including the normal 26977
and deficiency rates, contributions, and funds wherever used in 26978
this chapter. 26979

(I) "Five years of service credit" means employment covered 26980

under this chapter and employment covered under a former 26981
retirement plan operated, recognized, or endorsed by a college, 26982
institute, university, or political subdivision of this state 26983
prior to coverage under this chapter. 26984

(J) "Actuary" means the actuarial consultant to the state 26985
teachers retirement board, who shall be either of the following: 26986

(1) A member of the American academy of actuaries; 26987

(2) A firm, partnership, or corporation of which at least one 26988
person is a member of the American academy of actuaries. 26989

(K) "Fiduciary" means a person who does any of the following: 26990

(1) Exercises any discretionary authority or control with 26991
respect to the management of the system, or with respect to the 26992
management or disposition of its assets; 26993

(2) Renders investment advice for a fee, direct or indirect, 26994
with respect to money or property of the system; 26995

(3) Has any discretionary authority or responsibility in the 26996
administration of the system. 26997

(L)(1) Except as provided in this division, "compensation" 26998
means all salary, wages, and other earnings paid to a teacher by 26999
reason of the teacher's employment, including compensation paid 27000
pursuant to a supplemental contract. The salary, wages, and other 27001
earnings shall be determined prior to determination of the amount 27002
required to be contributed to the teachers' savings fund or 27003
defined contribution fund under section 3307.26 of the Revised 27004
Code and without regard to whether any of the salary, wages, or 27005
other earnings are treated as deferred income for federal income 27006
tax purposes. 27007

(2) Compensation does not include any of the following: 27008

(a) Payments for accrued but unused sick leave or personal 27009
leave, including payments made under a plan established pursuant 27010

to section 124.39 of the Revised Code or any other plan	27011
established by the employer;	27012
(b) Payments made for accrued but unused vacation leave,	27013
including payments made pursuant to section 124.13 of the Revised	27014
Code or a plan established by the employer;	27015
(c) Payments made for vacation pay covering concurrent	27016
periods for which other salary, compensation, or benefits under	27017
this chapter are paid;	27018
(d) Amounts paid by the employer to provide life insurance,	27019
sickness, accident, endowment, health, medical, hospital, dental,	27020
or surgical coverage, or other insurance for the teacher or the	27021
teacher's family, or amounts paid by the employer to the teacher	27022
in lieu of providing the insurance;	27023
(e) Incidental benefits, including lodging, food, laundry,	27024
parking, or services furnished by the employer, use of the	27025
employer's property or equipment, and reimbursement for	27026
job-related expenses authorized by the employer, including moving	27027
and travel expenses and expenses related to professional	27028
development;	27029
(f) Payments made by the employer in exchange for a member's	27030
waiver of a right to receive any payment, amount, or benefit	27031
described in division (L)(2) of this section;	27032
(g) Payments by the employer for services not actually	27033
rendered;	27034
(h) Any amount paid by the employer as a retroactive increase	27035
in salary, wages, or other earnings, unless the increase is one of	27036
the following:	27037
(i) A retroactive increase paid to a member employed by a	27038
school district board of education in a position that requires a	27039
license designated for teaching and not designated for being an	27040

administrator issued under section 3319.22 of the Revised Code 27041
that is paid in accordance with uniform criteria applicable to all 27042
members employed by the board in positions requiring the licenses; 27043

(ii) A retroactive increase paid to a member employed by a 27044
school district board of education in a position that requires a 27045
license designated for being an administrator issued under section 27046
3319.22 of the Revised Code that is paid in accordance with 27047
uniform criteria applicable to all members employed by the board 27048
in positions requiring the licenses; 27049

(iii) A retroactive increase paid to a member employed by a 27050
school district board of education as a superintendent that is 27051
also paid as described in division (L)(2)(h)(i) of this section; 27052

(iv) A retroactive increase paid to a member employed by an 27053
employer other than a school district board of education in 27054
accordance with uniform criteria applicable to all members 27055
employed by the employer. 27056

(i) Payments made to or on behalf of a teacher that are in 27057
excess of the annual compensation that may be taken into account 27058
by the retirement system under division (a)(17) of section 401 of 27059
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 27060
401(a)(17), as amended. For a teacher who first establishes 27061
membership before July 1, 1996, the annual compensation that may 27062
be taken into account by the retirement system shall be determined 27063
under division (d)(3) of section 13212 of the "Omnibus Budget 27064
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 27065

(j) Payments made under division (B), (C), or (E) of section 27066
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 27067
No. 3 of the 119th general assembly, Section 3 of Amended 27068
Substitute Senate Bill No. 164 of the 124th general assembly, or 27069
Amended Substitute House Bill No. 405 of the 124th general 27070
assembly; 27071

(k) Anything of value received by the teacher that is based 27072
on or attributable to retirement or an agreement to retire. 27073

(3) The retirement board shall determine by rule both of the 27074
following: 27075

(a) Whether particular forms of earnings are included in any 27076
of the categories enumerated in this division; 27077

(b) Whether any form of earnings not enumerated in this 27078
division is to be included in compensation. 27079

Decisions of the board made under this division shall be 27080
final. 27081

(M) "Superannuate" means both of the following: 27082

(1) A former teacher receiving from the system a retirement 27083
allowance under section 3307.58 or 3307.59 of the Revised Code; 27084

(2) A former teacher receiving a benefit from the system 27085
under a plan established under section 3307.81 of the Revised 27086
Code, except that "superannuate" does not include a former teacher 27087
who is receiving a benefit based on disability under a plan 27088
established under section 3307.81 of the Revised Code. 27089

For purposes of ~~section~~ sections 3307.35 and 3307.353 of the 27090
Revised Code, "superannuate" also means a former teacher receiving 27091
from the system a combined service retirement benefit paid in 27092
accordance with section 3307.57 of the Revised Code, regardless of 27093
which retirement system is paying the benefit. 27094

Sec. 3307.35. (A) As used in this section and section 27095
3307.352 of the Revised Code, "other system retirant" means a 27096
member or former member of the public employees retirement system, 27097
Ohio police and fire pension fund, school employees retirement 27098
system, state highway patrol retirement system, or Cincinnati 27099
retirement system who is receiving age and service or commuted age 27100

and service retirement, or a disability benefit from a system of 27101
which the retirant is a member or former member. 27102

(B) A Subject to this section and section 3307.353 of the 27103
Revised Code, a superannuate or other system retirant may be 27104
employed as a teacher. 27105

(C) A superannuate or other system retirant employed in 27106
accordance with this section shall contribute to the state 27107
teachers retirement system in accordance with section 3307.26 of 27108
the Revised Code and the employer shall contribute in accordance 27109
with sections 3307.28 and 3307.31 of the Revised Code. Such 27110
contributions shall be received as specified in section 3307.14 of 27111
the Revised Code. A superannuate or other system retirant employed 27112
as a teacher is not a member of the state teachers retirement 27113
system, does not have any of the rights, privileges, or 27114
obligations of membership, except as provided in this section, and 27115
is not eligible to receive health, medical, hospital, or surgical 27116
benefits under section 3307.39 of the Revised Code for employment 27117
subject to this section. 27118

(D) The employer that employs a superannuate or other system 27119
retirant shall notify the state teachers retirement board of the 27120
employment not later than the end of the month in which the 27121
employment commences. Any overpayment of benefits to a 27122
superannuate by the retirement system resulting from an employer's 27123
failure to give timely notice may be charged to the employer and 27124
may be certified and deducted as provided in section 3307.31 of 27125
the Revised Code. 27126

(E) On receipt of notice from an employer that a person who 27127
is an other system retirant has been employed, the state teachers 27128
retirement system shall notify the state retirement system of 27129
which the other system retirant was a member of such employment. 27130

(F) A superannuate or other system retirant who has received 27131

an allowance or benefit for less than two months when employment 27132
subject to this section commences shall forfeit the allowance or 27133
benefit for any month the superannuate or retirant is employed 27134
prior to the expiration of such period. Contributions shall be 27135
made to the retirement system from the first day of such 27136
employment, but service and contributions for that period shall 27137
not be used in the calculation of any benefit payable to the 27138
superannuate or other system retirant, and those contributions 27139
shall be refunded on the superannuate's or retirant's death or 27140
termination of the employment. Contributions made on compensation 27141
earned after the expiration of such period shall be used in 27142
calculation of the benefit or payment due under section 3307.352 27143
of the Revised Code. 27144

(G) On receipt of notice from the Ohio police and fire 27145
pension fund, public employees retirement system, or school 27146
employees retirement system of the re-employment of a 27147
superannuate, the state teachers retirement system shall not pay, 27148
or if paid shall recover, the amount to be forfeited by the 27149
superannuate in accordance with section 145.38, 742.26, or 27150
3309.341 of the Revised Code. 27151

(H) If the disability benefit of an other system retirant 27152
employed under this section is terminated, the retirant shall 27153
become a member of the state teachers retirement system, effective 27154
on the first day of the month next following the termination, with 27155
all the rights, privileges, and obligations of membership. If such 27156
person, after the termination of the retirant's disability 27157
benefit, earns two years of service credit under this retirement 27158
system or under the public employees retirement system, Ohio 27159
police and fire pension fund, school employees retirement system, 27160
or state highway patrol retirement system, the retirant's prior 27161
contributions as an other system retirant under this section shall 27162
be included in the retirant's total service credit, as defined in 27163

section 3307.50 of the Revised Code, as a state teachers 27164
retirement system member, and the retirant shall forfeit all 27165
rights and benefits of this section. Not more than one year of 27166
credit may be given for any period of twelve months. 27167

(I) This section does not affect the receipt of benefits by 27168
or eligibility for benefits of any person who on August 20, 1976, 27169
was receiving a disability benefit or service retirement pension 27170
or allowance from a state or municipal retirement system in Ohio 27171
and was a member of any other state or municipal retirement system 27172
of this state. 27173

(J) The state teachers retirement board may make the 27174
necessary rules to carry into effect this section and to prevent 27175
the abuse of the rights and privileges thereunder. 27176

Sec. 3307.353. (A) This section applies in the case of a 27177
person who is or most recently has been employed by an employer in 27178
a position that is customarily filled by a vote of members of a 27179
board or commission. 27180

(B) A board or commission that proposes to continue the 27181
employment as a reemployed superannuate or rehire as a reemployed 27182
superannuate to the same position an individual described in 27183
division (A) of this section shall do both of the following in 27184
accordance with rules adopted under division (C) of this section: 27185

(1) Not less than sixty days before the employment as a 27186
reemployed superannuate is to begin, give public notice that the 27187
person is or will be retired and is seeking employment with the 27188
employer; 27189

(2) Between fifteen and thirty days before the employment as 27190
a reemployed superannuate is to begin and after complying with 27191
division (B)(1) of this section, hold a public meeting on the 27192
issue of the person being employed by the employer. 27193

The notice regarding division (B)(1) of this section shall 27194
include the time, date, and location at which the public meeting 27195
is to take place. 27196

(C) The state teachers retirement board shall adopt rules as 27197
necessary to implement this section. 27198

Sec. 3309.341. (A) As used in this section and section 27199
3309.344 of the Revised Code: 27200

(1) "SERS retirant" means any person who is receiving a 27201
retirement allowance from the school employees retirement system 27202
under section 3309.36, 3309.38, or 3309.381 of the Revised Code or 27203
any benefit paid under a plan established under section 3309.81 of 27204
the Revised Code. 27205

(2) "Other system retirant" means a member or former member 27206
of the public employees retirement system, Ohio police and fire 27207
pension fund, state teachers retirement system, state highway 27208
patrol retirement system, or Cincinnati retirement system who is 27209
receiving age and service or commuted age and service retirement, 27210
or a disability benefit from a system of which the retirant is a 27211
member or former member. 27212

(B)(1) An Subject to this section and section 3309.345 of the 27213
Revised Code, an SERS retirant or other system retirant may be 27214
employed by a public employer. If so employed, the SERS retirant 27215
or other system retirant shall contribute to the school employees 27216
retirement system in accordance with section 3309.47 of the 27217
Revised Code, and the employer shall make contributions in 27218
accordance with section 3309.49 of the Revised Code. 27219

(2) An employer that employs an SERS retirant or other system 27220
retirant shall notify the retirement board of the employment not 27221
later than the end of the month in which the employment commences. 27222
On receipt of notice from an employer that a person who is an 27223

other system retirant has been employed, the school employees 27224
retirement system shall notify the state retirement system of 27225
which the other system retirant was a member of such employment. 27226

(C) An SERS retirant or other system retirant who has 27227
received a retirement allowance or disability benefit for less 27228
than two months when employment subject to this section commences 27229
shall forfeit the retirement allowance or disability benefit for 27230
any month the SERS retirant or other system retirant is employed 27231
prior to the expiration of the two-month period. Service and 27232
contributions for that period shall not be included in the 27233
calculation of any benefits payable to the SERS retirant or other 27234
system retirant, and those contributions shall be refunded on 27235
death or termination of the employment. Contributions made on 27236
compensation earned after the expiration of such period shall be 27237
used in the calculation of the benefit or payment due under 27238
section 3309.344 of the Revised Code. 27239

(D) On receipt of notice from the Ohio police and fire 27240
pension fund, public employees retirement system, or state 27241
teachers retirement system of the re-employment of an SERS 27242
retirant, the school employees retirement system shall not pay, or 27243
if paid shall recover, the amount to be forfeited by the SERS 27244
retirant in accordance with section 145.38, 742.26, or 3307.35 of 27245
the Revised Code. 27246

(E) An SERS retirant or other system retirant subject to this 27247
section is not a member of the school employees retirement system; 27248
does not have any of the rights, privileges, or obligations of 27249
membership, except as specified in this section; and is not 27250
eligible to receive health, medical, hospital, or surgical 27251
benefits under section 3309.69 of the Revised Code for employment 27252
subject to this section. 27253

(F) If the disability benefit of an other system retirant 27254
employed under this section is terminated, the retirant shall 27255

become a member of the school employees retirement system, 27256
effective on the first day of the month next following the 27257
termination, with all the rights, privileges, and obligations of 27258
membership. If the retirant, after the termination of the 27259
disability benefit, earns two years of service credit under this 27260
retirement system or under the public employees retirement system, 27261
Ohio police and fire pension fund, state teachers retirement 27262
system, or state highway patrol retirement system, the retirant's 27263
prior contributions as an other system retirant under this section 27264
shall be included in the retirant's total service credit as a 27265
school employees retirement system member, and the retirant shall 27266
forfeit all rights and benefits of this section. Not more than one 27267
year of credit may be given for any period of twelve months. 27268

(G) This section does not affect the receipt of benefits by 27269
or eligibility for benefits of any person who on August 29, 1976, 27270
was receiving a disability benefit or service retirement pension 27271
or allowance from a state or municipal retirement system in Ohio 27272
and was a member of any other state or municipal retirement system 27273
of this state. 27274

(H) The school employees retirement board may adopt rules to 27275
carry out this section. 27276

Sec. 3309.345. (A) This section applies in the case of a 27277
person who is or most recently has been employed by an employer in 27278
a position that is customarily filled by a vote of members of a 27279
board or commission. 27280

(B) A board or commission that proposes to continue the 27281
employment as a reemployed retirant or rehire as a reemployed 27282
retirant to the same position an individual described in division 27283
(A) of this section shall do both of the following in accordance 27284
with rules adopted under division (C) of this section: 27285

(1) Not less than sixty days before the employment as a 27286

reemployed retirant is to begin, give public notice that the 27287
person is or will be retired and is seeking employment with the 27288
employer; 27289

(2) Between fifteen and thirty days before the employment as 27290
a reemployed retirant is to begin and after complying with 27291
division (B)(1) of this section, hold a public meeting on the 27292
issue of the person being employed by the employer. 27293

The notice regarding division (B)(1) of this section shall 27294
include the time, date, and location at which the public meeting 27295
is to take place. 27296

(C) The school employees retirement board shall adopt rules 27297
as necessary to implement this section. 27298

Sec. 3311.05. (A) The territory within the territorial limits 27299
of a county, or the territory included in a district formed under 27300
either section 3311.053 or 3311.059 of the Revised Code, exclusive 27301
of the territory embraced in any city school district or exempted 27302
village school district, and excluding the territory detached 27303
therefrom for school purposes and including the territory attached 27304
thereto for school purposes constitutes an educational service 27305
center. 27306

(B) A county school financing district created under section 27307
3311.50 of the Revised Code is not the school district described 27308
in division (A) of this section or any other school district but 27309
is a taxing district. 27310

Sec. 3311.059. The procedure prescribed in this section may 27311
be used in lieu of a transfer prescribed under section 3311.231 of 27312
the Revised Code. 27313

(A) Subject to divisions (B) and (C) of this section, a board 27314
of education of a local school district may by a resolution 27315
approved by a majority of all its members propose to sever that 27316

local school district from the territory of the educational 27317
service center in which the local school district is currently 27318
included and to instead annex the local school district to the 27319
territory of another educational service center, the current 27320
territory of which is adjacent to the territory of the educational 27321
service center in which the local school district is currently 27322
included. The resolution shall promptly be filed with the 27323
governing board of each educational service center affected by the 27324
resolution and with the superintendent of public instruction. 27325

(B) The resolution adopted under division (A) of this section 27326
shall not be effective unless it is approved by both the governing 27327
board of the educational service center to which the board of 27328
education proposes to annex the local school district and the 27329
state board of education. The severance of the local school 27330
district from one educational service center and its annexation to 27331
another educational service center under this section shall not be 27332
effective until one year after the first day of July following the 27333
later of the date that the governing board of the educational 27334
service center to which the local school district is proposed to 27335
be annexed approves the resolution or the date the board of 27336
elections certifies the results of the referendum election as 27337
provided in division (C) of this section. 27338

(C) Within sixty days following the date of the adoption of 27339
the resolution under division (A) of this section, the electors of 27340
the local school district may petition for a referendum vote on 27341
the resolution. The question whether to approve or disapprove the 27342
resolution shall be submitted to the electors of such school 27343
district if a number of qualified electors equal to twenty per 27344
cent of the number of electors in the school district who voted 27345
for the office of governor at the most recent general election for 27346
that office sign a petition asking that the question of whether 27347
the resolution shall be disapproved be submitted to the electors. 27348

The petition shall be filed with the board of elections of the 27349
county in which the school district is located. If the school 27350
district is located in more than one county, the petition shall be 27351
filed with the board of elections of the county in which the 27352
majority of the territory of the school district is located. The 27353
board shall certify the validity and sufficiency of the signatures 27354
on the petition. 27355

The board of elections shall immediately notify the board of 27356
education of the local school district and the governing board of 27357
each educational service center affected by the resolution that 27358
the petition has been filed. 27359

The effect of the resolution shall be stayed until the board 27360
of elections certifies the validity and sufficiency of the 27361
signatures on the petition. If the board of elections determines 27362
that the petition does not contain a sufficient number of valid 27363
signatures and sixty days have passed since the adoption of the 27364
resolution, the resolution shall become effective as provided in 27365
division (B) of this section. 27366

If the board of elections certifies that the petition 27367
contains a sufficient number of valid signatures, the board shall 27368
submit the question to the qualified electors of the school 27369
district on the day of the next general or primary election held 27370
at least seventy-five days after the board of elections certifies 27371
the validity and sufficiency of signatures on the petition. The 27372
election shall be conducted and canvassed and the results shall be 27373
certified in the same manner as in regular elections for the 27374
election of members of a board of education. 27375

If a majority of the electors voting on the question 27376
disapprove the resolution, the resolution shall not become 27377
effective. If a majority of the electors voting on the question 27378
approve the resolution, the resolution shall become effective as 27379
provided in division (B) of this section. 27380

(D) Upon the effective date of the severance of the local school district from one educational service center and its annexation to another educational service center as provided in division (B) of this section, the governing board of each educational service center shall take such steps for the election of members of the governing board and for organization of the governing board as prescribed in Chapter 3313. of the Revised Code. 27381
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(E) If a school district is severed from one educational service center and annexed to another service center under this section, the board of education of that school district shall not propose a subsequent severance and annexation action under this section that would be effective sooner than five years after the effective date of the next previous severance and annexation action under this section. 27389
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Sec. 3311.24. (A) Except as provided in division (B) of this section, if the board of education of a city, exempted village, or local school district deems it advisable to transfer territory from such district to an adjoining city, exempted village, or local school district, or if a petition, signed by seventy-five per cent of the qualified electors residing within that portion of a city, exempted village, or local school district proposed to be transferred voting at the last general election, requests such a transfer, the board of education of the district in which such proposal originates shall file such proposal, together with a map showing the boundaries of the territory proposed to be transferred, with the state board of education prior to the first day of April in any even-numbered year. The state board of education may, if it is advisable, provide for a hearing in any suitable place in any of the school districts affected by such proposed transfer of territory. The state board of education or 27396
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its representatives shall preside at any such hearing. 27412

A board of education of a city, exempted village, or local 27413
school district that receives a petition of transfer under this 27414
division shall cause the board of elections to check the 27415
sufficiency of signatures on the petition. 27416

Not later than the first day of September the state board of 27417
education shall either approve or disapprove a proposed transfer 27418
of territory filed with it as provided by this section and shall 27419
notify, in writing, the boards of education of the districts 27420
affected by such proposed transfer of territory of its decision. 27421

If the decision of the state board of education is an 27422
approval of the proposed transfer of territory then the board of 27423
education of the district in which the territory is located shall, 27424
within thirty days after receiving the state board of education's 27425
decision, adopt a resolution transferring the territory and shall 27426
forthwith submit a copy of such resolution to the treasurer of the 27427
board of education of the city, exempted village, or local school 27428
district to which the territory is transferred. Such transfer 27429
shall not be complete however, until: 27430

(1) A resolution accepting the transfer has been passed by a 27431
majority vote of the full membership of the board of education of 27432
the city, exempted village, or local school district to which the 27433
territory is transferred; 27434

(2) An equitable division of the funds and indebtedness 27435
between the districts involved has been made by the board of 27436
education making the transfer; 27437

(3) A map showing the boundaries of the territory transferred 27438
has been filed, by the board of education accepting the transfer, 27439
with the county auditor of each county affected by the transfer. 27440

When such transfer is complete the legal title of the school 27441
property in the territory transferred shall be vested in the board 27442

of education or governing board of the school district to which 27443
the territory is transferred. 27444

(B) Whenever the transfer of territory pursuant to this 27445
section is initiated by a board of education, the board shall, 27446
before filing a proposal for transfer with the state board of 27447
education under this section, make a good faith effort to 27448
negotiate the terms of transfer with any other school district 27449
whose territory would be affected by the transfer. Before the 27450
state board may hold a hearing on the transfer, or approve or 27451
disapprove any such transfer, it must receive the following: 27452

(1) A resolution requesting approval of the transfer, passed 27453
by the school district submitting the proposal; 27454

(2) Evidence determined to be sufficient by the state board 27455
to show that good faith negotiations have taken place or that the 27456
district requesting the transfer has made a good faith effort to 27457
hold such negotiations; 27458

(3) If any negotiations took place, a statement signed by all 27459
boards that participated in the negotiations, listing the terms 27460
agreed on and the points on which no agreement could be reached. 27461

Negotiations held pursuant to this section shall be governed 27462
by the rules adopted by the state board under division (D) of 27463
section 3311.06 of the Revised Code. Districts involved in a 27464
transfer under division (B) of this section may agree to share 27465
revenues from the property included in the territory to be 27466
transferred, establish cooperative programs between the 27467
participating districts, and establish mechanisms for the 27468
settlement of any future boundary disputes. 27469

Sec. 3311.26. ~~A governing board of an educational service~~ 27470
~~center~~ The state board of education may, by resolution adopted by 27471
majority vote of its full membership, propose the creation of a 27472

new local school district from one or more local school districts 27473
or parts thereof, including the creation of a local district with 27474
noncontiguous territory from one or more local school districts if 27475
one of those districts has entered into an agreement under section 27476
3313.42 of the Revised Code. Such proposal shall include an 27477
accurate map showing the territory affected. After the adoption of 27478
the resolution, the ~~governing~~ state board shall file a copy of 27479
such proposal with the board of education of each school district 27480
whose boundaries would be altered by such proposal. 27481

~~A governing board of a service center proposing~~ Upon the 27482
creation of a new district under this section, the state board 27483
shall at its next regular meeting that occurs not earlier than 27484
thirty days after the adoption by the ~~governing~~ state board of the 27485
resolution proposing such creation, adopt a resolution making the 27486
creation effective prior to the next succeeding first day of July, 27487
unless, prior to the expiration of such thirty-day period, 27488
qualified electors residing in the area included in such proposed 27489
new district, equal in number to thirty-five per cent of the 27490
qualified electors voting at the last general election, file a 27491
petition of referendum against the creation of the proposed new 27492
district. 27493

A petition of referendum filed under this section shall be 27494
filed at the office of the ~~educational service center~~ state 27495
superintendent of public instruction. The person presenting the 27496
petition shall be given a receipt containing thereon the time of 27497
day, the date, and the purpose of the petition. 27498

If a petition of referendum is filed, the ~~governing~~ state 27499
board shall, at the next regular meeting of the ~~governing~~ state 27500
board, certify the proposal to the board of elections for the 27501
purpose of having the proposal placed on the ballot at the next 27502
general or primary election which occurs not less than 27503
seventy-five days after the date of such certification, or at a 27504

special election, the date of which shall be specified in the 27505
certification, which date shall not be less than seventy-five days 27506
after the date of such certification. 27507

Upon certification of a proposal to the board or boards of 27508
elections pursuant to this section, the board or boards of 27509
elections shall make the necessary arrangements for the submission 27510
of such question to the electors of the county or counties 27511
qualified to vote thereon, and the election shall be conducted and 27512
canvassed and the results shall be certified in the same manner as 27513
in regular elections for the election of members of a board of 27514
education. 27515

The persons qualified to vote upon a proposal are the 27516
electors residing in the proposed new districts. 27517

If the proposed district be approved by at least a majority 27518
of the electors voting on the proposal, the ~~governing state~~ board 27519
shall then create such new district prior to the next succeeding 27520
first day of July, ~~and shall so notify the state board of~~ 27521
~~education.~~ 27522

Upon the creation of such district, the indebtedness of each 27523
former district becoming in its entirety a part of the new 27524
district shall be assumed in full by the new district. Upon the 27525
creation of such district, that part of the net indebtedness of 27526
each former district becoming only in part a part of the new 27527
district shall be assumed by the new district which bears the same 27528
ratio to the entire net indebtedness of the former district as the 27529
assessed valuation of the part taken by the new district bears to 27530
the entire assessed valuation of the former district as fixed on 27531
the effective date of transfer. As used in this section, "net 27532
indebtedness" means the difference between the par value of the 27533
outstanding and unpaid bonds and notes of the school district and 27534
the amount held in the sinking fund and other indebtedness 27535
retirement funds for their redemption. Upon the creation of such 27536

district, the funds of each former district becoming in its 27537
entirety a part of the new district shall be paid over in full to 27538
the new district. Upon the creation of such district, the funds of 27539
each former district becoming only in part a part of the new 27540
district shall be divided equitably by the ~~governing~~ state board 27541
between the new district and that part of the former district not 27542
included in the new district as such funds existed on the 27543
effective date of the creation of the new district. 27544

The ~~governing~~ state board shall, following the election, file 27545
with the county auditor of each county affected by the creation of 27546
a new district an accurate map showing the boundaries of such 27547
newly created district. 27548

When a new local school district is so created ~~within an~~ 27549
~~educational service center~~, a board of education for such newly 27550
created district shall be appointed by the ~~educational service~~ 27551
~~center~~ governing state board. The members of such appointed board 27552
of education shall hold their office until their successors are 27553
elected and qualified. A board of education shall be elected for 27554
such newly created district at the next general election held in 27555
an odd numbered year occurring more than thirty days after the 27556
appointment of the board of education of such newly created 27557
district. At such election two members shall be elected for a term 27558
of two years and three members shall be elected for a term of four 27559
years, and, thereafter, their successors shall be elected in the 27560
same manner and for the same terms as members of the board of 27561
education of a local school district. 27562

When the new district consists of territory lying in two or 27563
more counties, the state board shall determine to which 27564
educational service center the new district shall be assigned. 27565

The legal title of all property of the board of education in 27566
the territory taken shall become vested in the board of education 27567
of the newly created school district. 27568

Foundation program moneys accruing to a district created 27569
under the provisions of this section or previous section 3311.26 27570
of the Revised Code, shall not be less, in any year during the 27571
next succeeding three years following the creation, than the sum 27572
of the amounts received by the districts separately in the year in 27573
which the creation of the district became effective. 27574

If, prior to the effective date of this amendment, a local 27575
school district board of education or a group of individuals 27576
requests the governing board of an educational service center to 27577
consider proposing the creation of a new local school district, 27578
the governing board, at any time during the one-year period 27579
following the date that request is made, may adopt a resolution 27580
proposing the creation of a new local school district in response 27581
to that request and in accordance with the first paragraph of the 27582
version of this section in effect prior to the effective date of 27583
this amendment. If the governing board so proposes within that 27584
one-year period, the governing board may proceed to create the new 27585
local school district as it proposed, in accordance with the 27586
version of this section in effect prior to the effective date of 27587
this amendment, subject to the provisions of that version 27588
authorizing a petition and referendum on the matter. 27589

Consolidations of school districts which include all of the 27590
schools of a county and which become effective on or after July 1, 27591
1959, shall be governed and included under this section. 27592

Sec. 3313.843. (A) Notwithstanding division (D) of section 27593
3311.52 of the Revised Code, this section does not apply to either 27594
of the following: 27595

(1) Any cooperative education school district; 27596

(2) Any city or exempted village school district with a total 27597
student count of thirteen thousand or more determined pursuant to 27598

section 3317.03 of the Revised Code that has not entered into one 27599
or more agreements pursuant to this section prior to July 1, 1993, 27600
unless the district's total student count did not exceed thirteen 27601
thousand at the time it entered into an initial agreement under 27602
this section. 27603

(B) The board of education of a city or exempted village 27604
school district and the governing board of an educational service 27605
center with territory in a county in which the city or exempted 27606
village school district also has territory may enter into an 27607
agreement, through adoption of identical resolutions, under which 27608
the educational service center governing board will provide 27609
services to the city or exempted village school district. 27610

Services provided under the agreement shall be specified in 27611
the agreement, and may include any one or a combination of the 27612
following: supervisory teachers; in-service and continuing 27613
education programs for city or exempted village school district 27614
personnel; curriculum services as provided to the local school 27615
districts under the supervision of the service center governing 27616
board; research and development programs; academic instruction for 27617
which the governing board employs teachers pursuant to section 27618
3319.02 of the Revised Code; and assistance in the provision of 27619
special accommodations and classes for handicapped students. 27620
Services included in the agreement shall be provided to the city 27621
or exempted village district in the same manner they are provided 27622
to local school districts under the governing board's supervision, 27623
unless otherwise specified in the agreement. The city or exempted 27624
village board of education shall reimburse the educational service 27625
center governing board pursuant to section 3317.11 of the Revised 27626
Code. 27627

(C)(1) If an educational service center received funding 27628
under division (B) of former section 3317.11 or division (F) of 27629
section 3317.11 of the Revised Code for an agreement under this 27630

section involving a city school district whose total student count 27631
was less than thirteen thousand, the service center may continue 27632
to receive funding under that division for such an agreement in 27633
any subsequent year if the city district's total student count 27634
exceeds thirteen thousand. However, only the first thirteen 27635
thousand pupils in the formula ADM of such district shall be 27636
included in determining the amount of the per pupil subsidy the 27637
service center shall receive under division ~~(B)~~(F) of section 27638
3317.11 of the Revised Code. 27639

(2) If, prior to ~~the effective date of this amendment~~ July 1, 27640
1998, an educational service center received funding under 27641
division (B) of former section 3317.11 of the Revised Code for a 27642
period of at least three years, for a good faith agreement under 27643
this section involving a city school district with no territory in 27644
the county in which the educational service center has territory, 27645
that educational service center and that city school district may 27646
enter into an agreement under this section, and the service center 27647
shall receive funding under division ~~(B)~~(F) of section 3317.11 of 27648
the Revised Code for any such agreement, notwithstanding the 27649
territorial boundaries of the service center and the city school 27650
district. 27651

(D) Any agreement entered into pursuant to this section shall 27652
be valid only if a copy is filed with the department of education 27653
by the first day of the school year for which the agreement is in 27654
effect. 27655

Sec. 3313.975. As used in this section and in sections 27656
3313.975 to 3313.979 of the Revised Code, "the pilot project 27657
school district" or "the district" means any school district 27658
included in the pilot project scholarship program pursuant to this 27659
section. 27660

(A) The superintendent of public instruction shall establish 27661

a pilot project scholarship program and shall include in such 27662
program any school districts that are or have ever been under 27663
federal court order requiring supervision and operational 27664
management of the district by the state superintendent. The 27665
program shall provide for a number of students residing in any 27666
such district to receive scholarships to attend alternative 27667
schools, and for an equal number of students to receive tutorial 27668
assistance grants while attending public school in any such 27669
district. 27670

(B) The state superintendent shall establish an application 27671
process and deadline for accepting applications from students 27672
residing in the district to participate in the scholarship 27673
program. In the initial year of the program students may only use 27674
a scholarship to attend school in grades kindergarten through 27675
third. 27676

The state superintendent shall award as many scholarships and 27677
tutorial assistance grants as can be funded given the amount 27678
appropriated for the program. In no case, however, shall more than 27679
fifty per cent of all scholarships awarded be used by students who 27680
were enrolled in a nonpublic school during the school year of 27681
application for a scholarship. 27682

(C)(1) The pilot project program shall continue in effect 27683
each year that the general assembly has appropriated sufficient 27684
money to fund scholarships and tutorial assistance grants. In each 27685
year the program continues, no new students may receive 27686
scholarships unless they are enrolled in grade kindergarten, one, 27687
two, or three. However, any student who has received a scholarship 27688
the preceding year may continue to receive one until the student 27689
has completed grade eight. Beginning in the 2003-2004 academic 27690
year, a student who previously has received a scholarship may 27691
receive a scholarship in grade nine. Beginning in the 2004-2005 27692
academic year, a student who previously has received a scholarship 27693

may receive a scholarship in grade ten. 27694

(2) If the general assembly discontinues the scholarship 27695
program, all students who are attending an alternative school 27696
under the pilot project shall be entitled to continued admittance 27697
to that specific school through all grades up to the ~~eighth~~ tenth 27698
grade that are provided in such school, under the same conditions 27699
as when they were participating in the pilot project. The state 27700
superintendent shall continue to make scholarship payments in 27701
accordance with division (A) or (B) of section 3313.979 of the 27702
Revised Code for students who remain enrolled in an alternative 27703
school under this provision in any year that funds have been 27704
appropriated for this purpose. 27705

If funds are not appropriated, the tuition charged to the 27706
parents of a student who remains enrolled in an alternative school 27707
under this provision shall not be increased beyond the amount 27708
equal to the amount of the scholarship plus any additional amount 27709
charged that student's parent in the most recent year of 27710
attendance as a participant in the pilot project, except that 27711
tuition for all the students enrolled in such school may be 27712
increased by the same percentage. 27713

(D) Notwithstanding sections 124.39, 3307.54, and 3319.17 of 27714
the Revised Code, if the pilot project school district experiences 27715
a decrease in enrollment due to participation in a state-sponsored 27716
scholarship program pursuant to sections 3313.974 to 3313.979 of 27717
the Revised Code, the district board of education may enter into 27718
an agreement with any teacher it employs to provide to that 27719
teacher severance pay or early retirement incentives, or both, if 27720
the teacher agrees to terminate the employment contract with the 27721
district board, provided any collective bargaining agreement in 27722
force pursuant to Chapter 4117. of the Revised Code does not 27723
prohibit such an agreement for termination of a teacher's 27724
employment contract. 27725

Sec. 3313.976. (A) No private school may receive scholarship 27726
payments from parents pursuant to section 3313.979 of the Revised 27727
Code until the chief administrator of the private school registers 27728
the school with the superintendent of public instruction. The 27729
state superintendent shall register any school that meets the 27730
following requirements: 27731

(1) The school is located within the boundaries of the pilot 27732
project school district; 27733

(2) The school indicates in writing its commitment to follow 27734
all requirements for a state-sponsored scholarship program 27735
specified under sections 3313.974 to 3313.979 of the Revised Code, 27736
including, but not limited to, the requirements for admitting 27737
students pursuant to section 3313.977 of the Revised Code; 27738

(3) The school meets all state minimum standards for 27739
chartered nonpublic schools in effect on July 1, 1992, except that 27740
the state superintendent at the superintendent's discretion may 27741
register nonchartered nonpublic schools meeting the other 27742
requirements of this division; 27743

(4) The school does not discriminate on the basis of race, 27744
religion, or ethnic background; 27745

(5) The school enrolls a minimum of ten students per class or 27746
a sum of at least twenty-five students in all the classes offered; 27747

(6) The school does not advocate or foster unlawful behavior 27748
or teach hatred of any person or group on the basis of race, 27749
ethnicity, national origin, or religion; 27750

(7) The school does not provide false or misleading 27751
information about the school to parents, students, or the general 27752
public; 27753

(8) ~~The~~ For students in grades kindergarten through eight, 27754
the school agrees not to charge any tuition to low-income families 27755

participating in receiving ninety per cent of the scholarship 27756
amount through the scholarship program, pursuant to division (A) 27757
of section 3313.978 of the Revised Code, in excess of ten per cent 27758
of the scholarship amount established pursuant to division (C)(1) 27759
of section 3313.978 of the Revised Code, excluding any increase 27760
described in division (C)(2) of that section. The school shall 27761
permit any such tuition, at the discretion of the parent, to be 27762
satisfied by the low-income family's provision of in-kind 27763
contributions or services. 27764

(9) For students in grades kindergarten through eight, the 27765
school agrees not to charge any tuition to low-income families 27766
receiving a seventy-five per cent scholarship amount through the 27767
scholarship program, pursuant to division (A) of section 3313.978 27768
of the Revised Code, in excess of the difference between the 27769
actual tuition charge of the school and seventy-five per cent of 27770
the scholarship amount established pursuant to division (C)(1) of 27771
section 3313.978 of the Revised Code, excluding any increase 27772
described in division (C)(2) of that section. The school shall 27773
permit such tuition, at the discretion of the parent, to be 27774
satisfied by the low-income family's provision of in-kind 27775
contributions or services. 27776

(10) The school agrees not to charge any tuition to families 27777
of students in grades nine and ten receiving a scholarship in 27778
excess of the actual tuition charge of the school less 27779
seventy-five or ninety per cent of the scholarship amount 27780
established pursuant to division (C)(1) of section 3313.978 of the 27781
Revised Code, as applicable, excluding any increase described in 27782
division (C)(2) of that section. 27783

(B) The state superintendent shall revoke the registration of 27784
any school if, after a hearing, the superintendent determines that 27785
the school is in violation of any of the provisions of division 27786
(A) of this section. 27787

(C) Any public school located in a school district adjacent 27788
to the pilot project district may receive scholarship payments on 27789
behalf of parents pursuant to section 3313.979 of the Revised Code 27790
if the superintendent of the district in which such public school 27791
is located notifies the state superintendent prior to the first 27792
day of March that the district intends to admit students from the 27793
pilot project district for the ensuing school year pursuant to 27794
section 3327.06 of the Revised Code. 27795

(D) Any parent wishing to purchase tutorial assistance from 27796
any person or governmental entity pursuant to the pilot project 27797
program under sections 3313.974 to 3313.979 of the Revised Code 27798
shall apply to the state superintendent. The state superintendent 27799
shall approve providers who appear to possess the capability of 27800
furnishing the instructional services they are offering to 27801
provide. 27802

Sec. 3313.977. (A)(1) Each registered private school shall 27803
admit students to kindergarten and first, second, and third grades 27804
in accordance with the following priorities: 27805

(a) Students who were enrolled in the school during the 27806
preceding year; 27807

(b) Siblings of students enrolled in the school during the 27808
preceding year, at the discretion of the school; 27809

(c) Children from low-income families attending school or 27810
residing in the school district in which the school is located 27811
until the number of such students in each grade equals the number 27812
that constituted twenty per cent of the total number of students 27813
enrolled in the school during the preceding year in such grade. 27814
Admission of such twenty per cent shall be by lot from among all 27815
low-income family applicants who apply prior to the fifteenth day 27816
of February prior to admission. 27817

(d) All other applicants residing anywhere, provided that all remaining available spaces shall be filled from among such applicants by lot.

Children from low-income families not selected by lot under division (A)(1)(c) of this section shall be included in the lottery of all remaining applicants pursuant to division (A)(1)(d) of this section.

(2) Each registered private school shall first admit to grades four through ~~eight~~ ten students who were enrolled in the school during the preceding year. Any remaining spaces for students in these grades may be filled as determined by the school.

(B) Notwithstanding division (A) of this section, except where otherwise prohibited by federal law, a registered private school may elect to admit students of only one gender and may deny admission to any separately educated handicapped student.

(C) If a scholarship student who has been accepted in accordance with this section fails to enroll in the school for any reason or withdraws from the school during the school year for any reason, the school may elect to replace such student with another scholarship student only by first offering the admission to any low-income scholarship students who filed applications by the preceding fifteenth day of February and who were not accepted at that time due to space limitations.

Sec. 3313.978. (A) Annually by the first day of November, the superintendent of public instruction shall notify the pilot project school district of the number of initial scholarships that the state superintendent will be awarding in each of grades kindergarten through third.

The state superintendent shall provide information about the

scholarship program to all students residing in the district, 27848
shall accept applications from any such students until such date 27849
as shall be established by the state superintendent as a deadline 27850
for applications, and shall establish criteria for the selection 27851
of students to receive scholarships from among all those applying 27852
prior to the deadline, which criteria shall give preference to 27853
students from low-income families. For each student selected, the 27854
state superintendent shall also determine whether the student 27855
qualifies for seventy-five or ninety per cent of the scholarship 27856
amount. Students whose family income is at or above two hundred 27857
per cent of the maximum income level established by the state 27858
superintendent for low-income families shall qualify for 27859
seventy-five per cent of the scholarship amount and students whose 27860
family income is below two hundred per cent of that maximum income 27861
level shall qualify for ninety per cent of the scholarship amount. 27862
The state superintendent shall notify students of their selection 27863
prior to the fifteenth day of January and whether they qualify for 27864
seventy-five or ninety per cent of the scholarship amount. 27865

(1) A student receiving a pilot project scholarship may 27866
utilize it at an alternative public school by notifying the 27867
district superintendent, at any time before the beginning of the 27868
school year, of the name of the public school in an adjacent 27869
school district to which the student has been accepted pursuant to 27870
section 3327.06 of the Revised Code. 27871

(2) A student may decide to utilize a pilot project 27872
scholarship at a registered private school in the district if all 27873
of the following conditions are met: 27874

(a) By the fifteenth day of February of the preceding school 27875
year, or at any time prior to the start of the school year, the 27876
parent makes an application on behalf of the student to a 27877
registered private school. 27878

(b) The registered private school notifies the parent and the 27879

state superintendent as follows that the student has been 27880
admitted: 27881

(i) By the fifteenth day of March of the preceding school 27882
year if the student filed an application by the fifteenth day of 27883
February and was admitted by the school pursuant to division (A) 27884
of section 3313.977 of the Revised Code; 27885

(ii) Within one week of the decision to admit the student if 27886
the student is admitted pursuant to division (C) of section 27887
3313.977 of the Revised Code. 27888

(c) The student actually enrolls in the registered private 27889
school to which the student was first admitted or in another 27890
registered private school in the district or in a public school in 27891
an adjacent school district. 27892

(B) The state superintendent shall also award in any school 27893
year tutorial assistance grants to a number of students equal to 27894
the number of students who receive scholarships under division (A) 27895
of this section. Tutorial assistance grants shall be awarded 27896
solely to students who are enrolled in the public schools of the 27897
district in a grade level covered by the pilot project. Tutorial 27898
assistance grants may be used solely to obtain tutorial assistance 27899
from a provider approved pursuant to division (D) of section 27900
3313.976 of the Revised Code. 27901

All students wishing to obtain tutorial assistance grants 27902
shall make application to the state superintendent by the first 27903
day of the school year in which the assistance will be used. The 27904
state superintendent shall award assistance grants in accordance 27905
with criteria the superintendent shall establish. For each student 27906
awarded a grant, the state superintendent shall also determine 27907
whether the student qualifies for seventy-five or ninety per cent 27908
of the grant amount and so notify the student. Students whose 27909
family income is at or above two hundred per cent of the maximum 27910

income level established by the state superintendent for 27911
low-income families shall qualify for seventy-five per cent of the 27912
grant amount and students whose family income is below two hundred 27913
per cent of that maximum income level shall qualify for ninety per 27914
cent of the grant amount. 27915

(C)(1) In the case of basic scholarships for students in 27916
grades kindergarten through eight, the scholarship amount shall 27917
not exceed the lesser of the tuition charges of the alternative 27918
school the scholarship recipient attends or an amount established 27919
by the state superintendent not in excess of ~~twenty-five hundred~~ 27920
three thousand dollars. 27921

In the case of basic scholarships for students in grades nine 27922
and ten, the scholarship amount shall not exceed the lesser of the 27923
tuition charges of the alternative school the scholarship 27924
recipient attends or an amount established by the state 27925
superintendent not in excess of two thousand seven hundred 27926
dollars. 27927

(2) The state superintendent shall provide for an increase in 27928
the basic scholarship amount in the case of any student who is a 27929
mainstreamed handicapped student and shall further increase such 27930
amount in the case of any separately educated handicapped child. 27931
Such increases shall take into account the instruction, related 27932
services, and transportation costs of educating such students. 27933

(3) In the case of tutorial assistance grants, the grant 27934
amount shall not exceed the lesser of the provider's actual 27935
charges for such assistance or a percentage established by the 27936
state superintendent, not to exceed twenty per cent, of the amount 27937
of the pilot project school district's average basic scholarship 27938
amount. 27939

(4) No scholarship or tutorial assistance grant shall be 27940
awarded unless the state superintendent determines that 27941

twenty-five or ten per cent, as applicable, of the amount 27942
specified for such scholarship or grant pursuant to division 27943
(C)(1), (2), or (3) of this section will be furnished by a 27944
political subdivision, a private nonprofit or for profit entity, 27945
or another person. Only seventy-five or ninety per cent of such 27946
amounts, as applicable, shall be paid from state funds pursuant to 27947
section 3313.979 of the Revised Code. 27948

(D)(1) Annually by the first day of November, the state 27949
superintendent shall estimate the maximum per-pupil scholarship 27950
amounts for the ensuing school year. The state superintendent 27951
shall make this estimate available to the general public at the 27952
offices of the district board of education together with the forms 27953
required by division (D)(2) of this section. 27954

(2) Annually by the fifteenth day of January, the chief 27955
administrator of each registered private school located in the 27956
pilot project district and the principal of each public school in 27957
such district shall complete a parental information form and 27958
forward it to the president of the board of education. The 27959
parental information form shall be prescribed by the department of 27960
education and shall provide information about the grade levels 27961
offered, the numbers of students, tuition amounts, achievement 27962
test results, and any sectarian or other organizational 27963
affiliations. 27964

Sec. 3313.979. Each scholarship ~~or grant~~ to be used for 27965
payments to a registered private school ~~or to an approved tutorial~~ 27966
~~assistance provider~~ is payable to the parents of the student 27967
entitled to the scholarship ~~or grant~~. Each scholarship to be used 27968
for payments to a public school in an adjacent school district is 27969
payable to the school district of attendance by the superintendent 27970
of public instruction. Each grant to be used for payments to an 27971
approved tutorial assistance provider is payable to the approved 27972

<u>tutorial assistance provider.</u>	27973
(A)(1) By the fifteenth day of each month of the school year	27974
that any scholarship students are enrolled in a registered private	27975
school, the chief administrator of that school shall notify the	27976
state superintendent of:	27977
(a) The number of students who were reported to the school	27978
district as having been admitted by that private school pursuant	27979
to division (A)(2)(b) of section 3313.978 of the Revised Code and	27980
who were still enrolled in the private school as of the first day	27981
of such month, and the numbers of such students who qualify for	27982
seventy-five and ninety per cent of the scholarship amount;	27983
(b) The number of students who were reported to the school	27984
district as having been admitted by another private school	27985
pursuant to division (A)(2)(b) of section 3313.978 of the Revised	27986
Code and since the date of admission have transferred to the	27987
school providing the notification under division (A)(1) of this	27988
section, and the numbers of such students who qualify for	27989
seventy-five and ninety per cent of the scholarship amount.	27990
(2) From time to time, the state superintendent shall make a	27991
payment to the parent of each student entitled to a scholarship.	27992
Each payment shall include for each student reported under	27993
division (A)(1) of this section, a portion of seventy-five or	27994
ninety per cent, as applicable, of the scholarship amount	27995
specified in divisions (C)(1) and (2) of section 3313.978 of the	27996
Revised Code. This amount shall be proportionately reduced in the	27997
case of any such student who is not enrolled in a registered	27998
private school for the entire school year.	27999
(3) The first payment under this division shall be made by	28000
the last day of November and shall equal one-third of seventy-five	28001
or ninety per cent, as applicable, of the estimated total amount	28002
that will be due to the parent for the school year pursuant to	28003

division (A)(2) of this section. 28004

(B) The state superintendent, on behalf of the parents of a 28005
scholarship student enrolled in a public school in an adjacent 28006
school district pursuant to section 3327.06 of the Revised Code, 28007
shall make the tuition payments required by that section to the 28008
school district admitting the student, except that, 28009
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 28010
Revised Code, the total payments in any school year shall not 28011
exceed seventy-five or ninety per cent, as applicable, of the 28012
scholarship amount provided in divisions (C)(1) and (2) of section 28013
3313.978 of the Revised Code. 28014

(C) Whenever an approved provider provides tutorial 28015
assistance to a student, the state superintendent shall pay the 28016
~~parent~~ approved provider for such costs upon receipt of a 28017
statement ~~from the parent~~ specifying the services provided and the 28018
costs of the services, which statement shall be signed by the 28019
provider and verified by the chief administrator having 28020
supervisory control over the tutoring site. The total payments to 28021
any ~~parent~~ approved provider under this division for all provider 28022
services to any individual student in any school year shall not 28023
exceed seventy-five or ninety per cent, as applicable, of the 28024
grant amount provided in division (C)(3) of section 3313.978 of 28025
the Revised Code. 28026

Sec. 3313.981. (A) The state board shall adopt rules 28027
requiring all of the following: 28028

(1) The board of education of each city, exempted village, 28029
and local school district to annually report to the department of 28030
education all of the following: 28031

(a) The number of adjacent district or other district 28032
students, as applicable, and adjacent district or other district 28033
joint vocational students, as applicable, enrolled in the district 28034

and the number of native students enrolled in adjacent or other districts, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;

(b) Each adjacent district or other district student's or adjacent district or other district joint vocational student's date of enrollment in the district;

(c) The full-time equivalent number of adjacent district or other district students enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code and the full-time equivalent number of such students enrolled in vocational education programs or classes described in division (B) of that section;

(d) Each native student's date of enrollment in an adjacent or other district.

(2) The board of education of each joint vocational school district to annually report to the department all of the following:

(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district;

(b) The full-time equivalent number of adjacent district or other district joint vocational students enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code and the full-time equivalent number of such students enrolled in vocational education programs or classes described in division (B) of that section;

(c) For each adjacent district or other district joint vocational student, the city, exempted village, or local school district in which the student is also enrolled.

(3) Prior to the first full school week in October each year, the superintendent of each city, local, or exempted village school

district that admits adjacent district or other district students 28065
or adjacent district or other district joint vocational students 28066
in accordance with a policy adopted under division (B) of section 28067
3313.98 of the Revised Code to notify each adjacent or other 28068
district where those students are entitled to attend school under 28069
section 3313.64 or 3313.65 of the Revised Code of the number of 28070
the adjacent or other district's native students who are enrolled 28071
in the superintendent's district under the policy. 28072

The rules shall provide for the method of counting students 28073
who are enrolled for part of a school year in an adjacent or other 28074
district or as an adjacent district or other district joint 28075
vocational student. 28076

(B) From the payments made to a city, exempted village, or 28077
local school district under Chapter 3317. of the Revised Code, the 28078
department of education shall annually subtract both of the 28079
following: 28080

(1) An amount equal to the number of the district's native 28081
students reported under division (A)(1) of this section who are 28082
enrolled in adjacent or other school districts pursuant to 28083
policies adopted by such districts under division (B) of section 28084
3313.98 of the Revised Code multiplied by the adjusted formula 28085
amount for the district; 28086

(2) The excess costs computed in accordance with division (E) 28087
of this section for any such native students receiving special 28088
education and related services in adjacent or other school 28089
districts or as an adjacent district or other district joint 28090
vocational student; 28091

(3) For the full-time equivalent number of the district's 28092
native students reported under division (A)(1)(c) or (2)(b) of 28093
this section as enrolled in vocational education programs or 28094
classes described in section 3317.014 of the Revised Code, an 28095

amount equal to the formula amount times the applicable multiple 28096
prescribed by that section. 28097

(C) To the payments made to a city, exempted village, or 28098
local school district under Chapter 3317. of the Revised Code, the 28099
department of education shall annually add all of the following: 28100

(1) An amount equal to the adjusted formula amount for the 28101
district multiplied by the remainder obtained by subtracting the 28102
number of adjacent district or other district joint vocational 28103
students from the number of adjacent district or other district 28104
students enrolled in the district, as reported under division 28105
(A)(1) of this section; 28106

(2) The excess costs computed in accordance with division (E) 28107
of this section for any adjacent district or other district 28108
students, except for any adjacent or other district joint 28109
vocational students, receiving special education and related 28110
services in the district; 28111

(3) For the full-time equivalent number of the adjacent or 28112
other district students who are not adjacent district or other 28113
district joint vocational students and are reported under division 28114
(A)(1)(c) of this section as enrolled in vocational education 28115
programs or classes described in section 3317.014 of the Revised 28116
Code, an amount equal to the formula amount times the applicable 28117
multiple prescribed by that section; 28118

(4) An amount equal to the number of adjacent district or 28119
other district joint vocational students reported under division 28120
(A)(1) of this section multiplied by an amount equal to ~~one-fourth~~ 28121
twenty per cent of the adjusted formula amount for the district. 28122

(D) To the payments made to a joint vocational school 28123
district under Chapter 3317. of the Revised Code, the department 28124
of education shall add, for each adjacent district or other 28125
district joint vocational student reported under division (A)(2) 28126

of this section, both of the following:	28127
(1) An amount equal to the adjusted formula amount of the	28128
city, exempted village, or local school district in which the	28129
student is also enrolled;	28130
(2) An amount equal to the full-time equivalent number of	28131
students reported pursuant to division (A)(2)(b) of this section	28132
times the formula amount times the applicable multiple prescribed	28133
by section 3317.014 of the Revised Code.	28134
(E)(1) A city, exempted village, or local school board	28135
providing special education and related services to an adjacent or	28136
other district student in accordance with an IEP shall, pursuant	28137
to rules of the state board, compute the excess costs to educate	28138
such student as follows:	28139
(a) Subtract the adjusted formula amount for the district	28140
from the actual costs to educate the student;	28141
(b) From the amount computed under division (E)(1)(a) of this	28142
section subtract the amount of any funds received by the district	28143
under Chapter 3317. of the Revised Code to provide special	28144
education and related services to the student.	28145
(2) The board shall report the excess costs computed under	28146
this division to the department of education.	28147
(3) If any student for whom excess costs are computed under	28148
division (E)(1) of this section is an adjacent or other district	28149
joint vocational student, the department of education shall add	28150
the amount of such excess costs to the payments made under Chapter	28151
3317. of the Revised Code to the joint vocational school district	28152
enrolling the student.	28153
(F) As provided in division (D)(1)(b) of section 3317.03 of	28154
the Revised Code, no joint vocational school district shall count	28155
any adjacent or other district joint vocational student enrolled	28156

in the district in its formula ADM certified under section 3317.03 28157
of the Revised Code. 28158

(G) No city, exempted village, or local school district shall 28159
receive a payment under division (C) of this section for a 28160
student, and no joint vocational school district shall receive a 28161
payment under division (D) of this section for a student, if for 28162
the same school year that student is counted in the district's 28163
formula ADM certified under section 3317.03 of the Revised Code. 28164

(H) Upon request of a parent, and provided the board offers 28165
transportation to native students of the same grade level and 28166
distance from school under section 3327.01 of the Revised Code, a 28167
city, exempted village, or local school board enrolling an 28168
adjacent or other district student shall provide transportation 28169
for the student within the boundaries of the board's district, 28170
except that the board shall be required to pick up and drop off a 28171
nonhandicapped student only at a regular school bus stop 28172
designated in accordance with the board's transportation policy. 28173
Pursuant to rules of the state board of education, such board may 28174
reimburse the parent from funds received under division (D) of 28175
section 3317.022 of the Revised Code for the reasonable cost of 28176
transportation from the student's home to the designated school 28177
bus stop if the student's family has an income below the federal 28178
poverty line. 28179

Sec. 3314.02. (A) As used in this chapter: 28180

(1) "Sponsor" means an entity listed in division (C)(1) of 28181
this section, which has been approved by the department of 28182
education to sponsor community schools and with which the 28183
governing authority of the proposed community school enters into a 28184
contract pursuant to this section. 28185

(2) "Pilot project area" means the school districts included 28186
in the territory of the former community school pilot project 28187

established by former Section 50.52 of Am. Sub. H.B. No. 215 of	28188
the 122nd general assembly.	28189
(3) "Challenged school district" means any of the following:	28190
(a) A school district that is part of the pilot project area;	28191
(b) A school district that is either in a state of academic	28192
emergency or in a state of academic watch under section 3302.03 of	28193
the Revised Code;	28194
(c) A big eight school district;	28195
(d) An urban school district.	28196
(4) "Big eight school district" means a school district that	28197
for fiscal year 1997 had both of the following:	28198
(a) A percentage of children residing in the district and	28199
participating in the predecessor of Ohio works first greater than	28200
thirty per cent, as reported pursuant to section 3317.10 of the	28201
Revised Code;	28202
(b) An average daily membership greater than twelve thousand,	28203
as reported pursuant to former division (A) of section 3317.03 of	28204
the Revised Code.	28205
(5) "New start-up school" means a community school other than	28206
one created by converting all or part of an existing public	28207
school, as designated in the school's contract pursuant to	28208
division (A)(17) of section 3314.03 of the Revised Code.	28209
(6) "Urban school district" means one of the state's	28210
twenty-one urban school districts as defined in division (O) of	28211
section 3317.02 of the Revised Code as that section existed prior	28212
to July 1, 1998.	28213
(7) "Internet- or computer-based community school" means a	28214
community school established under this chapter in which the	28215
enrolled students work primarily from their residences on	28216
assignments <u>in non-classroom-based learning opportunities</u> provided	28217

via an internet- or other computer-based instructional method that 28218
does not rely on regular classroom instruction or via 28219
comprehensive instructional methods that include internet-based, 28220
other computer-based, and non-computer-based learning 28221
opportunities. 28222

(B) Any person or group of individuals may initially propose 28223
under this division the conversion of all or a portion of a public 28224
school to a community school. The proposal shall be made to the 28225
board of education of the city, local, or exempted village school 28226
district in which the public school is proposed to be converted. 28227
Upon receipt of a proposal, a board may enter into a preliminary 28228
agreement with the person or group proposing the conversion of the 28229
public school, indicating the intention of the board of education 28230
to support the conversion to a community school. A proposing 28231
person or group that has a preliminary agreement under this 28232
division may proceed to finalize plans for the school, establish a 28233
governing authority for the school, and negotiate a contract with 28234
the board of education. Provided the proposing person or group 28235
adheres to the preliminary agreement and all provisions of this 28236
chapter, the board of education shall negotiate in good faith to 28237
enter into a contract in accordance with section 3314.03 of the 28238
Revised Code and division (C) of this section. 28239

(C)(1) Any person or group of individuals may propose under 28240
this division the establishment of a new start-up school to be 28241
located in a challenged school district. The proposal may be made 28242
to any of the following entities: 28243

(a) The board of education of the district in which the 28244
school is proposed to be located; 28245

(b) The board of education of any joint vocational school 28246
district with territory in the county in which is located the 28247
majority of the territory of the district in which the school is 28248
proposed to be located; 28249

(c) The board of education of any other city, local, or 28250
exempted village school district having territory in the same 28251
county where the district in which the school is proposed to be 28252
located has the major portion of its territory; 28253

(d) The governing board of any educational service center ~~as~~ 28254
~~long as the proposed school will be located in a county within the~~ 28255
~~territory of the service center or in a county contiguous to such~~ 28256
~~county;~~ 28257

(e) A sponsoring authority designated by the board of 28258
trustees of any of the thirteen state universities listed in 28259
section 3345.011 of the Revised Code or the board of trustees 28260
itself as long as a mission of the proposed school to be specified 28261
in the contract under division (A)(2) of section 3314.03 of the 28262
Revised Code and as approved by the department of education under 28263
division (B)(2) of section 3314.015 of the Revised Code will be 28264
the practical demonstration of teaching methods, educational 28265
technology, or other teaching practices that are included in the 28266
curriculum of the university's teacher preparation program 28267
approved by the state board of education; 28268

(f) Any qualified tax-exempt entity under section 501(c)(3) 28269
of the Internal Revenue Code as long as all of the following 28270
conditions are satisfied: 28271

(i) The entity has been in operation for at least five years 28272
prior to applying to be a community school sponsor. 28273

(ii) The entity has assets of at least five hundred thousand 28274
dollars. 28275

(iii) The department of education has determined that the 28276
entity is an education-oriented entity under division (B)(3) of 28277
section 3314.015 of the Revised Code. 28278

Until July 1, 2005, any entity described in division 28279

(C)(1)(f) of this section may sponsor only schools that formerly 28280
were sponsored by the state board of education under division 28281
(C)(1)(d) of this section, as it existed prior to April 8, 2003. 28282
After July 1, 2005, such entity may sponsor any new or existing 28283
school. 28284

Any entity described in division (C)(1) of this section may 28285
enter into a preliminary agreement pursuant to division (C)(2) of 28286
this section with the proposing person or group. 28287

(2) A preliminary agreement indicates the intention of an 28288
entity described in division (C)(1) of this section to sponsor the 28289
community school. A proposing person or group that has such a 28290
preliminary agreement may proceed to finalize plans for the 28291
school, establish a governing authority as described in division 28292
(E) of this section for the school, and negotiate a contract with 28293
the entity. Provided the proposing person or group adheres to the 28294
preliminary agreement and all provisions of this chapter, the 28295
entity shall negotiate in good faith to enter into a contract in 28296
accordance with section 3314.03 of the Revised Code. 28297

(3) A new start-up school that is established in a school 28298
district while that district is either in a state of academic 28299
emergency or in a state of academic watch under section 3302.03 of 28300
the Revised Code may continue in existence once the school 28301
district is no longer in a state of academic emergency or academic 28302
watch, provided there is a valid contract between the school and a 28303
sponsor. 28304

(4) A copy of every preliminary agreement entered into under 28305
this division shall be filed with the superintendent of public 28306
instruction. 28307

(D) A majority vote of the board of a sponsoring entity and a 28308
majority vote of the members of the governing authority of a 28309
community school shall be required to adopt a contract and convert 28310

the public school to a community school or establish the new 28311
start-up school. Up to the statewide limit prescribed in section 28312
3314.013 of the Revised Code, an unlimited number of community 28313
schools may be established in any school district provided that a 28314
contract is entered into for each community school pursuant to 28315
this chapter. 28316

(E) As used in this division, "immediate relatives" are 28317
limited to spouses, children, parents, grandparents, siblings, and 28318
in-laws. 28319

Each new start-up community school established under this 28320
chapter shall be under the direction of a governing authority 28321
which shall consist of a board of not less than five individuals 28322
who are not owners or employees, or immediate relatives of owners 28323
or employees, of any for-profit firm that operates or manages a 28324
school for the governing authority. 28325

No person shall serve on the governing authority or operate 28326
the community school under contract with the governing authority 28327
so long as the person owes the state any money or is in a dispute 28328
over whether the person owes the state any money concerning the 28329
operation of a community school that has closed. 28330

(F) Nothing in this chapter shall be construed to permit the 28331
establishment of a community school in more than one school 28332
district under the same contract. 28333

Sec. 3314.03. A copy of every contract entered into under 28334
this section shall be filed with the superintendent of public 28335
instruction. 28336

(A) Each contract entered into between a sponsor and the 28337
governing authority of a community school shall specify the 28338
following: 28339

(1) That the school shall be established as either of the 28340

following:	28341
(a) A nonprofit corporation established under Chapter 1702.	28342
of the Revised Code, if established prior to the effective date of	28343
this amendment <u>April 8, 2003</u> ;	28344
(b) A public benefit corporation established under Chapter	28345
1702. of the Revised Code, if established after the effective date	28346
of this amendment <u>April 8, 2003</u> ;	28347
(2) The education program of the school, including the	28348
school's mission, the characteristics of the students the school	28349
is expected to attract, the ages and grades of students, and the	28350
focus of the curriculum;	28351
(3) The academic goals to be achieved and the method of	28352
measurement that will be used to determine progress toward those	28353
goals, which shall include the statewide achievement tests;	28354
(4) Performance standards by which the success of the school	28355
will be evaluated by the sponsor;	28356
(5) The admission standards of section 3314.06 of the Revised	28357
Code;	28358
(6)(a) Dismissal procedures;	28359
(b) A requirement that the governing authority adopt an	28360
attendance policy that includes a procedure for automatically	28361
withdrawing a student from the school if the student without a	28362
legitimate excuse fails to participate in one hundred five	28363
cumulative <u>consecutive</u> hours of the learning opportunities offered	28364
to the student. Such a policy shall provide for withdrawing the	28365
student by the end of the thirtieth day after the student has	28366
failed to participate as required under this division.	28367
(7) The ways by which the school will achieve racial and	28368
ethnic balance reflective of the community it serves;	28369
(8) Requirements for financial audits by the auditor of	28370

state. The contract shall require financial records of the school 28371
to be maintained in the same manner as are financial records of 28372
school districts, pursuant to rules of the auditor of state, and 28373
the audits shall be conducted in accordance with section 117.10 of 28374
the Revised Code. 28375

(9) The facilities to be used and their locations; 28376

(10) Qualifications of teachers, including a requirement that 28377
the school's classroom teachers be licensed in accordance with 28378
sections 3319.22 to 3319.31 of the Revised Code, except that a 28379
community school may engage noncertificated persons to teach up to 28380
twelve hours per week pursuant to section 3319.301 of the Revised 28381
Code; 28382

(11) That the school will comply with the following 28383
requirements: 28384

(a) The school will provide learning opportunities to a 28385
minimum of twenty-five students for a minimum of nine hundred 28386
twenty hours per school year; 28387

(b) The governing authority will purchase liability 28388
insurance, or otherwise provide for the potential liability of the 28389
school; 28390

(c) The school will be nonsectarian in its programs, 28391
admission policies, employment practices, and all other 28392
operations, and will not be operated by a sectarian school or 28393
religious institution; 28394

(d) The school will comply with sections 9.90, 9.91, 109.65, 28395
121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 28396
3301.0712, 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 28397
3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 28398
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 28399
3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 28400
3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 28401

5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 28402
4123., 4141., and 4167. of the Revised Code as if it were a school 28403
district and will comply with section 3301.0714 of the Revised 28404
Code in the manner specified in section 3314.17 of the Revised 28405
Code; 28406

(e) The school shall comply with Chapter 102. of the Revised 28407
Code except that nothing in that chapter shall prohibit a member 28408
of the school's governing board from also being an employee of the 28409
school and nothing in that chapter or section 2921.42 of the 28410
Revised Code shall prohibit a member of the school's governing 28411
board from having an interest in a contract into which the 28412
governing board enters that is not a contract with a for-profit 28413
firm for the operation or management of a school under the 28414
auspices of the governing authority; 28415

(f) The school will comply with sections 3313.61, 3313.611, 28416
and 3313.614 of the Revised Code, except that the requirement in 28417
sections 3313.61 and 3313.611 of the Revised Code that a person 28418
must successfully complete the curriculum in any high school prior 28419
to receiving a high school diploma may be met by completing the 28420
curriculum adopted by the governing authority of the community 28421
school rather than the curriculum specified in Title XXXIII of the 28422
Revised Code or any rules of the state board of education; 28423

(g) The school governing authority will submit within four 28424
months after the end of each school year a report of its 28425
activities and progress in meeting the goals and standards of 28426
divisions (A)(3) and (4) of this section and its financial status 28427
to the sponsor, the parents of all students enrolled in the 28428
school, and the legislative office of education oversight. The 28429
school will collect and provide any data that the legislative 28430
office of education oversight requests in furtherance of any study 28431
or research that the general assembly requires the office to 28432
conduct, including the studies required under Section 50.39 of Am. 28433

Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of	28434
Am. Sub. H.B. 215 of the 122nd general assembly, as amended.	28435
(12) Arrangements for providing health and other benefits to	28436
employees;	28437
(13) The length of the contract, which shall begin at the	28438
beginning of an academic year. No contract shall exceed five years	28439
unless such contract has been renewed pursuant to division (E) of	28440
this section.	28441
(14) The governing authority of the school, which shall be	28442
responsible for carrying out the provisions of the contract;	28443
(15) A financial plan detailing an estimated school budget	28444
for each year of the period of the contract and specifying the	28445
total estimated per pupil expenditure amount for each such year.	28446
The plan shall specify for each year the base formula amount that	28447
will be used for purposes of funding calculations under section	28448
3314.08 of the Revised Code. This base formula amount for any year	28449
shall not exceed the formula amount defined under section 3317.02	28450
of the Revised Code. The plan may also specify for any year a	28451
percentage figure to be used for reducing the per pupil amount of	28452
disadvantaged pupil impact aid calculated pursuant to section	28453
3317.029 of the Revised Code the school is to receive that year	28454
under section 3314.08 of the Revised Code.	28455
(16) Requirements and procedures regarding the disposition of	28456
employees of the school in the event the contract is terminated or	28457
not renewed pursuant to section 3314.07 of the Revised Code;	28458
(17) Whether the school is to be created by converting all or	28459
part of an existing public school or is to be a new start-up	28460
school, and if it is a converted public school, specification of	28461
any duties or responsibilities of an employer that the board of	28462
education that operated the school before conversion is delegating	28463
to the governing board of the community school with respect to all	28464

or any specified group of employees provided the delegation is not 28465
prohibited by a collective bargaining agreement applicable to such 28466
employees; 28467

(18) Provisions establishing procedures for resolving 28468
disputes or differences of opinion between the sponsor and the 28469
governing authority of the community school; 28470

(19) A provision requiring the governing authority to adopt a 28471
policy regarding the admission of students who reside outside the 28472
district in which the school is located. That policy shall comply 28473
with the admissions procedures specified in section 3314.06 of the 28474
Revised Code and, at the sole discretion of the authority, shall 28475
do one of the following: 28476

(a) Prohibit the enrollment of students who reside outside 28477
the district in which the school is located; 28478

(b) Permit the enrollment of students who reside in districts 28479
adjacent to the district in which the school is located; 28480

(c) Permit the enrollment of students who reside in any other 28481
district in the state. 28482

(20) A provision recognizing the authority of the department 28483
of education to take over the sponsorship of the school in 28484
accordance with the provisions of division (C) of section 3314.015 28485
of the Revised Code; 28486

(21) A provision recognizing the sponsor's authority to 28487
assume the operation of a school under the conditions specified in 28488
division (B) of section 3314.073 of the Revised Code; 28489

(22) A provision recognizing both of the following: 28490

(a) The authority of public health and safety officials to 28491
inspect the facilities of the school and to order the facilities 28492
closed if those officials find that the facilities are not in 28493
compliance with health and safety laws and regulations; 28494

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action;

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised Code.

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

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

(2) The management and administration of the school;

(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;

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

(5) Internal financial controls.

(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 28525
between the governing authority and the sponsor. The total amount 28526
of such payments for oversight and monitoring of the school shall 28527
not exceed three per cent of the total amount of payments for 28528
operating expenses that the school receives from the state. 28529

(D) The contract shall specify the duties of the sponsor 28530
which shall be in accordance with the written agreement entered 28531
into with the department of education under division (B) of 28532
section 3314.015 of the Revised Code and shall include the 28533
following: 28534

(1) Monitor the community school's compliance with all laws 28535
applicable to the school and with the terms of the contract; 28536

(2) Monitor and evaluate the academic and fiscal performance 28537
and the organization and operation of the community school on at 28538
least an annual basis; 28539

(3) Report on an annual basis the results of the evaluation 28540
conducted under division (D)(2) of this section to the department 28541
of education and to the parents of students enrolled in the 28542
community school; 28543

(4) Provide technical assistance to the community school in 28544
complying with laws applicable to the school and terms of the 28545
contract; 28546

(5) Take steps to intervene in the school's operation to 28547
correct problems in the school's overall performance, declare the 28548
school to be on probationary status pursuant to section 3314.073 28549
of the Revised Code, suspend the operation of the school pursuant 28550
to section 3314.072 of the Revised Code, or terminate the contract 28551
of the school pursuant to section 3314.07 of the Revised Code as 28552
determined necessary by the sponsor; 28553

(6) Have in place a plan of action to be undertaken in the 28554
event the community school experiences financial difficulties or 28555

closes prior to the end of a school year. 28556

(E) Upon the expiration of a contract entered into under this 28557
section, the sponsor of a community school may, with the approval 28558
of the governing authority of the school, renew that contract for 28559
a period of time determined by the sponsor, but not ending earlier 28560
than the end of any school year, if the sponsor finds that the 28561
school's compliance with applicable laws and terms of the contract 28562
and the school's progress in meeting the academic goals prescribed 28563
in the contract have been satisfactory. Any contract that is 28564
renewed under this division remains subject to the provisions of 28565
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 28566

Sec. 3314.041. The governing authority of each community 28567
school and any operator of such school shall ~~place in a~~ 28568
~~conspicuous manner in all documents that are distributed~~ 28569
distribute to parents of students of the school ~~or to the general~~ 28570
~~public upon their enrollment in the school~~ the following statement 28571
in writing: 28572

"The (here fill in name of the school) school 28573
is a community school established under Chapter 3314. of the 28574
Revised Code. The school is a public school and students enrolled 28575
in and attending the school are required to take proficiency tests 28576
and other examinations prescribed by law. In addition, there may 28577
be other requirements for students at the school that are 28578
prescribed by law. Students who have been excused from the 28579
compulsory attendance law for the purpose of home education as 28580
defined by the Administrative Code shall no longer be excused for 28581
that purpose upon their enrollment in a community school. For more 28582
information about this matter contact the school administration or 28583
the Ohio Department of Education." 28584

Sec. 3314.07. (A) The expiration of the contract for a 28585

community school between a sponsor and a school shall be the date 28586
provided in the contract. A successor contract may be entered into 28587
pursuant to division (E) of section 3314.03 of the Revised Code 28588
unless the contract is terminated or not renewed pursuant to this 28589
section. 28590

(B)(1) A sponsor may choose not to renew a contract at its 28591
expiration or may choose to terminate a contract prior to its 28592
expiration for any of the following reasons: 28593

(a) Failure to meet student performance requirements stated 28594
in the contract; 28595

(b) Failure to meet generally accepted standards of fiscal 28596
management; 28597

(c) Violation of any provision of the contract or applicable 28598
state or federal law; 28599

(d) Other good cause. 28600

(2) A sponsor may choose to terminate a contract prior to its 28601
expiration if the sponsor has suspended the operation of the 28602
contract under section 3314.072 of the Revised Code. 28603

(3) At least ninety days prior to the termination or 28604
nonrenewal of a contract, the sponsor shall notify the school of 28605
the proposed action in writing. The notice shall include the 28606
reasons for the proposed action in detail, the effective date of 28607
the termination or nonrenewal, and a statement that the school 28608
may, within fourteen days of receiving the notice, request an 28609
informal hearing before the sponsor. Such request must be in 28610
writing. The informal hearing shall be held within seventy days of 28611
the receipt of a request for the hearing. Promptly following the 28612
informal hearing, the sponsor shall issue a written decision 28613
either affirming or rescinding the decision to terminate or not 28614
renew the contract. 28615

(4) A decision by the sponsor to terminate a contract may be 28616
appealed to the state board of education. The decision by the 28617
state board pertaining to an appeal under this division is final. 28618
If the sponsor is the state board, its decision to terminate a 28619
contract under division (B)(3) of this section shall be final. 28620

(5) The termination of a contract under this section shall be 28621
effective upon the occurrence of the later of the following 28622
events: 28623

(a) Ninety days following the date the sponsor notifies the 28624
school of its decision to terminate the contract as prescribed in 28625
division (B)(3) of this section; 28626

(b) If an informal hearing is requested under division (B)(3) 28627
of this section and as a result of that hearing the sponsor 28628
affirms its decision to terminate the contract, the effective date 28629
of the termination specified in the notice issued under division 28630
(B)(3) of this section, or if that decision is appealed to the 28631
state board under division (B)(4) of this section and the state 28632
board affirms that decision, the date established in the 28633
resolution of the state board affirming the sponsor's decision. 28634

(6) Any community school whose contract is terminated under 28635
this division shall not enter into a contract with any other 28636
sponsor. 28637

(C) A child attending a community school whose contract has 28638
been terminated, nonrenewed, or suspended or that closes for any 28639
reason shall be admitted to the schools of the district in which 28640
the child is entitled to attend under section 3313.64 or 3313.65 28641
of the Revised Code. Any deadlines established for the purpose of 28642
admitting students under section 3313.97 or 3313.98 of the Revised 28643
Code shall be waived for students to whom this division pertains. 28644

(D) If a community school does not intend to renew a contract 28645
with its sponsor, the community school shall notify its sponsor in 28646

writing of that fact at least one hundred eighty days prior to the 28647
expiration of the contract. Such a community school may enter into 28648
a contract with a new sponsor in accordance with section 3314.03 28649
of the Revised Code upon the expiration of the previous contract. 28650

(E) A sponsor of a community school and the officers, 28651
directors, or employees of such a sponsor are not liable in 28652
damages in a tort or other civil action for harm allegedly arising 28653
from either of the following: 28654

(1) A failure of the community school or any of its officers, 28655
directors, or employees to perform any statutory or common law 28656
duty or responsibility or any other legal obligation; 28657

(2) An action or omission of the community school or any of 28658
its officers, directors, or employees that results in harm. 28659

~~(E)~~(F) As used in this section: 28660

(1) "Harm" means injury, death, or loss to person or 28661
property. 28662

(2) "Tort action" means a civil action for damages for 28663
injury, death, or loss to person or property other than a civil 28664
action for damages for a breach of contract or another agreement 28665
between persons. 28666

Sec. 3314.08. (A) As used in this section: 28667

(1) "Base formula amount" means the amount specified as such 28668
in a community school's financial plan for a school year pursuant 28669
to division (A)(15) of section 3314.03 of the Revised Code. 28670

(2) "Cost-of-doing-business factor" has the same meaning as 28671
in section 3317.02 of the Revised Code. 28672

(3) "IEP" means an individualized education program as 28673
defined in section 3323.01 of the Revised Code. 28674

(4) "Applicable special education weight" means the multiple 28675

specified in section 3317.013 of the Revised Code for a handicap 28676
described in that section. 28677

(5) "Applicable vocational education weight" means: 28678

(a) For a student enrolled in vocational education programs 28679
or classes described in division (A) of section 3317.014 of the 28680
Revised Code, the multiple specified in that division; 28681

(b) For a student enrolled in vocational education programs 28682
or classes described in division (B) of section 3317.014 of the 28683
Revised Code, the multiple specified in that division. 28684

(6) "Entitled to attend school" means entitled to attend 28685
school in a district under section 3313.64 or 3313.65 of the 28686
Revised Code. 28687

(7) A community school student is "included in the DPIA 28688
student count" of a school district if the student is entitled to 28689
attend school in the district and: 28690

(a) For school years prior to fiscal year 2004, the student's 28691
family receives assistance under the Ohio works first program. 28692

(b) For school years in and after fiscal year 2004, the 28693
student's family income does not exceed the federal poverty 28694
guidelines, as defined in section 5101.46 of the Revised Code, and 28695
the student's family receives family assistance, as defined in 28696
section 3317.029 of the Revised Code. 28697

(8) "DPIA reduction factor" means the percentage figure, if 28698
any, for reducing the per pupil amount of disadvantaged pupil 28699
impact aid a community school is entitled to receive pursuant to 28700
divisions (D)(5) and (6) of this section in any year, as specified 28701
in the school's financial plan for the year pursuant to division 28702
(A)(15) of section 3314.03 of the Revised Code. 28703

(9) "All-day kindergarten" has the same meaning as in section 28704
3317.029 of the Revised Code. 28705

(10) "SF-3 payment" means the sum of the payments to a school district in a fiscal year under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022, divisions (J), (P), and (R) of section 3317.024, and sections 3317.029, 3317.0212, 3317.0213, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after making the adjustments required by sections 3313.981 and 3313.979, divisions (B), (C), (D), (E), (K), (L), and (M) of section 3317.023, and division (C) of section 3317.20 of the Revised Code.

(B) The state board of education shall adopt rules requiring both of the following:

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in grades one through twelve in a community school established under this chapter, the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school, the number of those kindergartners who are enrolled in all-day kindergarten in their community school, and for each child, the community school in which the child is enrolled.

(2) The governing authority of each community school established under this chapter to annually report all of the following:

(a) The number of students enrolled in grades one through twelve and the number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(b) The number of enrolled students in grades one through twelve and the number of enrolled students in kindergarten, who are receiving special education and related services pursuant to

an IEP;	28737
(c) The number of students reported under division (B)(2)(b)	28738
of this section receiving special education and related services	28739
pursuant to an IEP for a handicap described in each of divisions	28740
(A) to (F) of section 3317.013 of the Revised Code;	28741
(d) The full-time equivalent number of students reported	28742
under divisions (B)(2)(a) and (b) of this section who are enrolled	28743
in vocational education programs or classes described in each of	28744
divisions (A) and (B) of section 3317.014 of the Revised Code that	28745
are provided by the community school;	28746
(e) One-fourth <u>Twenty per cent</u> of the number of students	28747
reported under divisions (B)(2)(a) and (b) of this section who are	28748
not reported under division (B)(2)(d) of this section but who are	28749
enrolled in vocational education programs or classes described in	28750
each of divisions (A) and (B) of section 3317.014 of the Revised	28751
Code at a joint vocational school district under a contract	28752
between the community school and the joint vocational school	28753
district and are entitled to attend school in a city, local, or	28754
exempted village school district whose territory is part of the	28755
territory of the joint vocational district;	28756
(f) The number of enrolled preschool handicapped students	28757
receiving special education services in a state-funded unit;	28758
(g) The community school's base formula amount;	28759
(h) For each student, the city, exempted village, or local	28760
school district in which the student is entitled to attend school;	28761
(i) Any DPIA reduction factor that applies to a school year.	28762
(C) From the payments <u>SF-3 payment</u> made to a city, exempted	28763
village, or local school district under Chapter 3317. of the	28764
Revised Code and, if necessary, <u>from the payment made to the</u>	28765
<u>district under</u> sections 321.14 <u>321.24</u> and 323.156 of the Revised	28766

Code, the department of education shall annually subtract all the 28767
sum of the following* amounts described in divisions (C)(1) to (6) 28768
of this section. However, the aggregate amount deducted under this 28769
division shall not exceed the sum of the district's SF-3 payment 28770
and its payment under sections 321.24 and 323.156 of the Revised 28771
Code. 28772

(1) An amount equal to the sum of the amounts obtained when, 28773
for each community school where the district's students are 28774
enrolled, the number of the district's students reported under 28775
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 28776
in grades one through twelve, and one-half the number of students 28777
reported under those divisions who are enrolled in kindergarten, 28778
in that community school is multiplied by the base formula amount 28779
of that community school as adjusted by the school district's 28780
cost-of-doing-business factor. 28781

(2) The sum of the amounts calculated under divisions 28782
(C)(2)(a) and (b) of this section: 28783

(a) For each of the district's students reported under 28784
division (B)(2)(c) of this section as enrolled in a community 28785
school in grades one through twelve and receiving special 28786
education and related services pursuant to an IEP for a handicap 28787
described in section 3317.013 of the Revised Code, the product of 28788
the applicable special education weight times the community 28789
school's base formula amount; 28790

(b) For each of the district's students reported under 28791
division (B)(2)(c) of this section as enrolled in kindergarten in 28792
a community school and receiving special education and related 28793
services pursuant to an IEP for a handicap described in section 28794
3317.013 of the Revised Code, one-half of the amount calculated as 28795
prescribed in division (C)(2)(a) of this section. 28796

(3) For each of the district's students reported under 28797

division (B)(2)(d) of this section for whom payment is made under 28798
division (D)(4) of this section, the amount of that payment; 28799

(4) An amount equal to the sum of the amounts obtained when, 28800
for each community school where the district's students are 28801
enrolled, the number of the district's students enrolled in that 28802
community school who are included in the district's DPIA student 28803
count is multiplied by the per pupil amount of disadvantaged pupil 28804
impact aid the school district receives that year pursuant to 28805
division (B) or (C) of section 3317.029 of the Revised Code, as 28806
adjusted by any DPIA reduction factor of that community school. If 28807
the district receives disadvantaged pupil impact aid under 28808
division (B) of that section, the per pupil amount of that aid is 28809
the quotient of the amount the district received under that 28810
division divided by the district's DPIA student count, as defined 28811
in that section. If the district receives disadvantaged pupil 28812
impact aid under division (C) of section 3317.029 of the Revised 28813
Code, the per pupil amount of that aid is the per pupil dollar 28814
amount prescribed for the district in division (C)(1) or (2) of 28815
that section. 28816

(5) An amount equal to the sum of the amounts obtained when, 28817
for each community school where the district's students are 28818
enrolled, the district's per pupil amount of aid received under 28819
division (E) of section 3317.029 of the Revised Code, as adjusted 28820
by any DPIA reduction factor of the community school, is 28821
multiplied by the sum of the following: 28822

(a) The number of the district's students reported under 28823
division (B)(2)(a) of this section who are enrolled in grades one 28824
to three in that community school and who are not receiving 28825
special education and related services pursuant to an IEP; 28826

(b) One-half of the district's students who are enrolled in 28827
all-day or any other kindergarten class in that community school 28828
and who are not receiving special education and related services 28829

pursuant to an IEP; 28830

(c) One-half of the district's students who are enrolled in 28831
all-day kindergarten in that community school and who are not 28832
receiving special education and related services pursuant to an 28833
IEP. 28834

The district's per pupil amount of aid under division (E) of 28835
section 3317.029 of the Revised Code is the quotient of the amount 28836
the district received under that division divided by the 28837
district's kindergarten through third grade ADM, as defined in 28838
that section. 28839

(6) An amount equal to the per pupil state parity aid funding 28840
calculated for the school district under either division (C) or 28841
(D) of section 3317.0217 of the Revised Code multiplied by the sum 28842
of the number of students in grades one through twelve, and 28843
one-half of the number of students in kindergarten, who are 28844
entitled to attend school in the district and are enrolled in a 28845
community school as reported under division (B)(1) of this 28846
section. 28847

(D) The department shall annually pay to a community school 28848
established under this chapter ~~all the sum of the following:~~ 28849
amounts described in divisions (D)(1) to (7) of this section. 28850
However, the sum of the payments to all community schools under 28851
divisions (D)(1), (2), (4), (5), (6), and (7) of this section for 28852
the students entitled to attend school in any particular school 28853
district shall not exceed the sum of that district's SF-3 payment 28854
and its payment under sections 321.24 and 323.156 of the Revised 28855
Code. If the sum of the payments calculated under those divisions 28856
for the students entitled to attend school in a particular school 28857
district exceeds the sum of that district's SF-3 payment and its 28858
payment under sections 321.24 and 323.156 of the Revised Code, the 28859
department shall calculate and apply a proration factor to the 28860
payments to all community schools under those divisions for the 28861

students entitled to attend school in that district. 28862

(1) An amount equal to the sum of the amounts obtained when 28863
the number of students enrolled in grades one through twelve, plus 28864
one-half of the kindergarten students in the school, reported 28865
under divisions (B)(2)(a), (b), and (e) of this section who are 28866
not receiving special education and related services pursuant to 28867
an IEP for a handicap described in section 3317.013 of the Revised 28868
Code is multiplied by the community school's base formula amount, 28869
as adjusted by the cost-of-doing-business factor of the school 28870
district in which the student is entitled to attend school; 28871

(2) The greater of the following: 28872

(a) The aggregate amount that the department paid to the 28873
community school in fiscal year 1999 for students receiving 28874
special education and related services pursuant to IEPs, excluding 28875
federal funds and state disadvantaged pupil impact aid funds; 28876

(b) The sum of the amounts calculated under divisions 28877
(D)(2)(b)(i) and (ii) of this section: 28878

(i) For each student reported under division (B)(2)(c) of 28879
this section as enrolled in the school in grades one through 28880
twelve and receiving special education and related services 28881
pursuant to an IEP for a handicap described in section 3317.013 of 28882
the Revised Code, the following amount: 28883

(the community school's base formula amount 28884
X the cost-of-doing-business factor 28885
of the district where the student 28886
is entitled to attend school) + 28887
(the applicable special education weight X 28888
the community school's base formula amount); 28889

(ii) For each student reported under division (B)(2)(c) of 28890
this section as enrolled in kindergarten and receiving special 28891
education and related services pursuant to an IEP for a handicap 28892

described in section 3317.013 of the Revised Code, one-half of the 28893
amount calculated under the formula prescribed in division 28894
(D)(2)(b)(i) of this section. 28895

(3) An amount received from federal funds to provide special 28896
education and related services to students in the community 28897
school, as determined by the superintendent of public instruction. 28898

(4) For each student reported under division (B)(2)(d) of 28899
this section as enrolled in vocational education programs or 28900
classes that are described in section 3317.014 of the Revised 28901
Code, are provided by the community school, and are comparable as 28902
determined by the superintendent of public instruction to school 28903
district vocational education programs and classes eligible for 28904
state weighted funding under section 3317.014 of the Revised Code, 28905
an amount equal to the applicable vocational education weight 28906
times the community school's base formula amount times the 28907
percentage of time the student spends in the vocational education 28908
programs or classes. 28909

(5) An amount equal to the sum of the amounts obtained when, 28910
for each school district where the community school's students are 28911
entitled to attend school, the number of that district's students 28912
enrolled in the community school who are included in the 28913
district's DPIA student count is multiplied by the per pupil 28914
amount of disadvantaged pupil impact aid that school district 28915
receives that year pursuant to division (B) or (C) of section 28916
3317.029 of the Revised Code, as adjusted by any DPIA reduction 28917
factor of the community school. The per pupil amount of aid shall 28918
be determined as described in division (C)(4) of this section. 28919

(6) An amount equal to the sum of the amounts obtained when, 28920
for each school district where the community school's students are 28921
entitled to attend school, the district's per pupil amount of aid 28922
received under division (E) of section 3317.029 of the Revised 28923
Code, as adjusted by any DPIA reduction factor of the community 28924

school, is multiplied by the sum of the following: 28925

(a) The number of the district's students reported under 28926
division (B)(2)(a) of this section who are enrolled in grades one 28927
to three in that community school and who are not receiving 28928
special education and related services pursuant to an IEP; 28929

(b) One-half of the district's students who are enrolled in 28930
all-day or any other kindergarten class in that community school 28931
and who are not receiving special education and related services 28932
pursuant to an IEP; 28933

(c) One-half of the district's students who are enrolled in 28934
all-day kindergarten in that community school and who are not 28935
receiving special education and related services pursuant to an 28936
IEP. 28937

The district's per pupil amount of aid under division (E) of 28938
section 3317.029 of the Revised Code shall be determined as 28939
described in division (C)(5) of this section. 28940

(7) An amount equal to the sum of the amounts obtained when, 28941
for each school district where the community school's students are 28942
entitled to attend school, the district's per pupil amount of 28943
state parity aid funding calculated under either division (C) or 28944
(D) of section 3317.0217 of the Revised Code is multiplied by the 28945
sum of the number of that district's students enrolled in grades 28946
one through twelve, and one-half of the number of that district's 28947
students enrolled in kindergarten, in the community school as 28948
reported under division (B)(2)(a) and (b) of this section. 28949

(E)(1) If a community school's costs for a fiscal year for a 28950
student receiving special education and related services pursuant 28951
to an IEP for a handicap described in divisions (B) to (F) of 28952
section 3317.013 of the Revised Code exceed the threshold 28953
catastrophic cost for serving the student as specified in division 28954
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 28955

submit to the superintendent of public instruction documentation, 28956
as prescribed by the superintendent, of all its costs for that 28957
student. Upon submission of documentation for a student of the 28958
type and in the manner prescribed, the department shall pay to the 28959
community school an amount equal to the school's costs for the 28960
student in excess of the threshold catastrophic costs. 28961

(2) The community school shall only report under division 28962
(E)(1) of this section, and the department shall only pay for, the 28963
costs of educational expenses and the related services provided to 28964
the student in accordance with the student's individualized 28965
education program. Any legal fees, court costs, or other costs 28966
associated with any cause of action relating to the student may 28967
not be included in the amount. 28968

(F) A community school may apply to the department of 28969
education for preschool handicapped or gifted unit funding the 28970
school would receive if it were a school district. Upon request of 28971
its governing authority, a community school that received unit 28972
funding as a school district-operated school before it became a 28973
community school shall retain any units awarded to it as a school 28974
district-operated school provided the school continues to meet 28975
eligibility standards for the unit. 28976

A community school shall be considered a school district and 28977
its governing authority shall be considered a board of education 28978
for the purpose of applying to any state or federal agency for 28979
grants that a school district may receive under federal or state 28980
law or any appropriations act of the general assembly. The 28981
governing authority of a community school may apply to any private 28982
entity for additional funds. 28983

(G) A board of education sponsoring a community school may 28984
utilize local funds to make enhancement grants to the school or 28985
may agree, either as part of the contract or separately, to 28986
provide any specific services to the community school at no cost 28987

to the school.	28988
(H) A community school may not levy taxes or issue bonds secured by tax revenues.	28989 28990
(I) No community school shall charge tuition for the enrollment of any student.	28991 28992
(J)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division (D) of this section. The school may issue notes to evidence such borrowing . The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.	28993 28994 28995 28996 28997 28998 28999
(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.	29000 29001
(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.	29002 29003 29004
(K) For purposes of determining the number of students for which divisions (D)(5) and (6) of this section applies in any school year, a community school may submit to the department of job and family services, no later than the first day of March, a list of the students enrolled in the school. For each student on the list, the community school shall indicate the student's name, address, and date of birth and the school district where the student is entitled to attend school. Upon receipt of a list under this division, the department of job and family services shall determine, for each school district where one or more students on the list is entitled to attend school, the number of students residing in that school district who were included in the department's report under section 3317.10 of the Revised Code. The department shall make this determination on the basis of	29005 29006 29007 29008 29009 29010 29011 29012 29013 29014 29015 29016 29017 29018

information readily available to it. Upon making this 29019
determination and no later than ninety days after submission of 29020
the list by the community school, the department shall report to 29021
the state department of education the number of students on the 29022
list who reside in each school district who were included in the 29023
department's report under section 3317.10 of the Revised Code. In 29024
complying with this division, the department of job and family 29025
services shall not report to the state department of education any 29026
personally identifiable information on any student. 29027

(L) The department of education shall adjust the amounts 29028
subtracted and paid under divisions (C) and (D) of this section to 29029
reflect any enrollment of students in community schools for less 29030
than the equivalent of a full school year. The state board of 29031
education within ninety days after ~~the effective date of this~~ 29032
~~amendment~~ April 8, 2003, shall adopt in accordance with Chapter 29033
119. of the Revised Code rules governing the payments to community 29034
schools under this section including initial payments in a school 29035
year and adjustments and reductions made in subsequent periodic 29036
payments to community schools and corresponding deductions from 29037
school district accounts as provided under divisions (C) and (D) 29038
of this section. For purposes of this section: 29039

(1) A student shall be considered enrolled in the community 29040
school for any portion of the school year the student is 29041
participating at a college under Chapter 3365. of the Revised 29042
Code. 29043

(2) A student shall be considered to be enrolled in a 29044
community school during a school year for the period of time 29045
between the date on which the school both has received 29046
documentation of the student's enrollment from a parent and has 29047
commenced participation in learning opportunities as defined in 29048
the contract with the sponsor. For purposes of applying this 29049
division to a community school student, "learning opportunities" 29050

shall be defined in the contract, which shall describe both 29051
classroom-based and non-classroom-based learning opportunities and 29052
shall be in compliance with criteria and documentation 29053
requirements for student participation which shall be established 29054
by the department. Any student's instruction time in 29055
non-classroom-based learning opportunities shall be certified by 29056
an employee of the community school. A student's enrollment shall 29057
be considered to cease on the date on which any of the following 29058
occur: 29059

(a) The community school receives documentation from a parent 29060
terminating enrollment of the student. 29061

(b) The community school is provided documentation of a 29062
student's enrollment in another public or private school. 29063

(c) The community school ceases to offer learning 29064
opportunities to the student pursuant to the terms of the contract 29065
with the sponsor or the operation of any provision of this 29066
chapter. 29067

(3) A student's percentage of full-time equivalency shall be 29068
considered to be the percentage the hours of learning opportunity 29069
offered to that student is of nine hundred and twenty hours. 29070

(M) The department of education shall reduce the amounts paid 29071
under division (D) of this section to reflect payments made to 29072
colleges under division (B) of section 3365.07 of the Revised 29073
Code. 29074

(N)(1) No student shall be considered enrolled in any 29075
internet- or computer-based community school unless the both of 29076
the following conditions are satisfied: 29077

(a) The student possesses or has been provided with all 29078
required hardware and software materials and all such materials 29079
are fully operational and the so that the student is capable of 29080
fully participating in the learning opportunities specified in the 29081

contract between the school and the school's sponsor as required 29082
by division (A)(23) of section 3314.03 of the Revised Code; 29083

(b) The school is in compliance with division (A)(1) or (2) 29084
of section 3314.032 of the Revised Code, relative to such student. 29085
~~In~~ 29086

(2) In accordance with policies adopted jointly by the 29087
superintendent of public instruction and the auditor of state, the 29088
department shall reduce the amounts otherwise payable under 29089
division (D) of this section to any internet- or computer-based 29090
community school that includes in its program the provision of 29091
computer hardware and software materials to each student, if such 29092
hardware and software materials have not been delivered, 29093
installed, and activated for all students in a timely manner or 29094
other educational materials or services have not been provided 29095
according to the contract between the individual community school 29096
and its sponsor. 29097

The superintendent of public instruction and the auditor of 29098
state shall jointly establish a method for auditing any community 29099
school to which this division pertains to ensure compliance with 29100
this section. 29101

The superintendent, auditor of state, and the governor shall 29102
jointly make recommendations to the general assembly for 29103
legislative changes that may be required to assure fiscal and 29104
academic accountability for such internet- or computer-based 29105
schools. 29106

(O)(1) If the department determines that a review of a 29107
community school's enrollment is necessary, such review shall be 29108
completed and written notice of the findings shall be provided to 29109
the governing authority of the community school and its sponsor 29110
within ninety days of the end of the community school's fiscal 29111
year, unless extended for a period not to exceed thirty additional 29112

days for one of the following reasons:	29113
(a) The department and the community school mutually agree to the extension.	29114 29115
(b) Delays in data submission caused by either a community school or its sponsor.	29116 29117
(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:	29118 29119 29120 29121 29122
(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee.	29123 29124 29125
(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.	29126 29127 29128 29129
(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.	29130 29131 29132 29133
(d) Any decision made by the board under this division is final.	29134 29135
(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.	29136 29137 29138 29139
<u>Sec. 3314.083. If the department of education pays a joint vocational school district under division (G)(4) of section 3317.16 of the Revised Code for excess costs of providing special</u>	29140 29141 29142

education and related services to a handicapped student who is 29143
enrolled in a community school, as calculated under division 29144
(G)(2) of that section, the department shall deduct the amount of 29145
that payment from the amount calculated for payment to the 29146
community school under section 3314.08 of the Revised Code. 29147

Sec. 3314.17. (A) Each community school established under 29148
this chapter shall participate in the statewide education 29149
management information system established under section 3301.0714 29150
of the Revised Code. All provisions of that section and the rules 29151
adopted under that section apply to each community school as if it 29152
were a school district, except as modified for community schools 29153
under division (B) of this section. 29154

(B) The rules adopted by the state board of education under 29155
section 3301.0714 of the Revised Code may distinguish methods and 29156
timelines for community schools to annually report data, which 29157
methods and timelines differ from those prescribed for school 29158
districts. Any methods and timelines prescribed for community 29159
schools shall be appropriate to the academic schedule and 29160
financing of community schools. The guidelines, however, shall not 29161
modify the actual data required to be reported under that section. 29162

(C) Each fiscal officer appointed under section 3314.011 of 29163
the Revised Code is responsible for annually reporting the 29164
community school's data under section 3301.0714 of the Revised 29165
Code. If the superintendent of public instruction determines that 29166
a community school fiscal officer has willfully failed to report 29167
data or has willfully reported erroneous, inaccurate, or 29168
incomplete data in any year, or has negligently reported 29169
erroneous, inaccurate, or incomplete data in the current and any 29170
previous year, the superintendent may impose a civil penalty of 29171
one hundred dollars on the fiscal officer after providing the 29172
officer with notice and an opportunity for a hearing in accordance 29173

with Chapter 119. of the Revised Code. The superintendent's 29174
authority to impose civil penalties under this division does not 29175
preclude the state board of education from suspending or revoking 29176
the license of a community school employee under division (N) of 29177
section 3301.0714 of the Revised Code. 29178

(D) No community school shall acquire, change, or update its 29179
student administration software package to manage and report data 29180
required to be reported to the department unless it converts to a 29181
student software package that is certified by the department. 29182

Sec. 3316.031. (A) The state superintendent of public 29183
instruction, in consultation with the auditor of state, shall 29184
develop guidelines for identifying fiscal practices and budgetary 29185
conditions that, if uncorrected, could result in a future 29186
declaration of a fiscal watch or fiscal emergency within a school 29187
district. 29188

The guidelines shall not include a requirement that a school 29189
district submit financial statements according to generally 29190
accepted accounting principles. 29191

(B)(1) If the state superintendent determines from a school 29192
district's five-year forecast submitted under section 5705.391 of 29193
the Revised Code that a district is engaging in any of those 29194
practices or that any of those conditions exist within the 29195
district, after consulting with the district board of education 29196
concerning the practices or conditions, the state superintendent 29197
may declare the district to be under a fiscal caution. 29198

(2) If the auditor of state finds that a district is engaging 29199
in any of those practices or that any of those conditions exist 29200
within the district, the auditor of state shall report that 29201
finding to the state superintendent and, after consulting with the 29202
district board of education concerning the practices or 29203
conditions, the state superintendent may declare the district to 29204

be under a fiscal caution. 29205

(3) Unless the auditor of state has elected to declare a 29206
state of fiscal watch under division (A)(4) of section 3316.03 of 29207
the Revised Code, the state superintendent shall declare a school 29208
district to be under a fiscal caution if the conditions described 29209
in divisions (A)(4)(a) and (b) of that section are both satisfied 29210
with respect to the school district. 29211

(C) When the state superintendent declares a district to be 29212
under fiscal caution, the state superintendent shall promptly 29213
notify the district board of education of that declaration and 29214
shall request the board to provide written proposals for 29215
discontinuing or correcting the fiscal practices or budgetary 29216
conditions that prompted the declaration and for preventing the 29217
district from experiencing further fiscal difficulties that could 29218
result in the district being declared to be in a state of fiscal 29219
watch or fiscal emergency. 29220

(D) The state superintendent, or a designee, may visit and 29221
inspect any district that is declared to be under a fiscal 29222
caution. The department of education shall provide technical 29223
assistance to the district board in implementing proposals to 29224
eliminate the practices or budgetary conditions that prompted the 29225
declaration of fiscal caution and may make recommendations 29226
concerning the board's proposals. 29227

(E) If the state superintendent finds that a school district 29228
declared to be under a fiscal caution has not made reasonable 29229
proposals or otherwise taken action to discontinue or correct the 29230
fiscal practices or budgetary conditions that prompted the 29231
declaration of fiscal caution, and if the state superintendent 29232
considers it necessary to prevent further fiscal decline, the 29233
state superintendent may determine that the district should be in 29234
a state of fiscal watch. As provided in division (A)(3) of section 29235
3316.03 of the Revised Code, the auditor of state shall declare 29236

the district to be in a state of fiscal watch if the auditor of 29237
state finds the superintendent's determination to be reasonable. 29238

Sec. 3316.08. During a school district's fiscal emergency 29239
period, the auditor of state shall determine annually, or at any 29240
other time upon request of the financial planning and supervision 29241
commission, whether the school district will incur an operating 29242
deficit. If the auditor of state determines that a school district 29243
will incur an operating deficit, the auditor of state shall 29244
certify that determination to the superintendent of public 29245
instruction, the financial planning and supervision commission, 29246
and the board of education of the school district. Upon receiving 29247
the auditor of state's certification, the ~~board of education or~~ 29248
commission shall adopt a resolution ~~to submit a ballot question~~ 29249
~~proposing the levy of a tax~~ requesting that the board of education 29250
work with the county auditor or tax commissioner to estimate the 29251
amount and rate of a tax levy that is needed under section 29252
5705.194 or 5705.21 or Chapter 5748. of the Revised Code to 29253
produce a positive fund balance not later than the fifth year of 29254
the five-year forecast submitted under section 5705.391 of the 29255
Revised Code. ~~Except~~ 29256

The board of education shall recommend to the commission 29257
whether the board supports or opposes a tax levy under section 29258
5705.194 or 5705.21 or Chapter 5748. of the Revised Code and shall 29259
provide supporting documentation to the commission of its 29260
recommendation. 29261

After considering the board of education's recommendation and 29262
supporting documentation, the commission shall adopt a resolution 29263
to either submit a ballot question proposing a tax levy or not to 29264
submit such a question. 29265

Except as otherwise provided in this division, the tax shall 29266
be levied in the manner prescribed for a tax levied under section 29267

5705.194 or 5705.21 or under Chapter 5748. of the Revised Code. 29268
~~The~~ If the commission decides that a tax shall should be levied, 29269
the tax shall be levied for the purpose of paying current 29270
operating expenses of the school district. ~~The question shall~~ 29271
~~propose that the tax be levied at the rate required to produce~~ 29272
~~annual revenue sufficient to eliminate the operating deficit as~~ 29273
~~certified by the auditor of state and to repay outstanding loans~~ 29274
~~or other obligations incurred by the board of education for the~~ 29275
~~purpose of reducing or eliminating operating deficits, as~~ 29276
~~determined by the financial planning and supervision commission.~~ 29277
The rate of a tax levied under section 5705.194 or 5705.21 of the 29278
Revised Code shall be determined by the county auditor, and the 29279
rate of a tax levied under section 5748.02 or 5748.08 of the 29280
Revised Code shall be determined by the tax commissioner, upon the 29281
request of the commission. The commission, in consultation with 29282
the board of education, shall determine the election at which the 29283
question of the tax shall appear on the ballot, and the ~~board of~~ 29284
~~education or~~ commission shall submit a copy of its resolution to 29285
the board of elections not later than seventy-five days prior to 29286
the day of that election. The board of elections conducting the 29287
election shall certify the results of the election to the board of 29288
education and to the financial planning and supervision 29289
commission. 29290

Sec. 3317.012. (A)(1) The general assembly, having analyzed 29291
school district expenditure and cost data for fiscal year 1999, 29292
performed the calculation described in division (B) of this 29293
section, adjusted the results for inflation, and added the amounts 29294
described in division (A)(2) of this section, hereby determines 29295
that the base cost of an adequate education per pupil for the 29296
fiscal year beginning July 1, 2001, is \$4,814. ~~For the five~~ 29297
~~following fiscal years, the~~ The base cost per pupil ~~for each of~~ 29298
~~those years,~~ reflecting an annual rate of inflation of two and 29299

eight-tenths per cent, is \$4,949 for fiscal year 2003, ~~\$5,088~~. The 29300
base cost per pupil, reflecting an annual rate of inflation of two 29301
and two-tenths per cent, is \$5,058 for fiscal year 2004, ~~\$5,230~~ 29302
and \$5,169 for fiscal year 2005, ~~\$5,376 for fiscal year 2006, and~~ 29303
~~\$5,527 for fiscal year 2007.~~ 29304

(2) The base cost per pupil amounts specified in division 29305
(A)(1) of this section include amounts to reflect the cost to 29306
school districts of increasing the minimum number of high school 29307
academic units required for graduation beginning September 15, 29308
2001, under section 3313.603 of the Revised Code. Analysis of 29309
fiscal year 1999 data revealed that the school districts meeting 29310
the requirements of division (B) of this section on average 29311
required high school students to complete a minimum of nineteen 29312
and eight-tenths units to graduate. The general assembly 29313
determines that the cost of funding the additional two-tenths unit 29314
required by section 3313.603 of the Revised Code is \$12 per pupil 29315
in fiscal year 2002. This amount was added after the calculation 29316
described in division (B) of this section and the adjustment for 29317
inflation from fiscal year 1999 to fiscal year 2002. It is this 29318
total amount, the calculated base cost plus the supplement to pay 29319
for the additional partial unit, that constitutes the base cost 29320
amount specified in division (A)(1) of this section for fiscal 29321
year 2002 and that is inflated to produce the base cost amounts 29322
for fiscal years 2003 through ~~2007~~ 2005. 29323

(B) In determining the base cost stated in division (A) of 29324
this section, capital and debt costs, costs paid for by federal 29325
funds, and costs covered by funds provided for disadvantaged pupil 29326
impact aid and transportation were excluded, as were the effects 29327
on the districts' state funds of the application of the 29328
cost-of-doing-business factors, assuming a seven and one-half per 29329
cent variance. 29330

The base cost for fiscal year 1999 was calculated as the 29331

unweighted average cost per student, on a school district basis, 29332
of educating students who were not receiving vocational education 29333
or services pursuant to Chapter 3323. of the Revised Code and who 29334
were enrolled in a city, exempted village, or local school 29335
district that in fiscal year 1999 met all of the following 29336
criteria: 29337

(1) The district met at least twenty of the following 29338
twenty-seven performance indicators: 29339

(a) A ninety per cent or higher graduation rate; 29340

(b) At least seventy-five per cent of fourth graders 29341
proficient on the mathematics test prescribed under former 29342
division (A)(1) of section 3301.0710 of the Revised Code; 29343

(c) At least seventy-five per cent of fourth graders 29344
proficient on the reading test prescribed under former division 29345
(A)(1) of section 3301.0710 of the Revised Code; 29346

(d) At least seventy-five per cent of fourth graders 29347
proficient on the writing test prescribed under former division 29348
(A)(1) of section 3301.0710 of the Revised Code; 29349

(e) At least seventy-five per cent of fourth graders 29350
proficient on the citizenship test prescribed under former 29351
division (A)(1) of section 3301.0710 of the Revised Code; 29352

(f) At least seventy-five per cent of fourth graders 29353
proficient on the science test prescribed under former division 29354
(A)(1) of section 3301.0710 of the Revised Code; 29355

(g) At least seventy-five per cent of sixth graders 29356
proficient on the mathematics test prescribed under former 29357
division (A)(2) of section 3301.0710 of the Revised Code; 29358

(h) At least seventy-five per cent of sixth graders 29359
proficient on the reading test prescribed under former division 29360
(A)(2) of section 3301.0710 of the Revised Code; 29361

(i) At least seventy-five per cent of sixth graders	29362
proficient on the writing test prescribed under <u>former</u> division	29363
(A)(2) of section 3301.0710 of the Revised Code;	29364
(j) At least seventy-five per cent of sixth graders	29365
proficient on the citizenship test prescribed under <u>former</u>	29366
division (A)(2) of section 3301.0710 of the Revised Code;	29367
(k) At least seventy-five per cent of sixth graders	29368
proficient on the science test prescribed under <u>former</u> division	29369
(A)(2) of section 3301.0710 of the Revised Code;	29370
(l) At least seventy-five per cent of ninth graders	29371
proficient on the mathematics test prescribed under Section 4 of	29372
Am. Sub. S.B. 55 of the 122nd general assembly;	29373
(m) At least seventy-five per cent of ninth graders	29374
proficient on the reading test prescribed under Section 4 of Am.	29375
Sub. S.B. 55 of the 122nd general assembly;	29376
(n) At least seventy-five per cent of ninth graders	29377
proficient on the writing test prescribed under Section 4 of Am.	29378
Sub. S.B. 55 of the 122nd general assembly;	29379
(o) At least seventy-five per cent of ninth graders	29380
proficient on the citizenship test prescribed under Section 4 of	29381
Am. Sub. S.B. 55 of the 122nd general assembly;	29382
(p) At least seventy-five per cent of ninth graders	29383
proficient on the science test prescribed under Section 4 of Am.	29384
Sub. S.B. 55 of the 122nd general assembly;	29385
(q) At least eighty-five per cent of tenth graders proficient	29386
on the mathematics test prescribed under Section 4 of Am. Sub.	29387
S.B. 55 of the 122nd general assembly;	29388
(r) At least eighty-five per cent of tenth graders proficient	29389
on the reading test prescribed under Section 4 of Am. Sub. S.B. 55	29390
of the 122nd general assembly;	29391

(s) At least eighty-five per cent of tenth graders proficient on the writing test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	29392 29393 29394
(t) At least eighty-five per cent of tenth graders proficient on the citizenship test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	29395 29396 29397
(u) At least eighty-five per cent of tenth graders proficient on the science test prescribed under Section 4 of Am. Sub. S.B. 55 of the 122nd general assembly;	29398 29399 29400
(v) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	29401 29402 29403
(w) At least sixty per cent of twelfth graders proficient on the reading test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	29404 29405 29406
(x) At least sixty per cent of twelfth graders proficient on the writing test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	29407 29408 29409
(y) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed under former division (A)(3) of section 3301.0710 of the Revised Code;	29410 29411 29412
(z) At least sixty per cent of twelfth graders proficient on the science test prescribed under <u>former</u> division (A)(3) of section 3301.0710 of the Revised Code;	29413 29414 29415
(aa) An attendance rate for the year of at least ninety-three per cent as defined in section 3302.01 of the Revised Code.	29416 29417
In determining whether a school district met any of the performance standards specified in divisions (B)(1)(a) to (aa) of this section, the general assembly used a rounding procedure previously recommended by the department of education. It is the	29418 29419 29420 29421

same rounding procedure the general assembly used in 1998 to 29422
determine whether a district had met the standards of former 29423
divisions (B)(1)(a) to (r) of this section for purposes of 29424
constructing the previous model based on fiscal year 1996 data. 29425

(2) The district was not among the five per cent of all 29426
districts with the highest income, nor among the five per cent of 29427
all districts with the lowest income. 29428

(3) The district was not among the five per cent of all 29429
districts with the highest valuation per pupil, nor among the five 29430
per cent of all districts with the lowest valuation per pupil. 29431

This model for calculating the base cost of an adequate 29432
education is expenditure-based. The general assembly recognizes 29433
that increases in state funding to school districts since fiscal 29434
year 1996, the fiscal year upon which the general assembly based 29435
its model for calculating state funding to school districts for 29436
fiscal years 1999 through 2001, has increased school district base 29437
cost expenditures for fiscal year 1999, the fiscal year upon which 29438
the general assembly based its model for calculating state funding 29439
for fiscal years 2002 through ~~2007~~ 2005. In the case of school 29440
districts included in the fiscal year 1999 model that also had met 29441
the fiscal year 1996 performance criteria of former division 29442
(B)(1) of this section, the increased state funding may have 29443
driven the districts' expenditures beyond the expenditures that 29444
were actually needed to maintain their educational programs at the 29445
level necessary to maintain their ability to meet the fiscal year 29446
1999 performance criteria of current division (B)(1) of this 29447
section. The general assembly has determined to control for this 29448
effect by stipulating in the later model that the fiscal year 1999 29449
base cost expenditures of the districts that also met the 29450
performance criteria of former division (B)(1) of this section 29451
equals their base cost expenditures per pupil for fiscal year 29452
1996, inflated to fiscal year 1999 using an annual rate of 29453

inflation of two and eight-tenths per cent. However, if this 29454
inflated amount exceeded the district's actual fiscal year 1999 29455
base cost expenditures per pupil, the district's actual fiscal 29456
year 1999 base cost expenditures per pupil were used in the 29457
calculation. For districts in the 1999 model that did not also 29458
meet the performance criteria of former division (B)(1) of this 29459
section, the actual 1999 base cost per pupil expenditures were 29460
used in the calculation of the average district per pupil costs of 29461
the model districts. 29462

~~(C) In July of 2005, and in July of every six years 29463
thereafter, the speaker of the house of representatives and the 29464
president of the senate shall each appoint three members to a 29465
committee to reexamine the cost of an adequate education. No more 29466
than two members from any political party shall represent each 29467
house. The director of budget and management and the 29468
superintendent of public instruction shall serve as nonvoting ex 29469
officio members of the committee. 29470~~

~~The committee shall select a rational methodology for 29471
calculating the costs of an adequate education system for the 29472
ensuing six year period, and shall report the methodology and the 29473
resulting costs to the general assembly. In performing its 29474
function, the committee is not bound by any method used by 29475
previous general assemblies to examine and calculate costs and 29476
instead may utilize any rational method it deems suitable and 29477
reasonable given the educational needs and requirements of the 29478
state at that time. 29479~~

~~The methodology for determining the cost of an adequate 29480
education system shall take into account the basic educational 29481
costs that all districts incur in educating regular students, the 29482
unique needs of special categories of students, and significant 29483
special conditions encountered by certain classifications of 29484
school districts. 29485~~

~~The committee also shall redetermine, for purposes of updating the parity aid calculation under section 3317.0217 of the Revised Code, the average number of effective operating mills that school districts in the seventieth to ninetieth percentiles of valuations per pupil collect above the revenues required to finance their attributed local shares of the calculated cost of an adequate education.~~

~~Any committee appointed pursuant to this section shall make its report to the office of budget and management and the general assembly within one year of its appointment so that the information is available for use by the office and the general assembly in preparing the next biennial appropriations act.~~

~~(D)(1) For purposes of this division, an "update year" is the first fiscal year for which the per pupil base cost of an adequate education is in effect after being recalculated by the general assembly. The first update year is fiscal year 2002. The second update year is fiscal year 2008.~~

~~(2) The general assembly shall recalculate the per pupil base cost of an adequate education every six years after considering the recommendations of the committee appointed under division (C) of this section. At the time of the recalculation, for each of the five fiscal years following the update year, the general assembly shall adjust the base cost recalculated for the update year using an annual rate of inflation that the general assembly determines appropriate.~~

~~(3) The general assembly shall include, in the act appropriating state funds for education programs for a fiscal biennium that begins with an update year, a statement of its determination of the total state share percentage of base cost and parity aid funding for the update year.~~

~~(4) During its biennial budget deliberations, the general~~

~~assembly shall determine the total state share percentage of base 29517
cost and parity aid funding for each fiscal year of the upcoming 29518
biennium. This determination shall be based on the latest 29519
projections and data provided by the department of education under 29520
division (D)(6) of this section prior to the enactment of 29521
education appropriations for the upcoming biennium. If, based on 29522
those latest projections and data, the general assembly determines 29523
that the total state share percentage for either or both nonupdate 29524
fiscal years varies more than two and one half percentage points 29525
more or less than the total state share percentage for the most 29526
recent update year, as previously stated by the general assembly 29527
under division (D)(3) of this section, the general assembly shall 29528
determine and enact a method that it considers appropriate to 29529
restrict the estimated variance for each year to within two and 29530
one half percentage points. The general assembly's methods may 29531
include, but are not required to include and need not be limited 29532
to, reexamining the rate of millage charged off as the local share 29533
of base cost funding under divisions (A)(1) and (2) of section 29534
3317.022 of the Revised Code. Regardless of any changes in 29535
charge off millage rates in years between update years, however, 29536
the charge off millage rate for update years shall be twenty three 29537
mills, unless the general assembly determines that a different 29538
millage rate is more appropriate to share the total calculated 29539
base cost between the state and school districts. 29540~~

~~(5) The total state share percentage of base cost and parity 29541
aid funding for any fiscal year is calculated as follows: 29542~~

~~$$\frac{\{(\text{Total state base cost} + \text{total state parity aid funding}) - \text{statewide charge off amount}\}}{(\text{Total state base cost} + \text{total state parity aid funding})}$$
 29543
29544
29545~~

~~Where: 29546~~

~~(a) The total state base cost equals the sum of the base 29547
costs for all school districts for the fiscal year. 29548~~

~~(b) The base cost for each school district equals:~~ 29549
~~formula amount X cost of doing business factor X~~ 29550
~~the greater of formula ADM or~~ 29551
~~three year average formula ADM~~ 29552

~~(c) The total state parity aid funding equals the sum of the~~ 29553
~~amounts paid to all school districts for the fiscal year under~~ 29554
~~section 3317.0217 of the Revised Code.~~ 29555

~~(d) The statewide charge off amount equals the sum of the~~ 29556
~~charge off amounts for all school districts.~~ 29557

~~(e) The charge off amount for each school district is the~~ 29558
~~amount calculated as its local share of base cost funding and~~ 29559
~~deducted from the total calculated base cost to determine the~~ 29560
~~amount of its state payment under divisions (A)(1) and (2) of~~ 29561
~~section 3317.022 of the Revised Code. The charge off amount for~~ 29562
~~each school district in fiscal year 2002 is the product of~~ 29563
~~twenty three mills multiplied by the district's recognized~~ 29564
~~valuation as adjusted, if applicable, under division (A)(2) of~~ 29565
~~section 3317.022 of the Revised Code. If however, in any fiscal~~ 29566
~~year, including fiscal year 2002, a school district's calculated~~ 29567
~~charge off amount exceeds its base cost calculated as described in~~ 29568
~~division (D)(5)(b) of this section, the district's charge off~~ 29569
~~amount shall be deemed to equal its calculated base cost.~~ 29570

~~(6) Whenever requested by the chairperson of the standing~~ 29571
~~committee of the house or representatives or the senate having~~ 29572
~~primary jurisdiction over appropriations, the legislative budget~~ 29573
~~officer, or the director of budget and management, the department~~ 29574
~~of education shall report its latest projections for total base~~ 29575
~~cost, total parity aid funding, and the statewide charge off~~ 29576
~~amount, as those terms are defined in division (D)(5) of this~~ 29577
~~section, for each year of the upcoming fiscal biennium, and all~~ 29578
~~data it used to make the projections.~~ 29579

Sec. 3317.013. This section does not apply to handicapped 29580
preschool students. 29581

Analysis of special education cost data has resulted in a 29582
finding that the average special education additional cost per 29583
pupil, including the costs of related services, can be expressed 29584
as a multiple of the base cost per pupil calculated under section 29585
3317.012 of the Revised Code. The multiples for the following 29586
categories of special education programs, as these programs are 29587
defined for purposes of Chapter 3323. of the Revised Code, and 29588
adjusted as provided in this section, are as follows: 29589

(A) A multiple of 0.2892 for students whose primary or only 29590
identified handicap is a speech and language handicap, as this 29591
term is defined pursuant to Chapter 3323. of the Revised Code; 29592

(B) A multiple of 0.3691 for students identified as specific 29593
learning disabled or developmentally handicapped, as these terms 29594
are defined pursuant to Chapter 3323. of the Revised Code, or 29595
other health handicapped-minor; 29596

(C) A multiple of 1.7695 for students identified as hearing 29597
handicapped, vision impaired, or severe behavior handicapped, as 29598
these terms are defined pursuant to Chapter 3323. of the Revised 29599
Code; 29600

(D) A multiple of 2.3646 for students identified as 29601
orthopedically handicapped, as this term is defined pursuant to 29602
Chapter 3323. of the Revised Code or other health handicapped - 29603
major; 29604

(E) A multiple of 3.1129 for students identified as 29605
multihandicapped, as this term is defined pursuant to Chapter 29606
3323. of the Revised Code; 29607

(F) A multiple of 4.7342 for students identified as autistic, 29608
having traumatic brain injuries, or as both visually and hearing 29609

disabled, as these terms are defined pursuant to Chapter 3323. of 29610
the Revised Code. 29611

In fiscal year ~~2002~~ 2004, the multiples specified in 29612
divisions (A) to (F) of this section shall be adjusted by 29613
multiplying them by ~~0.825~~ 0.88. In fiscal year ~~2003~~ 2005, the 29614
multiples specified in those divisions shall be adjusted by 29615
multiplying them by ~~0.875~~ 0.90. 29616

Not later than May 30, 2004, and May 30, 2005, the department 29617
shall submit to the office of budget and management a report that 29618
specifies for each city, local, exempted village, and joint 29619
vocational school district the fiscal year allocation of the state 29620
and local shares of special education and related services 29621
additional weighted funding and federal special education funds 29622
passed through to the district. 29623

Sec. 3317.014. The average vocational education additional 29624
cost per pupil can be expressed as a multiple of the base cost per 29625
pupil calculated under section 3317.012 of the Revised Code. the 29626
multiples for the following categories of vocational education 29627
programs are as follows: 29628

(A) A multiple of 0.57 for students enrolled in vocational 29629
education job-training and workforce development programs approved 29630
by the department of education in accordance with rules adopted 29631
under section 3313.90 of the Revised Code. 29632

(B) A multiple of 0.28 for students enrolled in vocational 29633
education classes other than job-training and workforce 29634
development programs. 29635

Vocational education associated services costs can be 29636
expressed as a multiple of 0.05 of the base cost per pupil 29637
calculated under section 3317.012 of the Revised Code. 29638

The general assembly has adjusted the multiples specified in 29639

this section for calculating payments beginning in fiscal year 2002 in recognition that its policy change regarding the application of the cost-of-doing-business factor produces a higher base cost amount than would exist if no change were made to its application. The adjustment maintains the same weighted costs as would exist if no change were made to the application of the cost-of-doing-business factor.

The department of education shall annually report to the governor and the general assembly the amount of weighted funding for vocational education and associated services that is spent by each city, local, exempted village, and joint vocational school district specifically for vocational educational and associated services.

Sec. 3317.02. As used in this chapter:

(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.

(B) "Formula amount" means the base cost for the fiscal year specified in section 3317.012 of the Revised Code.

(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM.

(D)(1) "Formula ADM" means, for a city, local, or exempted village school district, the number reported pursuant to division (A) of section 3317.03 of the Revised Code, and for a joint vocational school district, the number reported pursuant to

division (D) of that section. 29670

(2) "Three-year average formula ADM" means the average of 29671
formula ADMs for the current and preceding two fiscal years. 29672
However, as applicable in fiscal years 1999 and 2000, the 29673
three-year average for city, local, and exempted village school 29674
districts shall be determined utilizing the FY 1997 ADM or FY 1998 29675
ADM in lieu of formula ADM for fiscal year 1997 or 1998. In fiscal 29676
years 2000 and 2001, the three-year average for joint vocational 29677
school districts shall be determined utilizing the average daily 29678
membership reported in fiscal years 1998 and 1999 under division 29679
(D) of section 3317.03 of the Revised Code in lieu of formula ADM 29680
for fiscal years 1998 and 1999. 29681

(E) "FY 1997 ADM" or "FY 1998 ADM" means the school 29682
district's average daily membership reported for the applicable 29683
fiscal year under the version of division (A) of section 3317.03 29684
of the Revised Code in effect during that fiscal year, adjusted as 29685
follows: 29686

(1) Minus the average daily membership of handicapped 29687
preschool children; 29688

(2) Minus one-half of the average daily membership attending 29689
kindergarten; 29690

(3) Minus three-fourths of the average daily membership 29691
attending a joint vocational school district; 29692

(4) Plus the average daily membership entitled under section 29693
3313.64 or 3313.65 of the Revised Code to attend school in the 29694
district but receiving educational services in approved units from 29695
an educational service center or another school district under a 29696
compact or a cooperative education agreement, as determined by the 29697
department; 29698

(5) Minus the average daily membership receiving educational 29699
services from the district in approved units but entitled under 29700

section 3313.64 or 3313.65 of the Revised Code to attend school in 29701
another school district, as determined by the department. 29702

(F)(1) "Category one special education ADM" means the average 29703
daily membership of handicapped children receiving special 29704
education services for the handicap specified in division (A) of 29705
section 3317.013 of the Revised Code and reported under division 29706
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 29707

(2) "Category two special education ADM" means the average 29708
daily membership of handicapped children receiving special 29709
education services for those handicaps specified in division (B) 29710
of section 3317.013 of the Revised Code and reported under 29711
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 29712
Code. 29713

(3) "Category three special education ADM" means the average 29714
daily membership of students receiving special education services 29715
for those handicaps specified in division (C) of section 3317.013 29716
of the Revised Code, and reported under division (B)(7) or 29717
(D)(2)(d) of section 3317.03 of the Revised Code. 29718

(4) "Category four special education ADM" means the average 29719
daily membership of students receiving special education services 29720
for those handicaps specified in division (D) of section 3317.013 29721
of the Revised Code and reported under division (B)(8) or 29722
(D)(2)(e) of section 3317.03 of the Revised Code. 29723

(5) "Category five special education ADM" means the average 29724
daily membership of students receiving special education services 29725
for the handicap specified in division (E) of section 3317.013 of 29726
the Revised Code and reported under division (B)(9) or (D)(2)(f) 29727
of section 3317.03 of the Revised Code. 29728

(6) "Category six special education ADM" means the average 29729
daily membership of students receiving special education services 29730
for the handicap specified in division (F) of section 3317.013 of 29731

the Revised Code and reported under division (B)(10) or (D)(2)(g) 29732
of section 3317.03 of the Revised Code. 29733

(7) "Category one vocational education ADM" means the average 29734
daily membership of students receiving vocational education 29735
services described in division (A) of section 3317.014 of the 29736
Revised Code and reported under division (B)(11) or (D)(2)(h) of 29737
section 3317.03 of the Revised Code. 29738

(8) "Category two vocational education ADM" means the average 29739
daily membership of students receiving vocational education 29740
services described in division (B) of section 3317.014 of the 29741
Revised Code and reported under division (B)(12) or (D)(2)(i) of 29742
section 3317.03 of the Revised Code. 29743

(G) "Handicapped preschool child" means a handicapped child, 29744
as defined in section 3323.01 of the Revised Code, who is at least 29745
age three but is not of compulsory school age, as defined in 29746
section 3321.01 of the Revised Code, and who is not currently 29747
enrolled in kindergarten. 29748

(H) "County MR/DD board" means a county board of mental 29749
retardation and developmental disabilities. 29750

(I) "Recognized valuation" means the amount calculated for a 29751
school district pursuant to section 3317.015 of the Revised Code. 29752

(J) "Transportation ADM" means the number of children 29753
reported under division (B)(13) of section 3317.03 of the Revised 29754
Code. 29755

(K) "Average efficient transportation use cost per student" 29756
means a statistical representation of transportation costs as 29757
calculated under division (D)(2) of section 3317.022 of the 29758
Revised Code. 29759

(L) "Taxes charged and payable" means the taxes charged and 29760
payable against real and public utility property after making the 29761

reduction required by section 319.301 of the Revised Code, plus 29762
the taxes levied against tangible personal property. 29763

(M) "Total taxable value" means the sum of the amounts 29764
certified for a city, local, exempted village, or joint vocational 29765
school district under divisions (A)(1) and (2) of section 3317.021 29766
of the Revised Code. 29767

(N) "Cost-of-doing-business factor" means the amount 29768
indicated in this division for the county in which a city, local, 29769
exempted village, or joint vocational school district is located. 29770
If a city, local, or exempted village school district is located 29771
in more than one county, the factor is the amount indicated for 29772
the county to which the district is assigned by the state 29773
department of education. If a joint vocational school district is 29774
located in more than one county, the factor is the amount 29775
indicated for the county in which the joint vocational school with 29776
the greatest formula ADM operated by the district is located. 29777

COST-OF-DOING-BUSINESS 29778

COUNTY	FACTOR	AMOUNT	
Adams	1.0061	<u>1.0035</u>	29779
Allen	1.0236	<u>1.0206</u>	29780
Ashland	1.0331	<u>1.0297</u>	29781
Ashtabula	1.0431	<u>1.0397</u>	29782
Athens	1.0038	<u>1.0014</u>	29783
Auglaize	1.0272	<u>1.0247</u>	29784
Belmont	1.0043	<u>1.0064</u>	29785
Brown	1.0207	<u>1.0177</u>	29786
Butler	1.0663	<u>1.0646</u>	29787
Carroll	1.0148	<u>1.0137</u>	29788
Champaign	1.0413	<u>1.0446</u>	29789
Clark	1.0443	<u>1.0447</u>	29790
Clermont	1.0532	<u>1.0541</u>	29791
Clinton	1.0296	<u>1.0329</u>	29792

Columbiana	1.0262 <u>1.0214</u>	29794
Coshocton	1.0200 <u>1.0173</u>	29795
Crawford	1.0140 <u>1.0164</u>	29796
Cuyahoga	1.0672 <u>1.0626</u>	29797
Darke	1.0343 <u>1.0338</u>	29798
Defiance	1.0165 <u>1.0146</u>	29799
Delaware	1.0479 <u>1.0528</u>	29800
Erie	1.0372 <u>1.0388</u>	29801
Fairfield	1.0354 <u>1.0366</u>	29802
Fayette	1.0258 <u>1.0319</u>	29803
Franklin	1.0519 <u>1.0608</u>	29804
Fulton	1.0361 <u>1.0330</u>	29805
Gallia	1.0000	29806
Geauga	1.0528 <u>1.0501</u>	29807
Greene	1.0407 <u>1.0444</u>	29808
Guernsey	1.0064 <u>1.0066</u>	29809
Hamilton	1.0750	29810
Hancock	1.0215	29811
Hardin	1.0348 <u>1.0356</u>	29812
Harrison	1.0081 <u>1.0074</u>	29813
Henry	1.0338 <u>1.0318</u>	29814
Highland	1.0129 <u>1.0148</u>	29815
Hocking	1.0151 <u>1.0188</u>	29816
Holmes	1.0238 <u>1.0178</u>	29817
Huron	1.0305 <u>1.0293</u>	29818
Jackson	1.0118 <u>1.0138</u>	29819
Jefferson	1.0067 <u>1.0073</u>	29820
Knox	1.0258 <u>1.0279</u>	29821
Lake	1.0556 <u>1.0524</u>	29822
Lawrence	1.0122 <u>1.0081</u>	29823
Licking	1.0375 <u>1.0381</u>	29824
Logan	1.0362 <u>1.0385</u>	29825
Lorain	1.0521 <u>1.0515</u>	29826

Lucas	1.0406 <u>1.0390</u>	29827
Madison	1.0437 <u>1.0488</u>	29828
Mahoning	1.0384 <u>1.0346</u>	29829
Marion	1.0263 <u>1.0306</u>	29830
Medina	1.0595 <u>1.0536</u>	29831
Meigs	1.0018 <u>1.0026</u>	29832
Mercer	1.0199 <u>1.0203</u>	29833
Miami	1.0415 <u>1.0411</u>	29834
Monroe	1.0097 <u>1.0050</u>	29835
Montgomery	1.0476 <u>1.0453</u>	29836
Morgan	1.0128 <u>1.0089</u>	29837
Morrow	1.0276 <u>1.0301</u>	29838
Muskingum	1.0145 <u>1.0127</u>	29839
Noble	1.0103 <u>1.0073</u>	29840
Ottawa	1.0468 <u>1.0486</u>	29841
Paulding	1.0140 <u>1.0115</u>	29842
Perry	1.0154 <u>1.0160</u>	29843
Pickaway	1.0326 <u>1.0391</u>	29844
Pike	1.0094 <u>1.0103</u>	29845
Portage	1.0516 <u>1.0472</u>	29846
Preble	1.0476 <u>1.0442</u>	29847
Putnam	1.0243 <u>1.0216</u>	29848
Richland	1.0213 <u>1.0199</u>	29849
Ross	1.0085 <u>1.0151</u>	29850
Sandusky	1.0307 <u>1.0321</u>	29851
Scioto	1.0029 <u>1.0012</u>	29852
Seneca	1.0223	29853
Shelby	1.0263 <u>1.0278</u>	29854
Stark	1.0300 <u>1.0255</u>	29855
Summit	1.0598 <u>1.0542</u>	29856
Trumbull	1.0381 <u>1.0351</u>	29857
Tuscarawas	1.0097 <u>1.0089</u>	29858
Union	1.0446 <u>1.0500</u>	29859

Van Wert	1.0133	29860
Vinton	1.0070 <u>1.0095</u>	29861
Warren	1.0659 <u>1.0658</u>	29862
Washington	1.0075 <u>1.0060</u>	29863
Wayne	1.0404 <u>1.0348</u>	29864
Williams	1.0284 <u>1.0228</u>	29865
Wood	1.0382 <u>1.0360</u>	29866
Wyandot	1.0188 <u>1.0171</u>	29867

(O) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.

(P) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district.

(Q) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(R) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state.

(S) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income.

(T) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine

or osteopathic medicine at least once a week due to the 29891
instability of the child's medical condition. 29892

(2) The child requires the services of a registered nurse on 29893
a daily basis. 29894

(3) The child is at risk of institutionalization in a 29895
hospital, skilled nursing facility, or intermediate care facility 29896
for the mentally retarded. 29897

(U) A child may be identified as "other health 29898
handicapped-major" if the child's condition meets the definition 29899
of "other health impaired" established in rules adopted by the 29900
state board of education prior to ~~the effective date of this~~ 29901
~~amendment~~ July 1, 2001, and if either of the following apply: 29902

(1) The child is identified as having a medical condition 29903
that is among those listed by the superintendent of public 29904
instruction as conditions where a substantial majority of cases 29905
fall within the definition of "medically fragile child." The 29906
superintendent of public instruction shall issue an initial list 29907
no later than September 1, 2001. 29908

(2) The child is determined by the superintendent of public 29909
instruction to be a medically fragile child. A school district 29910
superintendent may petition the superintendent of public 29911
instruction for a determination that a child is a medically 29912
fragile child. 29913

(V) A child may be identified as "other health 29914
handicapped-minor" if the child's condition meets the definition 29915
of "other health impaired" established in rules adopted by the 29916
state board of education prior to ~~the effective date of this~~ 29917
~~amendment~~ July 1, 2001, but the child's condition does not meet 29918
either of the conditions specified in division (U)(1) or (2) of 29919
this section. 29920

Sec. 3317.022. (A)(1) The department of education shall 29921
compute and distribute state base cost funding to each school 29922
district for the fiscal year in accordance with the following 29923
formula, making any adjustment required by division (A)(2) of this 29924
section and using the information obtained under section 3317.021 29925
of the Revised Code in the calendar year in which the fiscal year 29926
begins. 29927

Compute the following for each eligible district: 29928

$$\dagger(\text{cost-of-doing-business factor X}$$
 29929
the formula amount X ~~(the greater of formula ADM~~ 29930
~~or three-year average formula ADM)~~† - 29931
(.023 X recognized valuation) 29932

If the difference obtained is a negative number, the 29933
district's computation shall be zero. 29934

(2)(a) For each school district for which the tax exempt 29935
value of the district equals or exceeds twenty-five per cent of 29936
the potential value of the district, the department of education 29937
shall calculate the difference between the district's tax exempt 29938
value and twenty-five per cent of the district's potential value. 29939

(b) For each school district to which division (A)(2)(a) of 29940
this section applies, the department shall adjust the recognized 29941
valuation used in the calculation under division (A)(1) of this 29942
section by subtracting from it the amount calculated under 29943
division (A)(2)(a) of this section. 29944

(B) As used in this section: 29945

(1) The "total special education weight" for a district means 29946
the sum of the following amounts: 29947

(a) The district's category one special education ADM 29948
multiplied by the multiple specified in division (A) of section 29949
3317.013 of the Revised Code; 29950

(b) The district's category two special education ADM	29951
multiplied by the multiple specified in division (B) of section	29952
3317.013 of the Revised Code;	29953
(c) The district's category three special education ADM	29954
multiplied by the multiple specified in division (C) of section	29955
3317.013 of the Revised Code;	29956
(d) The district's category four special education ADM	29957
multiplied by the multiple specified in division (D) of section	29958
3317.013 of the Revised Code;	29959
(e) The district's category five special education ADM	29960
multiplied by the multiple specified in division (E) of section	29961
3317.013 of the Revised Code;	29962
(f) The district's category six special education ADM	29963
multiplied by the multiple specified in division (F) of section	29964
3317.013 of the Revised Code.	29965
(2) "State share percentage" means the percentage calculated	29966
for a district as follows:	29967
(a) Calculate the state base cost funding amount for the	29968
district for the fiscal year under division (A) of this section.	29969
If the district would not receive any state base cost funding for	29970
that year under that division, the district's state share	29971
percentage is zero.	29972
(b) If the district would receive state base cost funding	29973
under that division, divide that amount by an amount equal to the	29974
following:	29975
Cost-of-doing-business factor X	29976
the formula amount X (the greater of formula	29977
ADM or three-year average formula ADM)	29978
The resultant number is the district's state share	29979
percentage.	29980

(3) "Related services" includes:	29981
(a) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for handicapped children whose handicaps are described in division (B) of section 3317.013 or division (F)(3) of section 3317.02 of the Revised Code, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;	29982 29983 29984 29985 29986 29987 29988 29989
(b) Speech and language services provided to any student with a handicap, including any student whose primary or only handicap is a speech and language handicap;	29990 29991 29992
(c) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;	29993 29994 29995
(d) Any service included in units funded under former division (O)(1) of section 3317.023 of the Revised Code;	29996 29997
(e) Any other related service needed by handicapped children in accordance with their individualized education plans.	29998 29999
(4) The "total vocational education weight" for a district means the sum of the following amounts:	30000 30001
(a) The district's category one vocational education ADM multiplied by the multiple specified in division (A) of section 3317.014 of the Revised Code;	30002 30003 30004
(b) The district's category two vocational education ADM multiplied by the multiple specified in division (B) of section 3317.014 of the Revised Code.	30005 30006 30007
(C)(1) The department shall compute and distribute state special education and related services additional weighted costs funds to each school district in accordance with the following	30008 30009 30010

formula:	30011
The district's state share percentage	30012
X the formula amount for the year	30013
for which the aid is calculated	30014
X the district's total special education weight	30015
(2) The attributed local share of special education and related services additional weighted costs equals:	30016
(1 - the district's state share percentage) X	30017
the district's total special education weight X	30018
the formula amount	30019
the formula amount	30020
(3)(a) The department shall compute and pay in accordance with this division additional state aid to school districts for students in categories two through six special education ADM. If a district's costs for the fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, the district may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the district an amount equal to the sum of the following:	30021
	30022
	30023
	30024
	30025
	30026
	30027
	30028
	30029
	30030
	30031
	30032
(i) One-half of the district's costs for the student in excess of the threshold catastrophic cost;	30033
	30034
(ii) The product of one-half of the district's costs for the student in excess of the threshold catastrophic cost multiplied by the district's state share percentage.	30035
	30036
	30037
(b) For purposes of division (C)(3)(a) of this section, the threshold catastrophic cost for serving a student equals:	30038
	30039
(i) For a student in the school district's category two, three, four, or five special education ADM, twenty-five thousand	30040
	30041

dollars in fiscal year 2002 and twenty-five thousand seven hundred 30042
dollars in fiscal ~~year~~ years 2003, 2004, and 2005; 30043

(ii) For a student in the district's category six special 30044
education ADM, thirty thousand dollars in fiscal year 2002 and 30045
thirty thousand eight hundred forty dollars in fiscal ~~year~~ years 30046
2003, 2004, and 2005. 30047

~~The threshold catastrophic costs for fiscal year 2003 30048
represent a two and eight tenths per cent inflationary increase 30049
over fiscal year 2002. 30050~~

(c) The district shall only report under division (C)(3)(a) 30051
of this section, and the department shall only pay for, the costs 30052
of educational expenses and the related services provided to the 30053
student in accordance with the student's individualized education 30054
program. Any legal fees, court costs, or other costs associated 30055
with any cause of action relating to the student may not be 30056
included in the amount. 30057

~~(5)(4)(a) As used in this division, the "personnel allowance" 30058
means thirty thousand dollars in fiscal years 2002 ~~and~~, 2003, 30059
2004, and 2005. 30060~~

(b) For the provision of speech language pathology services 30061
to students, including students who do not have individualized 30062
education programs prepared for them under Chapter 3323. of the 30063
Revised Code, and for no other purpose, the department of 30064
education shall pay each school district an amount calculated 30065
under the following formula: 30066

(formula ADM divided by 2000) X 30067

the personnel allowance X the state share percentage 30068

(5) In any fiscal year, a school district shall spend for 30069
purposes that the department designates as approved for special 30070
education and related services expenses at least the amount 30071
calculated as follows: 30072

(cost-of-doing-business factor X 30073
formula amount X the sum of categories 30074
one through six special education ADM) + 30075
(total special education weight X formula amount) 30076

The purposes approved by the department for special education 30077
expenses shall include, but shall not be limited to, 30078
identification of handicapped children, compliance with state 30079
rules governing the education of handicapped children and 30080
prescribing the continuum of program options for handicapped 30081
children, provision of speech language pathology services, and the 30082
portion of the school district's overall administrative and 30083
overhead costs that are attributable to the district's special 30084
education student population. 30085

The department shall require school districts to report data 30086
annually to allow for monitoring compliance with division (C)(5) 30087
of this section. The department shall annually report to the 30088
governor and the general assembly the amount of money spent by 30089
each school district for special education and related services. 30090

(6) In any fiscal year, a school district shall spend for the 30091
provision of speech language pathology services not less than the 30092
sum of the amount calculated under division (C)(1) of this section 30093
for the students in the district's category one special education 30094
ADM and the amount calculated under division (C)(4) of this 30095
section. 30096

(D)(1) As used in this division: 30097

(a) "Daily bus miles per student" equals the number of bus 30098
miles traveled per day, divided by transportation base. 30099

(b) "Transportation base" equals total student count as 30100
defined in section 3301.011 of the Revised Code, minus the number 30101
of students enrolled in preschool handicapped units, plus the 30102
number of nonpublic school students included in transportation 30103

ADM.	30104
(c) "Transported student percentage" equals transportation ADM divided by transportation base.	30105 30106
(d) "Transportation cost per student" equals total operating costs for board-owned or contractor-operated school buses divided by transportation base.	30107 30108 30109
(2) Analysis of student transportation cost data has resulted in a finding that an average efficient transportation use cost per student can be calculated by means of a regression formula that has as its two independent variables the number of daily bus miles per student and the transported student percentage. For fiscal year 1998 transportation cost data, the average efficient transportation use cost per student is expressed as follows:	30110 30111 30112 30113 30114 30115 30116
51.79027 + (139.62626 X daily bus miles per student) + (116.25573 X transported student percentage)	30117 30118
The department of education shall annually determine the average efficient transportation use cost per student in accordance with the principles stated in division (D)(2) of this section, updating the intercept and regression coefficients of the regression formula modeled in this division, based on an annual statewide analysis of each school district's daily bus miles per student, transported student percentage, and transportation cost per student data. The department shall conduct the annual update using data, including daily bus miles per student, transported student percentage, and transportation cost per student data, from the prior fiscal year. The department shall notify the office of budget and management of such update by the fifteenth day of February of each year.	30119 30120 30121 30122 30123 30124 30125 30126 30127 30128 30129 30130 30131
(3) In addition to funds paid under divisions (A), (C), and (E) of this section, each district with a transported student percentage greater than zero shall receive a payment equal to a	30132 30133 30134

percentage of the product of the district's transportation base 30135
from the prior fiscal year times the annually updated average 30136
efficient transportation use cost per student, times an inflation 30137
factor of two and eight tenths per cent to account for the 30138
one-year difference between the data used in updating the formula 30139
and calculating the payment and the year in which the payment is 30140
made. The percentage shall be the following percentage of that 30141
product specified for the corresponding fiscal year: 30142

FISCAL YEAR	PERCENTAGE	
2000	52.5%	30144
2001	55%	30145
2002	57.5%	30146
2003 and thereafter	The greater of 60% or the district's state share percentage	30147

The payments made under division (D)(3) of this section each 30148
year shall be calculated based on all of the same prior year's 30149
data used to update the formula. 30150

(4) In addition to funds paid under divisions (D)(2) and (3) 30151
of this section, a school district shall receive a rough road 30152
subsidy if both of the following apply: 30153

(a) Its county rough road percentage is higher than the 30154
statewide rough road percentage, as those terms are defined in 30155
division (D)(5) of this section; 30156

(b) Its district student density is lower than the statewide 30157
student density, as those terms are defined in that division. 30158

(5) The rough road subsidy paid to each district meeting the 30159
qualifications of division (D)(4) of this section shall be 30160
calculated in accordance with the following formula: 30161

(per rough mile subsidy X total rough road miles) X 30162
density multiplier 30163

where: 30164

(a) "Per rough mile subsidy" equals the amount calculated in 30165
accordance with the following formula: 30166

0.75 - {0.75 X [(maximum rough road percentage - 30167

county rough road percentage)/(maximum rough road percentage - 30169

statewide rough road percentage)]} 30170

(i) "Maximum rough road percentage" means the highest county 30171
rough road percentage in the state. 30172

(ii) "County rough road percentage" equals the percentage of 30173
the mileage of state, municipal, county, and township roads that 30174
is rated by the department of transportation as type A, B, C, E2, 30175
or F in the county in which the school district is located or, if 30176
the district is located in more than one county, the county to 30177
which it is assigned for purposes of determining its 30178
cost-of-doing-business factor. 30179

(iii) "Statewide rough road percentage" means the percentage 30180
of the statewide total mileage of state, municipal, county, and 30181
township roads that is rated as type A, B, C, E2, or F by the 30182
department of transportation. 30183

(b) "Total rough road miles" means a school district's total 30184
bus miles traveled in one year times its county rough road 30185
percentage. 30186

(c) "Density multiplier" means a figure calculated in 30187
accordance with the following formula: 30188

1 - [(minimum student density - district student 30189

density)/(minimum student density - 30190

statewide student density)] 30191

(i) "Minimum student density" means the lowest district 30192
student density in the state. 30193

(ii) "District student density" means a school district's transportation base divided by the number of square miles in the district. 30194
30195
30196

(iii) "Statewide student density" means the sum of the transportation bases for all school districts divided by the sum of the square miles in all school districts. 30197
30198
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(6) In addition to funds paid under divisions (D)(2) to (5) of this section, each district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than board-owned or contractor-operated buses and whose transportation is not funded under division (J) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students. 30200
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(E)(1) The department shall compute and distribute state vocational education additional weighted costs funds to each school district in accordance with the following formula: 30208
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30210

state share percentage X 30211

the formula amount X 30212

total vocational education weight 30213

In any fiscal year, a school district receiving funds under division (E)(1) of this section shall spend those funds only for the purposes that the department designates as approved for vocational education expenses. Vocational educational expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding the manner in which funding received under division (E)(1) of this section may be spent. 30214
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(2) The department shall compute for each school district 30225
state funds for vocational education associated services in 30226
accordance with the following formula: 30227
state share percentage X .05 X 30228
the formula amount X the sum of categories one and two 30229
vocational education ADM 30230

In any fiscal year, a school district receiving funds under 30231
division (E)(2) of this section, or through a transfer of funds 30232
pursuant to division (L) of section 3317.023 of the Revised Code, 30233
shall spend those funds only for the purposes that the department 30234
designates as approved for vocational education associated 30235
services expenses, which may include such purposes as 30236
apprenticeship coordinators, coordinators for other vocational 30237
education services, vocational evaluation, and other purposes 30238
designated by the department. The department may deny payment 30239
under division (E)(2) of this section to any district that the 30240
department determines is not operating those services or is using 30241
funds paid under division (E)(2) of this section, or through a 30242
transfer of funds pursuant to division (L) of section 3317.023 of 30243
the Revised Code, for other purposes. 30244

(F) ~~Beginning in fiscal year 2003, the~~ The actual local share 30245
in any fiscal year for the combination of special education and 30246
related services additional weighted costs funding calculated 30247
under division (C)(1) of this section, transportation funding 30248
calculated under divisions (D)(2) and (3) of this section, and 30249
vocational education and associated services additional weighted 30250
costs funding calculated under divisions (E)(1) and (2) of this 30251
section shall not exceed for any school district the product of 30252
three and three-tenths mills times the district's recognized 30253
valuation. ~~Beginning in fiscal year 2003, the~~ The department 30254
annually shall pay each school district as an excess cost 30255
supplement any amount by which the sum of the district's 30256

attributed local shares for that funding exceeds that product. For 30257
purposes of calculating the excess cost supplement: 30258

(1) The attributed local share for special education and 30259
related services additional weighted costs funding is the amount 30260
specified in division (C)(2) of this section. 30261

(2) The attributed local share of transportation funding 30262
equals the difference of the total amount calculated for the 30263
district using the formula developed under division (D)(2) of this 30264
section minus the actual amount paid to the district after 30265
applying the percentage specified in division (D)(3) of this 30266
section. 30267

(3) The attributed local share of vocational education and 30268
associated services additional weighted costs funding is the 30269
amount determined as follows: 30270

(1 - state share percentage) X 30271
[(total vocational education weight X the formula amount) + 30272
the payment under division (E)(2) of this section] 30273

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 30274
Revised Code, the amounts required to be paid to a district under 30275
this chapter shall be adjusted by the amount of the computations 30276
made under divisions (B) to ~~(L)~~(M) of this section. 30277

As used in this section: 30278

(1) "Classroom teacher" means a licensed employee who 30279
provides direct instruction to pupils, excluding teachers funded 30280
from money paid to the district from federal sources; educational 30281
service personnel; and vocational and special education teachers. 30282

(2) "Educational service personnel" shall not include such 30283
specialists funded from money paid to the district from federal 30284
sources or assigned full-time to vocational or special education 30285
students and classes and may only include those persons employed 30286

in the eight specialist areas in a pattern approved by the 30287
department of education under guidelines established by the state 30288
board of education. 30289

(3) "Annual salary" means the annual base salary stated in 30290
the state minimum salary schedule for the performance of the 30291
teacher's regular teaching duties that the teacher earns for 30292
services rendered for the first full week of October of the fiscal 30293
year for which the adjustment is made under division (C) of this 30294
section. It shall not include any salary payments for supplemental 30295
teachers contracts. 30296

(4) "Regular student population" means the formula ADM plus 30297
the number of students reported as enrolled in the district 30298
pursuant to division (A)(1) of section 3313.981 of the Revised 30299
Code; minus the number of students reported under division (A)(2) 30300
of section 3317.03 of the Revised Code; minus the FTE of students 30301
reported under division (B)~~(5)~~, (6), (7), (8), (9), (10), (11), or 30302
(12) of that section who are enrolled in a vocational education 30303
class or receiving special education; and minus ~~one-fourth~~ twenty
per cent of the students enrolled concurrently in a joint 30304
vocational school district. 30305
30306

(5) "State share percentage" has the same meaning as in 30307
section 3317.022 of the Revised Code. 30308

(6) "VEPD" means a school district or group of school 30309
districts designated by the department of education as being 30310
responsible for the planning for and provision of vocational 30311
education services to students within the district or group. 30312

(7) "Lead district" means a school district, including a 30313
joint vocational school district, designated by the department as 30314
a VEPD, or designated to provide primary vocational education 30315
leadership within a VEPD composed of a group of districts. 30316

(B) If the district employs less than one full-time 30317

equivalent classroom teacher for each twenty-five pupils in the 30318
regular student population in any school district, deduct the sum 30319
of the amounts obtained from the following computations: 30320

(1) Divide the number of the district's full-time equivalent 30321
classroom teachers employed by one twenty-fifth; 30322

(2) Subtract the quotient in (1) from the district's regular 30323
student population; 30324

(3) Multiply the difference in (2) by seven hundred fifty-two 30325
dollars. 30326

(C) If a positive amount, add one-half of the amount obtained 30327
by multiplying the number of full-time equivalent classroom 30328
teachers by: 30329

(1) The mean annual salary of all full-time equivalent 30330
classroom teachers employed by the district at their respective 30331
training and experience levels minus; 30332

(2) The mean annual salary of all such teachers at their 30333
respective levels in all school districts receiving payments under 30334
this section. 30335

The number of full-time equivalent classroom teachers used in 30336
this computation shall not exceed one twenty-fifth of the 30337
district's regular student population. In calculating the 30338
district's mean salary under this division, those full-time 30339
equivalent classroom teachers with the highest training level 30340
shall be counted first, those with the next highest training level 30341
second, and so on, in descending order. Within the respective 30342
training levels, teachers with the highest years of service shall 30343
be counted first, the next highest years of service second, and so 30344
on, in descending order. 30345

(D) This division does not apply to a school district that 30346
has entered into an agreement under division (A) of section 30347

3313.42 of the Revised Code. Deduct the amount obtained from the 30348
following computations if the district employs fewer than five 30349
full-time equivalent educational service personnel, including 30350
elementary school art, music, and physical education teachers, 30351
counselors, librarians, visiting teachers, school social workers, 30352
and school nurses for each one thousand pupils in the regular 30353
student population: 30354

(1) Divide the number of full-time equivalent educational 30355
service personnel employed by the district by five 30356
one-thousandths; 30357

(2) Subtract the quotient in (1) from the district's regular 30358
student population; 30359

(3) Multiply the difference in (2) by ninety-four dollars. 30360

(E) If a local school district, or a city or exempted village 30361
school district to which a governing board of an educational 30362
service center provides services pursuant to section 3313.843 of 30363
the Revised Code, deduct the amount of the payment required for 30364
the reimbursement of the governing board under section 3317.11 of 30365
the Revised Code. 30366

(F)(1) If the district is required to pay to or entitled to 30367
receive tuition from another school district under division (C)(2) 30368
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 30369
or if the superintendent of public instruction is required to 30370
determine the correct amount of tuition and make a deduction or 30371
credit under section 3317.08 of the Revised Code, deduct and 30372
credit such amounts as provided in division (I) of section 3313.64 30373
or section 3317.08 of the Revised Code. 30374

(2) For each child for whom the district is responsible for 30375
tuition or payment under division (A)(1) of section 3317.082 or 30376
section 3323.091 of the Revised Code, deduct the amount of tuition 30377
or payment for which the district is responsible. 30378

(G) If the district has been certified by the superintendent 30379
of public instruction under section 3313.90 of the Revised Code as 30380
not in compliance with the requirements of that section, deduct an 30381
amount equal to ten per cent of the amount computed for the 30382
district under section 3317.022 of the Revised Code. 30383

(H) If the district has received a loan from a commercial 30384
lending institution for which payments are made by the 30385
superintendent of public instruction pursuant to division (E)(3) 30386
of section 3313.483 of the Revised Code, deduct an amount equal to 30387
such payments. 30388

(I)(1) If the district is a party to an agreement entered 30389
into under division (D), (E), or (F) of section 3311.06 or 30390
division (B) of section 3311.24 of the Revised Code and is 30391
obligated to make payments to another district under such an 30392
agreement, deduct an amount equal to such payments if the district 30393
school board notifies the department in writing that it wishes to 30394
have such payments deducted. 30395

(2) If the district is entitled to receive payments from 30396
another district that has notified the department to deduct such 30397
payments under division (I)(1) of this section, add the amount of 30398
such payments. 30399

(J) If the district is required to pay an amount of funds to 30400
a cooperative education district pursuant to a provision described 30401
by division (B)(4) of section 3311.52 or division (B)(8) of 30402
section 3311.521 of the Revised Code, deduct such amounts as 30403
provided under that provision and credit those amounts to the 30404
cooperative education district for payment to the district under 30405
division (B)(1) of section 3317.19 of the Revised Code. 30406

(K)(1) If a district is educating a student entitled to 30407
attend school in another district pursuant to a shared education 30408
contract, compact, or cooperative education agreement other than 30409

an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the formula amount times the cost of doing business factor of the school district where the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) An amount equal to the formula amount times the state share percentage times any multiple applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (K)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(3) If the district is required by a shared education contract, compact, or cooperative education agreement to make payments to an educational service center, deduct the amounts from payments to the district and add them to the amounts paid to the service center pursuant to section 3317.11 of the Revised Code.

(L)(1) If a district, including a joint vocational school district, is a lead district of a VEPD, credit to that district the amounts calculated for all the school districts within that VEPD pursuant to division (E)(2) of section 3317.022 of the Revised Code.

(2) Deduct from each appropriate district that is not a lead district, the amount attributable to that district that is credited to a lead district under division (L)(1) of this section.

(M) If the department pays a joint vocational school district under division (G)(4) of section 3317.16 of the Revised Code for excess costs of providing special education and related services to a handicapped student, as calculated under division (G)(2) of

that section, the department shall deduct the amount of that 30441
payment from the city, local, or exempted village school district 30442
that is responsible as specified in that section for the excess 30443
costs. 30444

Sec. 3317.024. In addition to the moneys paid to eligible 30445
school districts pursuant to section 3317.022 of the Revised Code, 30446
moneys appropriated for the education programs in divisions (A) to 30447
(H), (J) to (L), (O), (P), and (R) of this section shall be 30448
distributed to school districts meeting the requirements of 30449
section 3317.01 of the Revised Code; in the case of divisions (J) 30450
and (P) of this section, to educational service centers as 30451
provided in section 3317.11 of the Revised Code; in the case of 30452
divisions (E), (M), and (N) of this section, to county MR/DD 30453
boards; in the case of division (R) of this section, to joint 30454
vocational school districts; in the case of division (K) of this 30455
section, to cooperative education school districts; and in the 30456
case of division (Q) of this section, to the institutions defined 30457
under section 3317.082 of the Revised Code providing elementary or 30458
secondary education programs to children other than children 30459
receiving special education under section 3323.091 of the Revised 30460
Code. The following shall be distributed monthly, quarterly, or 30461
annually as may be determined by the state board of education: 30462

(A) A per pupil amount to each school district that 30463
establishes a summer school remediation program that complies with 30464
rules of the state board of education. 30465

(B) An amount for each island school district and each joint 30466
state school district for the operation of each high school and 30467
each elementary school maintained within such district and for 30468
capital improvements for such schools. Such amounts shall be 30469
determined on the basis of standards adopted by the state board of 30470
education. 30471

(C) An amount for each school district operating classes for 30472
children of migrant workers who are unable to be in attendance in 30473
an Ohio school during the entire regular school year. The amounts 30474
shall be determined on the basis of standards adopted by the state 30475
board of education, except that payment shall be made only for 30476
subjects regularly offered by the school district providing the 30477
classes. 30478

(D) An amount for each school district with guidance, 30479
testing, and counseling programs approved by the state board of 30480
education. The amount shall be determined on the basis of 30481
standards adopted by the state board of education. 30482

(E) An amount for the emergency purchase of school buses as 30483
provided for in section 3317.07 of the Revised Code; 30484

(F) An amount for each school district required to pay 30485
tuition for a child in an institution maintained by the department 30486
of youth services pursuant to section 3317.082 of the Revised 30487
Code, provided the child was not included in the calculation of 30488
the district's average daily membership for the preceding school 30489
year. 30490

(G) In fiscal year 2000 only, an amount to each school 30491
district for supplemental salary allowances for each licensed 30492
employee except those licensees serving as superintendents, 30493
assistant superintendents, principals, or assistant principals, 30494
whose term of service in any year is extended beyond the term of 30495
service of regular classroom teachers, as described in section 30496
3301.0725 of the Revised Code; 30497

(H) An amount for adult basic literacy education for each 30498
district participating in programs approved by the state board of 30499
education. The amount shall be determined on the basis of 30500
standards adopted by the state board of education. 30501

(I) Notwithstanding section 3317.01 of the Revised Code, but 30502

only until June 30, 1999, to each city, local, and exempted 30503
village school district, an amount for conducting driver education 30504
courses at high schools for which the state board of education 30505
prescribes minimum standards and to joint vocational and 30506
cooperative education school districts and educational service 30507
centers, an amount for conducting driver education courses to 30508
pupils enrolled in a high school for which the state board 30509
prescribes minimum standards. No payments shall be made under this 30510
division after June 30, 1999. 30511

(J) An amount for the approved cost of transporting 30512
developmentally handicapped pupils whom it is impossible or 30513
impractical to transport by regular school bus in the course of 30514
regular route transportation provided by the district or service 30515
center. No district or service center is eligible to receive a 30516
payment under this division for the cost of transporting any pupil 30517
whom it transports by regular school bus and who is included in 30518
the district's transportation ADM. The state board of education 30519
shall establish standards and guidelines for use by the department 30520
of education in determining the approved cost of such 30521
transportation for each district or service center. 30522

(K) An amount to each school district, including each 30523
cooperative education school district, pursuant to section 3313.81 30524
of the Revised Code to assist in providing free lunches to needy 30525
children and an amount to assist needy school districts in 30526
purchasing necessary equipment for food preparation. The amounts 30527
shall be determined on the basis of rules adopted by the state 30528
board of education. 30529

(L) An amount to each school district, for each pupil 30530
attending a chartered nonpublic elementary or high school within 30531
the district. The amount shall equal the amount appropriated for 30532
the implementation of section 3317.06 of the Revised Code divided 30533
by the average daily membership in grades kindergarten through 30534

twelve in nonpublic elementary and high schools within the state 30535
as determined during the first full week in October of each school 30536
year. 30537

(M) An amount for each county MR/DD board, distributed on the 30538
basis of standards adopted by the state board of education, for 30539
the approved cost of transportation required for children 30540
attending special education programs operated by the county MR/DD 30541
board under section 3323.09 of the Revised Code; 30542

(N) An amount for each county MR/DD board, distributed on the 30543
basis of standards adopted by the state board of education, for 30544
supportive home services for preschool children; 30545

(O) An amount for each school district that establishes a 30546
mentor teacher program that complies with rules of the state board 30547
of education. No school district shall be required to establish or 30548
maintain such a program in any year unless sufficient funds are 30549
appropriated to cover the district's total costs for the program. 30550

(P) An amount to each school district or educational service 30551
center for the total number of gifted units approved pursuant to 30552
section 3317.05 of the Revised Code. The amount for each such unit 30553
shall be the sum of the minimum salary for the teacher of the 30554
unit, calculated on the basis of the teacher's training level and 30555
years of experience pursuant to the salary schedule prescribed in 30556
the version of section 3317.13 of the Revised Code in effect prior 30557
to ~~the effective date of this amendment~~ July 1, 2001, plus fifteen 30558
per cent of that minimum salary amount, plus two thousand six 30559
hundred seventy-eight dollars. 30560

(Q) An amount to each institution defined under section 30561
3317.082 of the Revised Code providing elementary or secondary 30562
education to children other than children receiving special 30563
education under section 3323.091 of the Revised Code. This amount 30564
for any institution in any fiscal year shall equal the total of 30565

all tuition amounts required to be paid to the institution under 30566
division (A)(1) of section 3317.082 of the Revised Code. 30567

(R) A grant to each school district and joint vocational 30568
school district that operates a "graduation, reality, and 30569
dual-role skills" (GRADS) program for pregnant and parenting 30570
students that is approved by the department. The amount of the 30571
payment shall be the district's state share percentage, as defined 30572
in section 3317.022 or 3317.16 of the Revised Code, times the 30573
GRADS personnel allowance times the full-time-equivalent number of 30574
GRADS teachers approved by the department. The GRADS personnel 30575
allowance is ~~\$46,260~~ \$47,555 in fiscal years ~~2002~~ 2004 and ~~2003~~ 30576
2005. 30577

The state board of education or any other board of education 30578
or governing board may provide for any resident of a district or 30579
educational service center territory any educational service for 30580
which funds are made available to the board by the United States 30581
under the authority of public law, whether such funds come 30582
directly or indirectly from the United States or any agency or 30583
department thereof or through the state or any agency, department, 30584
or political subdivision thereof. 30585

Sec. 3317.029. (A) As used in this section: 30586

(1) "DPIA percentage" means: 30587

(a) In fiscal years prior to fiscal year 2004, the quotient 30588
obtained by dividing the five-year average number of children ages 30589
five to seventeen residing in the school district and living in a 30590
family receiving assistance under the Ohio works first program or 30591
an antecedent program known as TANF or ADC, as certified or 30592
adjusted under section 3317.10 of the Revised Code, by the 30593
district's three-year average formula ADM. 30594

(b) Beginning in fiscal year 2004, the unduplicated number of 30595

children ages five to seventeen residing in the school district 30596
and living in a family that has family income not exceeding the 30597
federal poverty guidelines and that receives family assistance, as 30598
certified or adjusted under section 3317.10 of the Revised Code, 30599
divided by the district's three-year average formula ADM. 30600

(2) "Family assistance" means assistance received under one 30601
of the following: 30602

(a) The Ohio works first program; 30603

(b) The food stamp program; 30604

(c) The medical assistance program, including the healthy 30605
start program, established under Chapter 5111. of the Revised 30606
Code; 30607

(d) The children's health insurance program part I 30608
established under section 5101.50 of the Revised Code or, prior to 30609
fiscal year 2000, an executive order issued under section 107.17 30610
of the Revised Code; 30611

(e) The disability financial assistance program established 30612
under Chapter 5115. of the Revised Code; 30613

(f) The disability medical assistance program established 30614
under Chapter 5115. of the Revised Code. 30615

(3) "Statewide DPIA percentage" means: 30616

(a) In fiscal years prior to fiscal year 2004, the five-year 30617
average of the total number of children ages five to seventeen 30618
years residing in the state and receiving assistance under the 30619
Ohio works first program or an antecedent program known as TANF or 30620
ADC, divided by the sum of the three-year average formula ADMs for 30621
all school districts in the state. 30622

(b) Beginning in fiscal year 2004, the total unduplicated 30623
number of children ages five to seventeen residing in the state 30624
and living in a family that has family income not exceeding the 30625

federal poverty guidelines and that receives family assistance, 30626
divided by the sum of the three-year average formula ADMs for all 30627
school districts in the state. 30628

(4) "DPIA index" means the quotient obtained by dividing the 30629
school district's DPIA percentage by the statewide DPIA 30630
percentage. 30631

(5) "Federal poverty guidelines" has the same meaning as in 30632
section 5101.46 of the Revised Code. 30633

(6) "DPIA student count" means: 30634

(a) In fiscal years prior to fiscal year 2004, the five-year 30635
average number of children ages five to seventeen residing in the 30636
school district and living in a family receiving assistance under 30637
the Ohio works first program or an antecedent program known as 30638
TANF or ADC, as certified under section 3317.10 of the Revised 30639
Code; 30640

(b) Beginning in fiscal year 2004, the unduplicated number of 30641
children ages five to seventeen residing in the school district 30642
and living in a family that has family income not exceeding the 30643
federal poverty guidelines and that receives family assistance, as 30644
certified or adjusted under section 3317.10 of the Revised Code. 30645

(7) "Kindergarten ADM" means the number of students reported 30646
under section 3317.03 of the Revised Code as enrolled in 30647
kindergarten. 30648

(8) "Kindergarten through third grade ADM" means the amount 30649
calculated as follows: 30650

(a) Multiply the kindergarten ADM by the sum of one plus the 30651
all-day kindergarten percentage; 30652

(b) Add the number of students in grades one through three; 30653

(c) Subtract from the sum calculated under division (A)(6)(b) 30654
of this section the number of special education students in grades 30655

kindergarten through three. 30656

(9) "Statewide average teacher salary" means forty-two 30657
thousand four hundred sixty-nine dollars in fiscal year 2002, and 30658
forty-three thousand six hundred fifty-eight dollars in fiscal 30659
year 2003, which includes an amount for the value of fringe 30660
benefits. 30661

(10) "All-day kindergarten" means a kindergarten class that 30662
is in session five days per week for not less than the same number 30663
of clock hours each day as for pupils in grades one through six. 30664

(11) "All-day kindergarten percentage" means the percentage 30665
of a district's actual total number of students enrolled in 30666
kindergarten who are enrolled in all-day kindergarten. 30667

(12) "Buildings with the highest concentration of need" 30668
means: 30669

(a) In fiscal years prior to fiscal year 2004, the school 30670
buildings in a district with percentages of students in grades 30671
kindergarten through three receiving assistance under Ohio works 30672
first at least as high as the district-wide percentage of students 30673
receiving such assistance. 30674

(b) Beginning in fiscal year 2004, the school buildings in a 30675
district with percentages of students in grades kindergarten 30676
through three receiving family assistance at least as high as the 30677
district-wide percentage of students receiving family assistance. 30678

(c) If, in any fiscal year, the information provided by the 30679
department of job and family services under section 3317.10 of the 30680
Revised Code is insufficient to determine the Ohio works first or 30681
family assistance percentage in each building, "buildings with the 30682
highest concentration of need" has the meaning given in rules that 30683
the department of education shall adopt. The rules shall base the 30684
definition of "buildings with the highest concentration of need" 30685
on family income of students in grades kindergarten through three 30686

in a manner that, to the extent possible with available data, 30687
approximates the intent of this division and division (G) of this 30688
section to designate buildings where the Ohio works first or 30689
family assistance percentage in those grades equals or exceeds the 30690
district-wide Ohio works first or family assistance percentage. 30691

(B) In addition to the amounts required to be paid to a 30692
school district under section 3317.022 of the Revised Code, a 30693
school district shall receive the greater of the amount the 30694
district received in fiscal year 1998 pursuant to division (B) of 30695
section 3317.023 of the Revised Code as it existed at that time or 30696
the sum of the computations made under divisions (C) to (E) of 30697
this section. 30698

(C) A supplemental payment that may be utilized for measures 30699
related to safety and security and for remediation or similar 30700
programs, calculated as follows: 30701

(1) If the DPIA index of the school district is greater than 30702
or equal to thirty-five-hundredths, but less than one, an amount 30703
obtained by multiplying the district's DPIA student count by two 30704
hundred thirty dollars; 30705

(2) If the DPIA index of the school district is greater than 30706
or equal to one, an amount obtained by multiplying the DPIA index 30707
by two hundred thirty dollars and multiplying that product by the 30708
district's DPIA student count. 30709

Except as otherwise provided in division (F) of this section, 30710
beginning with the school year that starts July 1, 2002, each 30711
school district annually shall use at least twenty per cent of the 30712
funds calculated for the district under this division for 30713
intervention services required by section 3313.608 of the Revised 30714
Code. 30715

(D) A payment for all-day kindergarten if the DPIA index of 30716
the school district is greater than or equal to one or if the 30717

district's three-year average formula ADM exceeded seventeen 30718
thousand five hundred, calculated by multiplying the all-day 30719
kindergarten percentage by the kindergarten ADM and multiplying 30720
that product by the formula amount. 30721

(E) A class-size reduction payment based on calculating the 30722
number of new teachers necessary to achieve a lower 30723
student-teacher ratio, as follows: 30724

(1) Determine or calculate a formula number of teachers per 30725
one thousand students based on the DPIA index of the school 30726
district as follows: 30727

(a) If the DPIA index of the school district is less than 30728
six-tenths, the formula number of teachers is 43.478, which is the 30729
number of teachers per one thousand students at a student-teacher 30730
ratio of twenty-three to one; 30731

(b) If the DPIA index of the school district is greater than 30732
or equal to six-tenths, but less than two and one-half, the 30733
formula number of teachers is calculated as follows: 30734

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\} \quad 30735$$

Where 43.478 is the number of teachers per one thousand 30736
students at a student-teacher ratio of twenty-three to one; 1.9 is 30737
the interval from a DPIA index of six-tenths to a DPIA index of 30738
two and one-half; and 23.188 is the difference in the number of 30739
teachers per one thousand students at a student-teacher ratio of 30740
fifteen to one and the number of teachers per one thousand 30741
students at a student-teacher ratio of twenty-three to one. 30742

(c) If the DPIA index of the school district is greater than 30743
or equal to two and one-half, the formula number of teachers is 30744
66.667, which is the number of teachers per one thousand students 30745
at a student-teacher ratio of fifteen to one. 30746

(2) Multiply the formula number of teachers determined or 30747
calculated in division (E)(1) of this section by the kindergarten 30748

through third grade ADM for the district and divide that product 30749
by one thousand; 30750

(3) Calculate the number of new teachers as follows: 30751

(a) Multiply the kindergarten through third grade ADM by 30752
43.478, which is the number of teachers per one thousand students 30753
at a student-teacher ratio of twenty-three to one, and divide that 30754
product by one thousand; 30755

(b) Subtract the quotient obtained in division (E)(3)(a) of 30756
this section from the product in division (E)(2) of this section. 30757

(4) Multiply the greater of the difference obtained under 30758
division (E)(3) of this section or zero by the statewide average 30759
teachers salary. 30760

(F) This division applies only to school districts whose DPIA 30761
index is one or greater. 30762

(1) Each school district subject to this division shall first 30763
utilize funds received under this section so that, when combined 30764
with other funds of the district, sufficient funds exist to 30765
provide all-day kindergarten to at least the number of children in 30766
the district's all-day kindergarten percentage. 30767

(2) Up to an amount equal to the district's DPIA index 30768
multiplied by its DPIA student count multiplied by two hundred 30769
thirty dollars of the money distributed under this section may be 30770
utilized for one or both of the following: 30771

(a) Programs designed to ensure that schools are free of 30772
drugs and violence and have a disciplined environment conducive to 30773
learning; 30774

(b) Remediation for students who have failed or are in danger 30775
of failing any of the tests administered pursuant to section 30776
3301.0710 of the Revised Code. 30777

Beginning with the school year that starts on July 1, 2002, 30778

each school district shall use at least twenty per cent of the 30779
funds set aside for the purposes of divisions (F)(2)(a) and (b) of 30780
this section to provide intervention services required by section 30781
3313.608 of the Revised Code. 30782

(3) Except as otherwise required by division (G) or permitted 30783
under division (K) of this section, all other funds distributed 30784
under this section to districts subject to this division shall be 30785
utilized for the purpose of the third grade guarantee. The third 30786
grade guarantee consists of increasing the amount of instructional 30787
attention received per pupil in kindergarten through third grade, 30788
either by reducing the ratio of students to instructional 30789
personnel or by increasing the amount of instruction and 30790
curriculum-related activities by extending the length of the 30791
school day or the school year. 30792

School districts may implement a reduction of the ratio of 30793
students to instructional personnel through any or all of the 30794
following methods: 30795

(a) Reducing the number of students in a classroom taught by 30796
a single teacher; 30797

(b) Employing full-time educational aides or educational 30798
paraprofessionals issued a permit or license under section 30799
3319.088 of the Revised Code; 30800

(c) Instituting a team-teaching method that will result in a 30801
lower student-teacher ratio in a classroom. 30802

Districts may extend the school day either by increasing the 30803
amount of time allocated for each class, increasing the number of 30804
classes provided per day, offering optional academic-related 30805
after-school programs, providing curriculum-related extra 30806
curricular activities, or establishing tutoring or remedial 30807
services for students who have demonstrated an educational need. 30808
In accordance with section 3319.089 of the Revised Code, a 30809

district extending the school day pursuant to this division may 30810
utilize a participant of the work experience program who has a 30811
child enrolled in a public school in that district and who is 30812
fulfilling the work requirements of that program by volunteering 30813
or working in that public school. If the work experience program 30814
participant is compensated, the school district may use the funds 30815
distributed under this section for all or part of the 30816
compensation. 30817

Districts may extend the school year either through adding 30818
regular days of instruction to the school calendar or by providing 30819
summer programs. 30820

(G) Each district subject to division (F) of this section 30821
shall not expend any funds received under division (E) of this 30822
section in any school buildings that are not buildings with the 30823
highest concentration of need, unless there is a ratio of 30824
instructional personnel to students of no more than fifteen to one 30825
in each kindergarten and first grade class in all buildings with 30826
the highest concentration of need. This division does not require 30827
that the funds used in buildings with the highest concentration of 30828
need be spent solely to reduce the ratio of instructional 30829
personnel to students in kindergarten and first grade. A school 30830
district may spend the funds in those buildings in any manner 30831
permitted by division (F)(3) of this section, but may not spend 30832
the money in other buildings unless the fifteen-to-one ratio 30833
required by this division is attained. 30834

(H)(1) By the first day of August of each fiscal year, each 30835
school district wishing to receive any funds under division (D) of 30836
this section shall submit to the department of education an 30837
estimate of its all-day kindergarten percentage. Each district 30838
shall update its estimate throughout the fiscal year in the form 30839
and manner required by the department, and the department shall 30840
adjust payments under this section to reflect the updates. 30841

(2) Annually by the end of December, the department of 30842
education, utilizing data from the information system established 30843
under section 3301.0714 of the Revised Code and after consultation 30844
with the legislative office of education oversight, shall 30845
determine for each school district subject to division (F) of this 30846
section whether in the preceding fiscal year the district's ratio 30847
of instructional personnel to students and its number of 30848
kindergarten students receiving all-day kindergarten appear 30849
reasonable, given the amounts of money the district received for 30850
that fiscal year pursuant to divisions (D) and (E) of this 30851
section. If the department is unable to verify from the data 30852
available that students are receiving reasonable amounts of 30853
instructional attention and all-day kindergarten, given the funds 30854
the district has received under this section and that class-size 30855
reduction funds are being used in school buildings with the 30856
highest concentration of need as required by division (G) of this 30857
section, the department shall conduct a more intensive 30858
investigation to ensure that funds have been expended as required 30859
by this section. The department shall file an annual report of its 30860
findings under this division with the chairpersons of the 30861
committees in each house of the general assembly dealing with 30862
finance and education. 30863

(I) Any school district with a DPIA index less than one and a 30864
three-year average formula ADM exceeding seventeen thousand five 30865
hundred shall first utilize funds received under this section so 30866
that, when combined with other funds of the district, sufficient 30867
funds exist to provide all-day kindergarten to at least the number 30868
of children in the district's all-day kindergarten percentage. 30869
Such a district shall expend at least seventy per cent of the 30870
remaining funds received under this section, and any other 30871
district with a DPIA index less than one shall expend at least 30872
seventy per cent of all funds received under this section, for any 30873

of the following purposes:	30874
(1) The purchase of technology for instructional purposes;	30875
(2) All-day kindergarten;	30876
(3) Reduction of class sizes;	30877
(4) Summer school remediation;	30878
(5) Dropout prevention programs;	30879
(6) Guaranteeing that all third graders are ready to progress	30880
to more advanced work;	30881
(7) Summer education and work programs;	30882
(8) Adolescent pregnancy programs;	30883
(9) Head start or preschool programs;	30884
(10) Reading improvement programs described by the department	30885
of education;	30886
(11) Programs designed to ensure that schools are free of	30887
drugs and violence and have a disciplined environment conducive to	30888
learning;	30889
(12) Furnishing, free of charge, materials used in courses of	30890
instruction, except for the necessary textbooks or electronic	30891
textbooks required to be furnished without charge pursuant to	30892
section 3329.06 of the Revised Code, to pupils living in families	30893
participating in Ohio works first in accordance with section	30894
3313.642 of the Revised Code;	30895
(13) School breakfasts provided pursuant to section 3313.813	30896
of the Revised Code.	30897
Each district shall submit to the department, in such format	30898
and at such time as the department shall specify, a report on the	30899
programs for which it expended funds under this division.	30900
(J) If at any time the superintendent of public instruction	30901

determines that a school district receiving funds under division 30902
(D) of this section has enrolled less than the all-day 30903
kindergarten percentage reported for that fiscal year, the 30904
superintendent shall withhold from the funds otherwise due the 30905
district under this section a proportional amount as determined by 30906
the difference in the certified all-day kindergarten percentage 30907
and the percentage actually enrolled in all-day kindergarten. 30908

The superintendent shall also withhold an appropriate amount 30909
of funds otherwise due a district for any other misuse of funds 30910
not in accordance with this section. 30911

(K)(1) A district may use a portion of the funds calculated 30912
for it under division (D) of this section to modify or purchase 30913
classroom space to provide all-day kindergarten, if both of the 30914
following conditions are met: 30915

(a) The district certifies to the department, in a manner 30916
acceptable to the department, that it has a shortage of space for 30917
providing all-day kindergarten. 30918

(b) The district provides all-day kindergarten to the number 30919
of children in the all-day kindergarten percentage it certified 30920
under this section. 30921

(2) A district may use a portion of the funds described in 30922
division (F)(3) of this section to modify or purchase classroom 30923
space to enable it to further reduce class size in grades 30924
kindergarten through two with a goal of attaining class sizes of 30925
fifteen students per licensed teacher. To do so, the district must 30926
certify its need for additional space to the department, in a 30927
manner satisfactory to the department. 30928

Sec. 3317.0217. The department of education shall annually 30929
compute and pay state parity aid to school districts, as follows: 30930

(A) Calculate the local wealth per pupil of each school 30931

district, which equals the following sum: 30932

(1) Two-thirds times the quotient of (a) the district's 30933
recognized valuation divided by (b) its formula ADM; plus 30934

(2) One-third times the quotient of (a) the average of the 30935
total federal adjusted gross income of the school district's 30936
residents for the three years most recently reported under section 30937
3317.021 of the Revised Code divided by (b) its formula ADM. 30938

(B) Rank all school districts in order of local wealth per 30939
pupil, from the district with the lowest local wealth per pupil to 30940
the district with the highest local wealth per pupil. 30941

(C) Compute the per pupil state parity aid funding for each 30942
school district in accordance with the following formula: 30943

Payment percentage X (threshold local wealth 30944
per pupil - the district's local 30945
wealth per pupil) X 0.0095 30946

Where: 30947

(1) "Payment percentage," for purposes of division (C) of 30948
this section, equals 20% in fiscal year 2002, 40% in fiscal year 30949
2003, ~~60%~~ 58% in fiscal year 2004, ~~80%~~ 76% in fiscal year 2005, 30950
and 100% after fiscal year 2005. 30951

(2) Nine and one-half mills (0.0095) is the general 30952
assembly's determination of the average number of effective 30953
operating mills that districts in the seventieth to ninetieth 30954
percentiles of valuations per pupil collected in fiscal year 2001 30955
above the revenues required to finance their attributed local 30956
shares of the calculated cost of an adequate education. This was 30957
determined by (a) adding the district revenues from operating 30958
property tax levies and income tax levies, (b) subtracting from 30959
that total the sum of (i) twenty-three mills times adjusted 30960
recognized valuation plus (ii) the attributed local shares of 30961
special education, transportation, and vocational education 30962

funding as described in divisions (F)(1) to (3) of section 30963
3317.022 of the Revised Code, and (c) converting the result to an 30964
effective operating property tax rate. 30965

(3) The "threshold local wealth per pupil" is the local 30966
wealth per pupil of the school district with the 30967
four-hundred-ninetieth lowest local wealth per pupil. 30968

If the result of the calculation for a school district under 30969
division (C) of this section is less than zero, the district's per 30970
pupil parity aid shall be zero. 30971

(D) Compute the per pupil alternative parity aid for each 30972
school district that has a combination of an income factor of 1.0 30973
or less, a DPIA index of 1.0 or greater, and a 30974
cost-of-doing-business factor of 1.0375 or greater, in accordance 30975
with the following formula: 30976

$$\begin{aligned} & \text{Payment percentage X } \$60,000 \text{ X} & 30977 \\ & (1 - \text{income factor}) \text{ X } 4/15 \text{ X } 0.023 & 30978 \end{aligned}$$

Where: 30979

(1) "DPIA index" has the same meaning as in section 3317.029 30980
of the Revised Code. 30981

(2) "Payment percentage," for purposes of division (D) of 30982
this section, equals 50% in fiscal year 2002 and 100% after fiscal 30983
year 2002. 30984

(E) Pay each district that has a combination of an income 30985
factor 1.0 or less, a DPIA index of 1.0 or greater, and a 30986
cost-of-doing-business factor of 1.0375 or greater, the greater of 30987
the following: 30988

(1) The product of the district's per pupil parity aid 30989
calculated under division (C) of this section times its formula 30990
ADM; 30991

(2) The product of its per pupil alternative parity aid 30992

calculated under division (D) of this section times its formula	30993
ADM.	30994
(F) Pay every other district the product of its per pupil	30995
parity aid calculated under division (C) of this section times its	30996
formula ADM.	30997
Every six years, the general assembly shall redetermine,	30998
after considering the report of the committee appointed under	30999
section 3317.012 of the Revised Code, the average number of	31000
effective operating mills that districts in the seventieth to	31001
ninetieth percentiles of valuations per pupil collect above the	31002
revenues required to finance their attributed local shares of the	31003
cost of an adequate education.	31004
Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and	31005
(C) of this section, any student enrolled in kindergarten more	31006
than half time shall be reported as one-half student under this	31007
section.	31008
(A) The superintendent of each city and exempted village	31009
school district and of each educational service center shall, for	31010
the schools under the superintendent's supervision, certify to the	31011
state board of education on or before the fifteenth day of October	31012
in each year for the first full school week in October the formula	31013
ADM, which shall consist of the average daily membership during	31014
such week of the sum of the following:	31015
(1) On an FTE basis, the number of students in grades	31016
kindergarten through twelve receiving any educational services	31017
from the district, except that the following categories of	31018
students shall not be included in the determination:	31019
(a) Students enrolled in adult education classes;	31020
(b) Adjacent or other district students enrolled in the	31021
district under an open enrollment policy pursuant to section	31022