

As Introduced

**126th General Assembly
Regular Session
2005-2006**

H. B. No. 473

Representative Trakas

—

A BILL

To amend sections 3313.42, 3313.64, 3314.08, 3314.10, 1
3316.07, 3317.01, 3317.02, 3317.022, 3317.023, 2
3317.08, 3317.082, 3317.11, 3317.12, 3317.13, 3
3317.14, 3317.16, 3317.19, 3319.02, 3319.08, 4
3319.081, 3319.082, 3319.088, 3319.10, 3319.11, 5
3319.111, 3319.12, 3319.17, 3319.172, 3319.18, 6
3319.22, 3319.283, 3323.14, 4117.09, 5126.24, and 7
5705.412 and to enact sections 3317.141 and 8
3317.142 of the Revised Code and to amend Section 9
206.09.39 of Am. Sub. H.B. 66 of the 126th General 10
Assembly to require school district boards of 11
education to establish through collective 12
bargaining merit pay systems for classroom 13
teachers and certain educational assistants, to 14
eliminate continuing contracts for teachers and 15
certain educational assistants employed by school 16
districts, and to prohibit the State Board of 17
Education from requiring a degree higher than a 18
bachelor's degree or continuing education to 19
obtain or renew an educator license for being a 20
classroom teacher. 21

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

Section 1. That sections 3313.42, 3313.64, 3314.08, 3314.10, 22
3316.07, 3317.01, 3317.02, 3317.022, 3317.023, 3317.08, 3317.082, 23
3317.11, 3317.12, 3317.13, 3317.14, 3317.16, 3317.19, 3319.02, 24
3319.08, 3319.081, 3319.082, 3319.088, 3319.10, 3319.11, 3319.111, 25
3319.12, 3319.17, 3319.172, 3319.18, 3319.22, 3319.283, 3323.14, 26
4117.09, 5126.24, and 5705.412 be amended and sections 3317.141 27
and 3317.142 of the Revised Code be enacted to read as follows: 28

Sec. 3313.42. (A) When in the judgment of a board of 29
education of any school district in this state, lying adjacent to 30
a school district of another state, the best interests of the 31
public schools can be promoted by purchasing school grounds, 32
repairing or erecting a schoolhouse, and maintaining them jointly 33
between the two adjacent school districts, the board of education 34
of the school district of this state so situated may enter into an 35
agreement with the school authorities of said adjacent school 36
district for the purpose of purchasing school grounds, repairing 37
or constructing a school building, purchasing school furniture, 38
equipment, appliances, fuel, employing teachers, and maintaining a 39
school. The board of education of this state may levy taxes and 40
perform such other duties in maintaining such joint school as are 41
otherwise provided by law for maintaining the public schools in 42
this state. 43

In carrying out this section the school district shall pay 44
such proportion of the cost of purchasing school grounds, 45
repairing or erecting a building, and in maintaining the joint 46
school as is equitable and just in the judgment of the board of 47
education and trustees of the two adjacent school districts. 48

(B) In any school district that has entered into an agreement 49
under division (A) of this section, the ~~state~~ minimum teacher 50
salary requirements prescribed by section ~~3317.13~~ 3317.141 of the 51
Revised Code do not apply if the total expenditures by the school 52

district for teacher salaries in any school year equals or exceeds 53
the total minimum expenditures that would have been required in 54
that year if such minimum teacher salary requirements did apply. 55

(C) Notwithstanding sections 3319.01, 3319.02, and 3313.22 of 56
the Revised Code, the board of education of a local school 57
district that has entered into an agreement with an adjacent 58
school district in another state under division (A) of this 59
section may contract with the educational service center within 60
which the local school district is located for the service center 61
to provide any administrative services specified in the agreement 62
to the local school district and the adjacent district. If such an 63
agreement provides for the duties of a district treasurer, 64
superintendent, or principals to be performed by the service 65
center, the local school district is not required to employ 66
persons to perform such duties. 67

Sec. 3313.64. (A) As used in this section and in section 68
3313.65 of the Revised Code: 69

(1)(a) Except as provided in division (A)(1)(b) of this 70
section, "parent" means either parent, unless the parents are 71
separated or divorced or their marriage has been dissolved or 72
annulled, in which case "parent" means the parent who is the 73
residential parent and legal custodian of the child. When a child 74
is in the legal custody of a government agency or a person other 75
than the child's natural or adoptive parent, "parent" means the 76
parent with residual parental rights, privileges, and 77
responsibilities. When a child is in the permanent custody of a 78
government agency or a person other than the child's natural or 79
adoptive parent, "parent" means the parent who was divested of 80
parental rights and responsibilities for the care of the child and 81
the right to have the child live with the parent and be the legal 82
custodian of the child and all residual parental rights, 83

privileges, and responsibilities.	84
(b) When a child is the subject of a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code, "parent" means the grandparent designated as attorney in fact under the power of attorney. When a child is the subject of a caretaker authorization affidavit executed under sections 3109.64 to 3109.73 of the Revised Code, "parent" means the grandparent that executed the affidavit.	85 86 87 88 89 90 91
(2) "Legal custody," "permanent custody," and "residual parental rights, privileges, and responsibilities" have the same meanings as in section 2151.011 of the Revised Code.	92 93 94
(3) "School district" or "district" means a city, local, or exempted village school district and excludes any school operated in an institution maintained by the department of youth services.	95 96 97
(4) Except as used in division (C)(2) of this section, "home" means a home, institution, foster home, group home, or other residential facility in this state that receives and cares for children, to which any of the following applies:	98 99 100 101
(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.	102 103 104
(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.	105 106 107
(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.	108 109 110
(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.	111 112
(5) "Agency" means all of the following:	113

(a) A public children services agency;	114
(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;	115 116 117 118 119 120
(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39, or sections 5103.20 to 5103.28 of the Revised Code.	121 122 123
(6) A child is placed for adoption if either of the following occurs:	124 125
(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.	126 127 128 129
(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.	130 131 132
(7) "Handicapped preschool child" means a handicapped child, as defined by division (A) of section 3323.01 of the Revised Code, who is at least three years of age but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.	133 134 135 136 137
(8) "Child," unless otherwise indicated, includes handicapped preschool children.	138 139
(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.	140 141 142 143

(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any handicapped preschool child shall be admitted to school as provided in this division.

(1) A child shall be admitted to the schools of the school district in which the child's parent resides.

(2) A child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:

(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.

(b) The child resides in a home.

(c) The child requires special education.

(3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B)(1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a handicapped child who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted 174
under division (B)(1) or (3) of this section. If the district 175
admits a child under division (B)(2) of this section, tuition 176
shall be paid to the district that admits the child as follows: 177

(1) If the child receives special education in accordance 178
with Chapter 3323. of the Revised Code, tuition shall be paid in 179
accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of 180
the Revised Code regardless of who has custody of the child or 181
whether the child resides in a home. 182

(2) Except as otherwise provided in division (C)(2)(d) of 183
this section, if the child is in the permanent or legal custody of 184
a government agency or person other than the child's parent, 185
tuition shall be paid by: 186

(a) The district in which the child's parent resided at the 187
time the court removed the child from home or at the time the 188
court vested legal or permanent custody of the child in the person 189
or government agency, whichever occurred first; 190

(b) If the parent's residence at the time the court removed 191
the child from home or placed the child in the legal or permanent 192
custody of the person or government agency is unknown, tuition 193
shall be paid by the district in which the child resided at the 194
time the child was removed from home or placed in legal or 195
permanent custody, whichever occurred first; 196

(c) If a school district cannot be established under division 197
(C)(2)(a) or (b) of this section, tuition shall be paid by the 198
district determined as required by section 2151.357 of the Revised 199
Code by the court at the time it vests custody of the child in the 200
person or government agency; 201

(d) If at the time the court removed the child from home or 202
vested legal or permanent custody of the child in the person or 203
government agency, whichever occurred first, one parent was in a 204

residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(D) Tuition required to be paid under divisions (C)(2) and (3)(a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C)(3)(b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C)(3)(b) of this section, the board of education providing the education may recover in a civil action the tuition and the expenses incurred in prosecuting the action, including court costs and reasonable attorney's fees. If the prosecuting attorney or city director of law represents the board in such action, costs and reasonable attorney's fees awarded by the court, based upon the prosecuting attorney's, director's, or one of their designee's time spent preparing and presenting the case, shall be deposited in the county or city general fund.

(E) A board of education may enroll a child free of any tuition obligation for a period not to exceed sixty days, on the

sworn statement of an adult resident of the district that the 236
resident has initiated legal proceedings for custody of the child. 237

(F) In the case of any individual entitled to attend school 238
under this division, no tuition shall be charged by the school 239
district of attendance and no other school district shall be 240
required to pay tuition for the individual's attendance. 241
Notwithstanding division (B), (C), or (E) of this section: 242

(1) All persons at least eighteen but under twenty-two years 243
of age who live apart from their parents, support themselves by 244
their own labor, and have not successfully completed the high 245
school curriculum or the individualized education program 246
developed for the person by the high school pursuant to section 247
3323.08 of the Revised Code, are entitled to attend school in the 248
district in which they reside. 249

(2) Any child under eighteen years of age who is married is 250
entitled to attend school in the child's district of residence. 251

(3) A child is entitled to attend school in the district in 252
which either of the child's parents is employed if the child has a 253
medical condition that may require emergency medical attention. 254
The parent of a child entitled to attend school under division 255
(F)(3) of this section shall submit to the board of education of 256
the district in which the parent is employed a statement from the 257
child's physician certifying that the child's medical condition 258
may require emergency medical attention. The statement shall be 259
supported by such other evidence as the board may require. 260

(4) Any child residing with a person other than the child's 261
parent is entitled, for a period not to exceed twelve months, to 262
attend school in the district in which that person resides if the 263
child's parent files an affidavit with the superintendent of the 264
district in which the person with whom the child is living resides 265
stating all of the following: 266

(a) That the parent is serving outside of the state in the armed services of the United States;	267 268
(b) That the parent intends to reside in the district upon returning to this state;	269 270
(c) The name and address of the person with whom the child is living while the parent is outside the state.	271 272
(5) Any child under the age of twenty-two years who, after the death of a parent, resides in a school district other than the district in which the child attended school at the time of the parent's death is entitled to continue to attend school in the district in which the child attended school at the time of the parent's death for the remainder of the school year, subject to approval of that district board.	273 274 275 276 277 278 279
(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:	280 281 282 283 284 285 286
(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;	287 288 289
(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.	290 291 292
(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the	293 294 295 296

purchase of such house is entitled to attend school for a period 297
of time in the district where the house is being purchased. In 298
order to be entitled to such attendance, the parent shall provide 299
the district superintendent with the following: 300

(a) A sworn statement explaining the situation, revealing the 301
location of the house being purchased, and stating the parent's 302
intent to reside there; 303

(b) A statement from a real estate broker or bank officer 304
confirming that the parent has a contract to purchase the house, 305
that the parent is waiting upon the date of closing of the 306
mortgage loan, and that the house is at the location indicated in 307
the parent's statement. 308

The district superintendent shall establish a period of time 309
not to exceed ninety days during which the child entitled to 310
attend school under division (F)(6) or (7) of this section may 311
attend without tuition obligation. A student attending a school 312
under division (F)(6) or (7) of this section shall be eligible to 313
participate in interscholastic athletics under the auspices of 314
that school, provided the board of education of the school 315
district where the student's parent resides, by a formal action, 316
releases the student to participate in interscholastic athletics 317
at the school where the student is attending, and provided the 318
student receives any authorization required by a public agency or 319
private organization of which the school district is a member 320
exercising authority over interscholastic sports. 321

(8) A child whose parent is a full-time employee of a city, 322
local, or exempted village school district, or of an educational 323
service center, may be admitted to the schools of the district 324
where the child's parent is employed, or in the case of a child 325
whose parent is employed by an educational service center, in the 326
district that serves the location where the parent's job is 327

primarily located, provided the district board of education 328
establishes such an admission policy by resolution adopted by a 329
majority of its members. Any such policy shall take effect on the 330
first day of the school year and the effective date of any 331
amendment or repeal may not be prior to the first day of the 332
subsequent school year. The policy shall be uniformly applied to 333
all such children and shall provide for the admission of any such 334
child upon request of the parent. No child may be admitted under 335
this policy after the first day of classes of any school year. 336

(9) A child who is with the child's parent under the care of 337
a shelter for victims of domestic violence, as defined in section 338
3113.33 of the Revised Code, is entitled to attend school free in 339
the district in which the child is with the child's parent, and no 340
other school district shall be required to pay tuition for the 341
child's attendance in that school district. 342

The enrollment of a child in a school district under this 343
division shall not be denied due to a delay in the school 344
district's receipt of any records required under section 3313.672 345
of the Revised Code or any other records required for enrollment. 346
Any days of attendance and any credits earned by a child while 347
enrolled in a school district under this division shall be 348
transferred to and accepted by any school district in which the 349
child subsequently enrolls. The state board of education shall 350
adopt rules to ensure compliance with this division. 351

(10) Any child under the age of twenty-two years whose parent 352
has moved out of the school district after the commencement of 353
classes in the child's senior year of high school is entitled, 354
subject to the approval of that district board, to attend school 355
in the district in which the child attended school at the time of 356
the parental move for the remainder of the school year and for one 357
additional semester or equivalent term. A district board may also 358
adopt a policy specifying extenuating circumstances under which a 359

student may continue to attend school under division (F)(10) of 360
this section for an additional period of time in order to 361
successfully complete the high school curriculum for the 362
individualized education program developed for the student by the 363
high school pursuant to section 3323.08 of the Revised Code. 364

(11) As used in this division, "grandparent" means a parent 365
of a parent of a child. A child under the age of twenty-two years 366
who is in the custody of the child's parent, resides with a 367
grandparent, and does not require special education is entitled to 368
attend the schools of the district in which the child's 369
grandparent resides, provided that, prior to such attendance in 370
any school year, the board of education of the school district in 371
which the child's grandparent resides and the board of education 372
of the school district in which the child's parent resides enter 373
into a written agreement specifying that good cause exists for 374
such attendance, describing the nature of this good cause, and 375
consenting to such attendance. 376

In lieu of a consent form signed by a parent, a board of 377
education may request the grandparent of a child attending school 378
in the district in which the grandparent resides pursuant to 379
division (F)(11) of this section to complete any consent form 380
required by the district, including any authorization required by 381
sections 3313.712, 3313.713, and 3313.716 of the Revised Code. 382
Upon request, the grandparent shall complete any consent form 383
required by the district. A school district shall not incur any 384
liability solely because of its receipt of a consent form from a 385
grandparent in lieu of a parent. 386

Division (F)(11) of this section does not create, and shall 387
not be construed as creating, a new cause of action or substantive 388
legal right against a school district, a member of a board of 389
education, or an employee of a school district. This section does 390
not affect, and shall not be construed as affecting, any 391

immunities from defenses to tort liability created or recognized 392
by Chapter 2744. of the Revised Code for a school district, 393
member, or employee. 394

(12) A child under the age of twenty-two years is entitled to 395
attend school in a school district other than the district in 396
which the child is entitled to attend school under division (B), 397
(C), or (E) of this section provided that, prior to such 398
attendance in any school year, both of the following occur: 399

(a) The superintendent of the district in which the child is 400
entitled to attend school under division (B), (C), or (E) of this 401
section contacts the superintendent of another district for 402
purposes of this division; 403

(b) The superintendents of both districts enter into a 404
written agreement that consents to the attendance and specifies 405
that the purpose of such attendance is to protect the student's 406
physical or mental well-being or to deal with other extenuating 407
circumstances deemed appropriate by the superintendents. 408

While an agreement is in effect under this division for a 409
student who is not receiving special education under Chapter 3323. 410
of the Revised Code and notwithstanding Chapter 3327. of the 411
Revised Code, the board of education of neither school district 412
involved in the agreement is required to provide transportation 413
for the student to and from the school where the student attends. 414

A student attending a school of a district pursuant to this 415
division shall be allowed to participate in all student 416
activities, including interscholastic athletics, at the school 417
where the student is attending on the same basis as any student 418
who has always attended the schools of that district while of 419
compulsory school age. 420

(13) All school districts shall comply with the 421
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 422

seq., for the education of homeless children. Each city, local, 423
and exempted village school district shall comply with the 424
requirements of that act governing the provision of a free, 425
appropriate public education, including public preschool, to each 426
homeless child. 427

When a child loses permanent housing and becomes a homeless 428
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 429
such a homeless person changes temporary living arrangements, the 430
child's parent or guardian shall have the option of enrolling the 431
child in either of the following: 432

(a) The child's school of origin, as defined in 42 U.S.C.A. 433
11432(g)(3)(C); 434

(b) The school that is operated by the school district in 435
which the shelter where the child currently resides is located and 436
that serves the geographic area in which the shelter is located. 437

(14) A child under the age of twenty-two years who resides 438
with a person other than the child's parent is entitled to attend 439
school in the school district in which that person resides if both 440
of the following apply: 441

(a) That person has been appointed, through a military power 442
of attorney executed under section 574(a) of the "National Defense 443
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 444
U.S.C. 1044b, or through a comparable document necessary to 445
complete a family care plan, as the parent's agent for the care, 446
custody, and control of the child while the parent is on active 447
duty as a member of the national guard or a reserve unit of the 448
armed forces of the United States or because the parent is a 449
member of the armed forces of the United States and is on a duty 450
assignment away from the parent's residence. 451

(b) The military power of attorney or comparable document 452
includes at least the authority to enroll the child in school. 453

The entitlement to attend school in the district in which the parent's agent under the military power of attorney or comparable document resides applies until the end of the school year in which the military power of attorney or comparable document expires.

(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:

(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year.

Division (I)(1) of this section applies only if both of the
following conditions are satisfied:

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(a) The board of education of the school district in which
the child was entitled to attend school at the end of the first
full week in October and of the district to which the child or
child's parent has relocated each has adopted a policy to enroll
children described in division (I)(1) of this section.

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(b) The child's parent provides written notification of the
relocation outside of the school district to the superintendent of
each of the two school districts.

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(2) At the beginning of the school year following the school
year in which the child or the child's parent relocated outside of
the school district as described in division (I)(1) of this
section, the child is not entitled to attend school in the school
district under that division.

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(3) Any person or entity owing tuition to the school district
on behalf of the child at the end of the first full week in
October, as provided in division (C) of this section, shall
continue to owe such tuition to the district for the child's
attendance under division (I)(1) of this section for the lesser of
the balance of the school year or the balance of the time that the
child attends school in the district under division (I)(1) of this
section.

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(4) A pupil who may attend school in the district under
division (I)(1) of this section shall be entitled to
transportation services pursuant to an agreement between the
district and the district in which the child or child's parent has
relocated unless the districts have not entered into such
agreement, in which case the child shall be entitled to
transportation services in the same manner as a pupil attending
school in the district under interdistrict open enrollment as

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described in division (H) of section 3313.981 of the Revised Code, 516
regardless of whether the district has adopted an open enrollment 517
policy as described in division (B)(1)(b) or (c) of section 518
3313.98 of the Revised Code. 519

(J) This division does not apply to a child receiving special 520
education. 521

A school district required to pay tuition pursuant to 522
division (C)(2) or (3) of this section or section 3313.65 of the 523
Revised Code shall have an amount deducted under division ~~(F)~~(E) 524
of section 3317.023 of the Revised Code equal to its own tuition 525
rate for the same period of attendance. A school district entitled 526
to receive tuition pursuant to division (C)(2) or (3) of this 527
section or section 3313.65 of the Revised Code shall have an 528
amount credited under division ~~(F)~~(E) of section 3317.023 of the 529
Revised Code equal to its own tuition rate for the same period of 530
attendance. If the tuition rate credited to the district of 531
attendance exceeds the rate deducted from the district required to 532
pay tuition, the department of education shall pay the district of 533
attendance the difference from amounts deducted from all 534
districts' payments under division ~~(F)~~(E) of section 3317.023 of 535
the Revised Code but not credited to other school districts under 536
such division and from appropriations made for such purpose. The 537
treasurer of each school district shall, by the fifteenth day of 538
January and July, furnish the superintendent of public instruction 539
a report of the names of each child who attended the district's 540
schools under divisions (C)(2) and (3) of this section or section 541
3313.65 of the Revised Code during the preceding six calendar 542
months, the duration of the attendance of those children, the 543
school district responsible for tuition on behalf of the child, 544
and any other information that the superintendent requires. 545

Upon receipt of the report the superintendent, pursuant to 546
division ~~(F)~~(E) of section 3317.023 of the Revised Code, shall 547

deduct each district's tuition obligations under divisions (C)(2) 548
and (3) of this section or section 3313.65 of the Revised Code and 549
pay to the district of attendance that amount plus any amount 550
required to be paid by the state. 551

(K) In the event of a disagreement, the superintendent of 552
public instruction shall determine the school district in which 553
the parent resides. 554

(L) Nothing in this section requires or authorizes, or shall 555
be construed to require or authorize, the admission to a public 556
school in this state of a pupil who has been permanently excluded 557
from public school attendance by the superintendent of public 558
instruction pursuant to sections 3301.121 and 3313.662 of the 559
Revised Code. 560

(M) In accordance with division (B)(1) of this section, a 561
child whose parent is a member of the national guard or a reserve 562
unit of the armed forces of the United States and is called to 563
active duty, or a child whose parent is a member of the armed 564
forces of the United States and is ordered to a temporary duty 565
assignment outside of the district, may continue to attend school 566
in the district in which the child's parent lived before being 567
called to active duty or ordered to a temporary duty assignment 568
outside of the district, as long as the child's parent continues 569
to be a resident of that district, and regardless of where the 570
child lives as a result of the parent's active duty status or 571
temporary duty assignment. However, the district is not 572
responsible for providing transportation for the child if the 573
child lives outside of the district as a result of the parent's 574
active duty status or temporary duty assignment. 575

Sec. 3314.08. (A) As used in this section: 576

(1) "Base formula amount" means the amount specified as such 577
in a community school's financial plan for a school year pursuant 578

to division (A)(15) of section 3314.03 of the Revised Code.	579
(2) "Cost-of-doing-business factor" has the same meaning as in section 3317.02 of the Revised Code.	580 581
(3) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.	582 583
(4) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a handicap described in that section.	584 585 586
(5) "Applicable vocational education weight" means:	587
(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division;	588 589 590
(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.	591 592 593
(6) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.	594 595 596
(7) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program.	597 598 599 600
(8) "Poverty-based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty-based assistance a community school is entitled to receive pursuant to divisions (D)(5) and (6) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.	601 602 603 604 605 606
(9) "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.	607 608

(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, 3317.0216, 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)~~(J), (K), (L), (M), and (N), ~~and (O)~~ 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;	640
(c) The number of students reported under division (B)(2)(b)	641
of this section receiving special education and related services	642
pursuant to an IEP for a handicap described in each of divisions	643
(A) to (F) of section 3317.013 of the Revised Code;	644
(d) The full-time equivalent number of students reported	645
under divisions (B)(2)(a) and (b) of this section who are enrolled	646
in vocational education programs or classes described in each of	647
divisions (A) and (B) of section 3317.014 of the Revised Code that	648
are provided by the community school;	649
(e) Twenty per cent of the number of students reported under	650
divisions (B)(2)(a) and (b) of this section who are not reported	651
under division (B)(2)(d) of this section but who are enrolled in	652
vocational education programs or classes described in each of	653
divisions (A) and (B) of section 3317.014 of the Revised Code at a	654
joint vocational school district under a contract between the	655
community school and the joint vocational school district and are	656
entitled to attend school in a city, local, or exempted village	657
school district whose territory is part of the territory of the	658
joint vocational district;	659
(f) The number of enrolled preschool handicapped students	660
receiving special education services in a state-funded unit;	661
(g) The community school's base formula amount;	662
(h) For each student, the city, exempted village, or local	663
school district in which the student is entitled to attend school;	664
(i) Any poverty-based assistance reduction factor that	665
applies to a school year.	666
(C) From the SF-3 payment made to a city, exempted village,	667
or local school district and, if necessary, from the payment made	668
to the district under sections 321.24 and 323.156 of the Revised	669

Code, the department of education shall annually subtract the sum
of the amounts described in divisions (C)(1) to (9) of this
section. However, when deducting payments on behalf of students
enrolled in internet- or computer-based community schools, the
department shall deduct only those amounts described in divisions
(C)(1) and (2) of this section. Furthermore, the aggregate amount
deducted under this division shall not exceed the sum of the
district's SF-3 payment and its payment under sections 321.24 and
323.156 of the Revised Code.

(1) An amount equal to the sum of the amounts obtained when,
for each community school where the district's students are
enrolled, the number of the district's students reported under
divisions (B)(2)(a), (b), and (e) of this section who are enrolled
in grades one through twelve, and one-half the number of students
reported under those divisions who are enrolled in kindergarten,
in that community school is multiplied by the greater of the
following:

(a) The fiscal year 2005 base formula amount of that
community school as adjusted by the school district's fiscal year
2005 cost-of-doing-business factor;

(b) The sum of (the current base formula amount of that
community school times the school district's current
cost-of-doing-business factor) plus the per pupil amount of the
base funding supplements specified in divisions (C)(1) to (4) of
section 3317.012 of the Revised Code.

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

(a) For each of the district's students reported under
division (B)(2)(c) of this section as enrolled in a community
school in grades one through twelve and receiving special
education and related services pursuant to an IEP for a handicap

described in section 3317.013 of the Revised Code, the product of
the applicable special education weight times the community
school's base formula amount;

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

(3) For each of the district's students reported under
division (B)(2)(d) of this section for whom payment is made under
division (D)(4) of this section, the amount of that payment;

(4) An amount equal to the sum of the amounts obtained when,
for each community school where the district's students are
enrolled, the number of the district's students enrolled in that
community school who are included in the district's poverty
student count is multiplied by the per pupil amount of
poverty-based assistance the school district receives that year
pursuant to division (B) or (C) of section 3317.029 of the Revised
Code, as adjusted by any poverty-based assistance reduction factor
of that community school. If the district receives poverty-based
assistance under division (B) of that section, the per pupil
amount of that aid is the quotient of the amount the district
received under that division divided by the district's poverty
student count, as defined in that section. If the district
receives poverty-based assistance under division (C) of section
3317.029 of the Revised Code, the per pupil amount of that aid for
the district shall be calculated by the department.

(5) An amount equal to the sum of the amounts obtained when,
for each community school where the district's students are
enrolled, the district's per pupil amount of aid received under

division (E) of section 3317.029 of the Revised Code, as adjusted 732
by any poverty-based assistance reduction factor of the community 733
school, is multiplied by the sum of the following: 734

(a) The number of the district's students reported under 735
division (B)(2)(a) of this section who are enrolled in grades one 736
to three in that community school and who are not receiving 737
special education and related services pursuant to an IEP; 738

(b) One-half of the district's students who are enrolled in 739
all-day or any other kindergarten class in that community school 740
and who are not receiving special education and related services 741
pursuant to an IEP; 742

(c) One-half of the district's students who are enrolled in 743
all-day kindergarten in that community school and who are not 744
receiving special education and related services pursuant to an 745
IEP. 746

The district's per pupil amount of aid under division (E) of 747
section 3317.029 of the Revised Code is the quotient of the amount 748
the district received under that division divided by the 749
district's kindergarten through third grade ADM, as defined in 750
that section. 751

(6) An amount equal to the sum of the amounts obtained when, 752
for each community school where the district's students are 753
enrolled, the district's per pupil amount received under division 754
(F) of section 3317.029 of the Revised Code, as adjusted by any 755
poverty-based assistance reduction factor of that community 756
school, is multiplied by the number of the district's students 757
enrolled in the community school who are identified as 758
limited-English proficient. 759

(7) An amount equal to the sum of the amounts obtained when, 760
for each community school where the district's students are 761
enrolled, the district's per pupil amount received under division 762

(G) of section 3317.029 of the Revised Code, as adjusted by any 763
poverty-based assistance reduction factor of that community 764
school, is multiplied by the sum of the following: 765

(a) The number of the district's students enrolled in grades 766
one through twelve in that community school; 767

(b) One-half of the number of the district's students 768
enrolled in kindergarten in that community school. 769

The district's per pupil amount under division (G) of section 770
3317.029 of the Revised Code is the district's amount per teacher 771
calculated under division (G)(1) or (2) of that section divided by 772
17, times a multiple of 0.40 in fiscal year 2006 and 0.70 in 773
fiscal year 2007. 774

(8) An amount equal to the sum of the amounts obtained when, 775
for each community school where the district's students are 776
enrolled, the district's per pupil amount received under divisions 777
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 778
by any poverty-based assistance reduction factor of that community 779
school, is multiplied by the sum of the following: 780

(a) The number of the district's students enrolled in grades 781
one through twelve in that community school; 782

(b) One-half of the number of the district's students 783
enrolled in kindergarten in that community school. 784

The district's per pupil amount under divisions (H) and (I) 785
of section 3317.029 of the Revised Code is the amount calculated 786
under each division divided by the district's formula ADM, as 787
defined in section 3317.02 of the Revised Code. 788

(9) An amount equal to the per pupil state parity aid funding 789
calculated for the school district under either division (C) or 790
(D) of section 3317.0217 of the Revised Code multiplied by the sum 791
of the number of students in grades one through twelve, and 792

one-half of the number of students in kindergarten, who are 793
entitled to attend school in the district and are enrolled in a 794
community school as reported under division (B)(1) of this 795
section. 796

(D) The department shall annually pay to a community school 797
established under this chapter the sum of the amounts described in 798
divisions (D)(1) to (10) of this section. However, the department 799
shall calculate and pay to each internet- or computer-based 800
community school only the amounts described in divisions (D)(1) to 801
(3) of this section. Furthermore, the sum of the payments to all 802
community schools under divisions (D)(1), (2), and (4) to (10) of 803
this section for the students entitled to attend school in any 804
particular school district shall not exceed the sum of that 805
district's SF-3 payment and its payment under sections 321.24 and 806
323.156 of the Revised Code. If the sum of the payments calculated 807
under those divisions for the students entitled to attend school 808
in a particular school district exceeds the sum of that district's 809
SF-3 payment and its payment under sections 321.24 and 323.156 of 810
the Revised Code, the department shall calculate and apply a 811
proration factor to the payments to all community schools under 812
those divisions for the students entitled to attend school in that 813
district. 814

(1) Subject to section 3314.085 of the Revised Code, an 815
amount equal to the sum of the amounts obtained when the number of 816
students enrolled in grades one through twelve, plus one-half of 817
the kindergarten students in the school, reported under divisions 818
(B)(2)(a), (b), and (e) of this section who are not receiving 819
special education and related services pursuant to an IEP for a 820
handicap described in section 3317.013 of the Revised Code is 821
multiplied by the greater of the following: 822

(a) The community school's fiscal year 2005 base formula 823
amount, as adjusted by the fiscal year 2005 cost-of-doing-business 824

factor of the school district in which the student is entitled to attend school; 825
826

(b) The sum of (the community school's current base formula amount times the current cost-of-doing-business factor of the school district in which the student is entitled to attend school) plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code. 827
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832

(2) Prior to fiscal year 2007, the greater of the amount calculated under division (D)(2)(a) or (b) of this section, and in fiscal year 2007 and thereafter, the amount calculated under division (D)(2)(b) of this section: 833
834
835
836

(a) The aggregate amount that the department paid to the community school in fiscal year 1999 for students receiving special education and related services pursuant to IEPs, excluding federal funds and state disadvantaged pupil impact aid funds; 837
838
839
840

(b) The sum of the amounts calculated under divisions (D)(2)(b)(i) and (ii) of this section: 841
842

(i) For each student reported under division (B)(2)(c) of this section as enrolled in the school in grades one through twelve and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, the following amount: 843
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845
846
847

the greater of (the community school's fiscal year 2005 base formula amount X the fiscal year 2005 cost-of-doing-business factor of the district where the student is entitled to attend school) or [(the school's current base formula amount times the current cost-of-doing-business factor of the school district where the student is entitled to attend school) plus the per pupil amount of the base funding supplements specified in 848
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divisions (C)(1) to (4) of section 3317.012 of the Revised Code] 856
+ (the applicable special education weight X the 857
community school's base formula amount); 858

(ii) For each student reported under division (B)(2)(c) of 859
this section as enrolled in kindergarten and receiving special 860
education and related services pursuant to an IEP for a handicap 861
described in section 3317.013 of the Revised Code, one-half of the 862
amount calculated under the formula prescribed in division 863
(D)(2)(b)(i) of this section. 864

(3) An amount received from federal funds to provide special 865
education and related services to students in the community 866
school, as determined by the superintendent of public instruction. 867

(4) For each student reported under division (B)(2)(d) of 868
this section as enrolled in vocational education programs or 869
classes that are described in section 3317.014 of the Revised 870
Code, are provided by the community school, and are comparable as 871
determined by the superintendent of public instruction to school 872
district vocational education programs and classes eligible for 873
state weighted funding under section 3317.014 of the Revised Code, 874
an amount equal to the applicable vocational education weight 875
times the community school's base formula amount times the 876
percentage of time the student spends in the vocational education 877
programs or classes. 878

(5) An amount equal to the sum of the amounts obtained when, 879
for each school district where the community school's students are 880
entitled to attend school, the number of that district's students 881
enrolled in the community school who are included in the 882
district's poverty student count is multiplied by the per pupil 883
amount of poverty-based assistance that school district receives 884
that year pursuant to division (B) or (C) of section 3317.029 of 885
the Revised Code, as adjusted by any poverty-based assistance 886
reduction factor of the community school. The per pupil amount of 887

aid shall be determined as described in division (C)(4) of this section. 888
889

(6) An amount equal to the sum of the amounts obtained when, 890
for each school district where the community school's students are 891
entitled to attend school, the district's per pupil amount of aid 892
received under division (E) of section 3317.029 of the Revised 893
Code, as adjusted by any poverty-based assistance reduction factor 894
of the community school, is multiplied by the sum of the 895
following: 896

(a) The number of the district's students reported under 897
division (B)(2)(a) of this section who are enrolled in grades one 898
to three in that community school and who are not receiving 899
special education and related services pursuant to an IEP; 900

(b) One-half of the district's students who are enrolled in 901
all-day or any other kindergarten class in that community school 902
and who are not receiving special education and related services 903
pursuant to an IEP; 904

(c) One-half of the district's students who are enrolled in 905
all-day kindergarten in that community school and who are not 906
receiving special education and related services pursuant to an 907
IEP. 908

The district's per pupil amount of aid under division (E) of 909
section 3317.029 of the Revised Code shall be determined as 910
described in division (C)(5) of this section. 911

(7) An amount equal to the sum of the amounts obtained when, 912
for each school district where the community school's students are 913
entitled to attend school, the number of that district's students 914
enrolled in the community school who are identified as 915
limited-English proficient is multiplied by the district's per 916
pupil amount received under division (F) of section 3317.029 of 917
the Revised Code, as adjusted by any poverty-based assistance 918

reduction factor of the community school. 919

(8) An amount equal to the sum of the amounts obtained when, 920
for each school district where the community school's students are 921
entitled to attend school, the district's per pupil amount 922
received under division (G) of section 3317.029 of the Revised 923
Code, as adjusted by any poverty-based assistance reduction factor 924
of the community school, is multiplied by the sum of the 925
following: 926

(a) The number of the district's students enrolled in grades 927
one through twelve in that community school; 928

(b) One-half of the number of the district's students 929
enrolled in kindergarten in that community school. 930

The district's per pupil amount under division (G) of section 931
3317.029 of the Revised Code shall be determined as described in 932
division (C)(7) of this section. 933

(9) An amount equal to the sum of the amounts obtained when, 934
for each school district where the community school's students are 935
entitled to attend school, the district's per pupil amount 936
received under divisions (H) and (I) of section 3317.029 of the 937
Revised Code, as adjusted by any poverty-based assistance 938
reduction factor of the community school, is multiplied by the sum 939
of the following: 940

(a) The number of the district's students enrolled in grades 941
one through twelve in that community school; 942

(b) One-half of the number of the district's students 943
enrolled in kindergarten in that community school. 944

The district's per pupil amount under divisions (H) and (I) 945
of section 3317.029 of the Revised Code shall be determined as 946
described in division (C)(8) of this section. 947

(10) An amount equal to the sum of the amounts obtained when, 948

for each school district where the community school's students are 949
entitled to attend school, the district's per pupil amount of 950
state parity aid funding calculated under either division (C) or 951
(D) of section 3317.0217 of the Revised Code is multiplied by the 952
sum of the number of that district's students enrolled in grades 953
one through twelve, and one-half of the number of that district's 954
students enrolled in kindergarten, in the community school as 955
reported under division (B)(2)(a) and (b) of this section. 956

(E)(1) If a community school's costs for a fiscal year for a 957
student receiving special education and related services pursuant 958
to an IEP for a handicap described in divisions (B) to (F) of 959
section 3317.013 of the Revised Code exceed the threshold 960
catastrophic cost for serving the student as specified in division 961
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 962
submit to the superintendent of public instruction documentation, 963
as prescribed by the superintendent, of all its costs for that 964
student. Upon submission of documentation for a student of the 965
type and in the manner prescribed, the department shall pay to the 966
community school an amount equal to the school's costs for the 967
student in excess of the threshold catastrophic costs. 968

(2) The community school shall only report under division 969
(E)(1) of this section, and the department shall only pay for, the 970
costs of educational expenses and the related services provided to 971
the student in accordance with the student's individualized 972
education program. Any legal fees, court costs, or other costs 973
associated with any cause of action relating to the student may 974
not be included in the amount. 975

(F) A community school may apply to the department of 976
education for preschool handicapped or gifted unit funding the 977
school would receive if it were a school district. Upon request of 978
its governing authority, a community school that received unit 979
funding as a school district-operated school before it became a 980

community school shall retain any units awarded to it as a school 981
district-operated school provided the school continues to meet 982
eligibility standards for the unit. 983

A community school shall be considered a school district and 984
its governing authority shall be considered a board of education 985
for the purpose of applying to any state or federal agency for 986
grants that a school district may receive under federal or state 987
law or any appropriations act of the general assembly. The 988
governing authority of a community school may apply to any private 989
entity for additional funds. 990

(G) A board of education sponsoring a community school may 991
utilize local funds to make enhancement grants to the school or 992
may agree, either as part of the contract or separately, to 993
provide any specific services to the community school at no cost 994
to the school. 995

(H) A community school may not levy taxes or issue bonds 996
secured by tax revenues. 997

(I) No community school shall charge tuition for the 998
enrollment of any student. 999

(J)(1)(a) A community school may borrow money to pay any 1000
necessary and actual expenses of the school in anticipation of the 1001
receipt of any portion of the payments to be received by the 1002
school pursuant to division (D) of this section. The school may 1003
issue notes to evidence such borrowing. The proceeds of the notes 1004
shall be used only for the purposes for which the anticipated 1005
receipts may be lawfully expended by the school. 1006

(b) A school may also borrow money for a term not to exceed 1007
fifteen years for the purpose of acquiring facilities. 1008

(2) Except for any amount guaranteed under section 3318.50 of 1009
the Revised Code, the state is not liable for debt incurred by the 1010

governing authority of a community school. 1011

(K) For purposes of determining the number of students for 1012
which divisions (D)(5) and (6) of this section applies in any 1013
school year, a community school may submit to the department of 1014
job and family services, no later than the first day of March, a 1015
list of the students enrolled in the school. For each student on 1016
the list, the community school shall indicate the student's name, 1017
address, and date of birth and the school district where the 1018
student is entitled to attend school. Upon receipt of a list under 1019
this division, the department of job and family services shall 1020
determine, for each school district where one or more students on 1021
the list is entitled to attend school, the number of students 1022
residing in that school district who were included in the 1023
department's report under section 3317.10 of the Revised Code. The 1024
department shall make this determination on the basis of 1025
information readily available to it. Upon making this 1026
determination and no later than ninety days after submission of 1027
the list by the community school, the department shall report to 1028
the state department of education the number of students on the 1029
list who reside in each school district who were included in the 1030
department's report under section 3317.10 of the Revised Code. In 1031
complying with this division, the department of job and family 1032
services shall not report to the state department of education any 1033
personally identifiable information on any student. 1034

(L) The department of education shall adjust the amounts 1035
subtracted and paid under divisions (C) and (D) of this section to 1036
reflect any enrollment of students in community schools for less 1037
than the equivalent of a full school year. The state board of 1038
education within ninety days after April 8, 2003, shall adopt in 1039
accordance with Chapter 119. of the Revised Code rules governing 1040
the payments to community schools under this section including 1041
initial payments in a school year and adjustments and reductions 1042

made in subsequent periodic payments to community schools and 1043
corresponding deductions from school district accounts as provided 1044
under divisions (C) and (D) of this section. For purposes of this 1045
section: 1046

(1) A student shall be considered enrolled in the community 1047
school for any portion of the school year the student is 1048
participating at a college under Chapter 3365. of the Revised 1049
Code. 1050

(2) A student shall be considered to be enrolled in a 1051
community school during a school year for the period of time 1052
beginning on the later of the date on which the school both has 1053
received documentation of the student's enrollment from a parent 1054
and the student has commenced participation in learning 1055
opportunities as defined in the contract with the sponsor, or 1056
thirty days prior to the date on which the student is entered into 1057
the education management information system established under 1058
section 3301.0714 of the Revised Code. For purposes of applying 1059
this division to a community school student, "learning 1060
opportunities" shall be defined in the contract, which shall 1061
describe both classroom-based and non-classroom-based learning 1062
opportunities and shall be in compliance with criteria and 1063
documentation requirements for student participation which shall 1064
be established by the department. Any student's instruction time 1065
in non-classroom-based learning opportunities shall be certified 1066
by an employee of the community school. A student's enrollment 1067
shall be considered to cease on the date on which any of the 1068
following occur: 1069

(a) The community school receives documentation from a parent 1070
terminating enrollment of the student. 1071

(b) The community school is provided documentation of a 1072
student's enrollment in another public or private school. 1073

(c) The community school ceases to offer learning 1074
opportunities to the student pursuant to the terms of the contract 1075
with the sponsor or the operation of any provision of this 1076
chapter. 1077

(3) A student's percentage of full-time equivalency shall be 1078
considered to be the percentage the hours of learning opportunity 1079
offered to that student is of nine hundred and twenty hours. 1080
However, no internet- or computer-based community school shall be 1081
credited for any time a student spends participating in learning 1082
opportunities beyond ten hours within any period of twenty-four 1083
consecutive hours. 1084

(M) The department of education shall reduce the amounts paid 1085
under division (D) of this section to reflect payments made to 1086
colleges under division (B) of section 3365.07 of the Revised 1087
Code. 1088

(N)(1) No student shall be considered enrolled in any 1089
internet- or computer-based community school or, if applicable to 1090
the student, in any community school that is required to provide 1091
the student with a computer pursuant to division (C) of section 1092
3314.22 of the Revised Code, unless both of the following 1093
conditions are satisfied: 1094

(a) The student possesses or has been provided with all 1095
required hardware and software materials and all such materials 1096
are operational so that the student is capable of fully 1097
participating in the learning opportunities specified in the 1098
contract between the school and the school's sponsor as required 1099
by division (A)(23) of section 3314.03 of the Revised Code; 1100

(b) The school is in compliance with division (A)(1) or (2) 1101
of section 3314.22 of the Revised Code, relative to such student. 1102

(2) In accordance with policies adopted jointly by the 1103
superintendent of public instruction and the auditor of state, the 1104

department shall reduce the amounts otherwise payable under 1105
division (D) of this section to any community school that includes 1106
in its program the provision of computer hardware and software 1107
materials to any student, if such hardware and software materials 1108
have not been delivered, installed, and activated for each such 1109
student in a timely manner or other educational materials or 1110
services have not been provided according to the contract between 1111
the individual community school and its sponsor. 1112

The superintendent of public instruction and the auditor of 1113
state shall jointly establish a method for auditing any community 1114
school to which this division pertains to ensure compliance with 1115
this section. 1116

The superintendent, auditor of state, and the governor shall 1117
jointly make recommendations to the general assembly for 1118
legislative changes that may be required to assure fiscal and 1119
academic accountability for such schools. 1120

(O)(1) If the department determines that a review of a 1121
community school's enrollment is necessary, such review shall be 1122
completed, and written notice of the findings shall be provided to 1123
the governing authority of the community school and its sponsor 1124
within ninety days of the end of the community school's fiscal 1125
year, unless extended for a period not to exceed thirty additional 1126
days for one of the following reasons: 1127

(a) The department and the community school mutually agree to 1128
the extension. 1129

(b) Delays in data submission caused by either a community 1130
school or its sponsor. 1131

(2) If the review results in a finding that additional 1132
funding is owed to the school, such payment shall be made within 1133
thirty days of the written notice. If the review results in a 1134
finding that the community school owes moneys to the state, the 1135

following procedure shall apply: 1136

(a) Within ten business days of the receipt of the notice of 1137
findings, the community school may appeal the department's 1138
determination to the state board of education or its designee. 1139

(b) The board or its designee shall conduct an informal 1140
hearing on the matter within thirty days of receipt of such an 1141
appeal and shall issue a decision within fifteen days of the 1142
conclusion of the hearing. 1143

(c) If the board has enlisted a designee to conduct the 1144
hearing, the designee shall certify its decision to the board. The 1145
board may accept the decision of the designee or may reject the 1146
decision of the designee and issue its own decision on the matter. 1147

(d) Any decision made by the board under this division is 1148
final. 1149

(3) If it is decided that the community school owes moneys to 1150
the state, the department shall deduct such amount from the 1151
school's future payments in accordance with guidelines issued by 1152
the superintendent of public instruction. 1153

Sec. 3314.10. (A)(1) The governing authority of any community 1154
school established under this chapter may employ teachers and 1155
nonteaching employees necessary to carry out its mission and 1156
fulfill its contract. 1157

(2) Except as provided under division (A)(3) of this section, 1158
employees hired under this section may organize and collectively 1159
bargain pursuant to Chapter 4117. of the Revised Code. 1160
Notwithstanding division (D)(1) of section 4117.06 of the Revised 1161
Code, a unit containing teaching and nonteaching employees 1162
employed under this section shall be considered an appropriate 1163
unit. As applicable, employment under this section is subject to 1164
either Chapter 3307. or 3309. of the Revised Code. 1165

(3) If a school is created by converting all or part of an existing public school rather than by establishment of a new start-up school, at the time of conversion, the employees of the community school shall remain part of any collective bargaining unit in which they were included immediately prior to the conversion and shall remain subject to any collective bargaining agreement for that unit in effect on the first day of July of the year in which the community school initially begins operation and shall be subject to any subsequent collective bargaining agreement for that unit, unless a petition is certified as sufficient under division (A)(6) of this section with regard to those employees. Any new employees of the community school shall also be included in the unit to which they would have been assigned had not the conversion taken place and shall be subject to the collective bargaining agreement for that unit unless a petition is certified as sufficient under division (A)(6) of this section with regard to those employees.

Notwithstanding division (B) of section 4117.01 of the Revised Code, the board of education of a school district and not the governing authority of a community school shall be regarded, for purposes of Chapter 4117. of the Revised Code, as the "public employer" of the employees of a conversion community school subject to a collective bargaining agreement pursuant to division (A)(3) of this section unless a petition is certified under division (A)(6) of this section with regard to those employees. Only on and after the effective date of a petition certified as sufficient under division (A)(6) of this section shall division (A)(2) of this section apply to those employees of that community school and only on and after the effective date of that petition shall Chapter 4117. of the Revised Code apply to the governing authority of that community school with regard to those employees.

(4) Notwithstanding sections 4117.03 to 4117.18 of the

Revised Code and Section 4 of Amended Substitute Senate Bill No. 1198
133 of the 115th general assembly, the employees of a conversion 1199
community school who are subject to a collective bargaining 1200
agreement pursuant to division (A)(3) of this section shall cease 1201
to be subject to that agreement and all subsequent agreements 1202
pursuant to that division and shall cease to be part of the 1203
collective bargaining unit that is subject to that and all 1204
subsequent agreements, if a majority of the employees of that 1205
community school who are subject to that collective bargaining 1206
agreement sign and submit to the state employment relations board 1207
a petition requesting all of the following: 1208

(a) That all the employees of the community school who are 1209
subject to that agreement be removed from the bargaining unit that 1210
is subject to that agreement and be designated by the state 1211
employment relations board as a new and separate bargaining unit 1212
for purposes of Chapter 4117. of the Revised Code; 1213

(b) That the employee organization certified as the exclusive 1214
representative of the employees of the bargaining unit from which 1215
the employees are to be removed be certified as the exclusive 1216
representative of the new and separate bargaining unit for 1217
purposes of Chapter 4117. of the Revised Code; 1218

(c) That the governing authority of the community school be 1219
regarded as the "public employer" of these employees for purposes 1220
of Chapter 4117. of the Revised Code. 1221

(5) Notwithstanding sections 4117.03 to 4117.18 of the 1222
Revised Code and Section 4 of Amended Substitute Senate Bill No. 1223
133 of the 115th general assembly, the employees of a conversion 1224
community school who are subject to a collective bargaining 1225
agreement pursuant to division (A)(3) of this section shall cease 1226
to be subject to that agreement and all subsequent agreements 1227
pursuant to that division, shall cease to be part of the 1228

collective bargaining unit that is subject to that and all 1229
subsequent agreements, and shall cease to be represented by any 1230
exclusive representative of that collective bargaining unit, if a 1231
majority of the employees of the community school who are subject 1232
to that collective bargaining agreement sign and submit to the 1233
state employment relations board a petition requesting all of the 1234
following: 1235

(a) That all the employees of the community school who are 1236
subject to that agreement be removed from the bargaining unit that 1237
is subject to that agreement; 1238

(b) That any employee organization certified as the exclusive 1239
representative of the employees of that bargaining unit be 1240
decertified as the exclusive representative of the employees of 1241
the community school who are subject to that agreement; 1242

(c) That the governing authority of the community school be 1243
regarded as the "public employer" of these employees for purposes 1244
of Chapter 4117. of the Revised Code. 1245

(6) Upon receipt of a petition under division (A)(4) or (5) 1246
of this section, the state employment relations board shall check 1247
the sufficiency of the signatures on the petition. If the 1248
signatures are found sufficient, the board shall certify the 1249
sufficiency of the petition and so notify the parties involved, 1250
including the board of education, the governing authority of the 1251
community school, and any exclusive representative of the 1252
bargaining unit. The changes requested in a certified petition 1253
shall take effect on the first day of the month immediately 1254
following the date on which the sufficiency of the petition is 1255
certified under division (A)(6) of this section. 1256

(B)(1) The board of education of each city, local, and 1257
exempted village school district sponsoring a community school and 1258
the governing board of each educational service center in which a 1259

community school is located shall adopt a policy that provides a
leave of absence of at least three years to each teacher or
nonteaching employee of the district or service center who is
employed by a conversion or new start-up community school
sponsored by the district or located in the district or service
center for the period during which the teacher or employee is
continuously employed by the community school. The policy shall
also provide that any teacher or nonteaching employee may return
to employment by the district or service center if the teacher or
employee leaves or is discharged from employment with the
community school for any reason, unless, in the case of a teacher,
the board of the district or service center determines that the
teacher was discharged for a reason for which the board would have
sought to discharge the teacher under section 3319.16 of the
Revised Code, in which case the board may proceed to discharge the
teacher utilizing the procedures of that section. Upon termination
of such a leave of absence from a service center, any seniority
that is applicable to the person shall be calculated to include
all of the following: all employment by the ~~district or~~ service
center prior to the leave of absence; all employment by the
community school during the leave of absence; and all employment
by the ~~district or~~ service center after the leave of absence. The
policy shall also provide that if any teacher holding valid
certification returns to employment by the district or service
center upon termination of such a leave of absence, the teacher
shall be restored to the previous position and salary or to a
position and salary similar thereto. If, as a result of teachers
returning to employment upon termination of such leaves of
absence, a school district or educational service center reduces
the number of teachers it employs, it shall make such reductions
in accordance with section 3319.17 or, if applicable, 3319.171 of
the Revised Code.

Unless a collective bargaining agreement providing otherwise 1292
is in effect for an employee of a conversion community school 1293
pursuant to division (A)(3) of this section, an employee on a 1294
leave of absence pursuant to this division shall remain eligible 1295
for any benefits that are in addition to benefits under Chapter 1296
3307. or 3309. of the Revised Code provided by the district or 1297
service center to its employees provided the employee pays the 1298
entire cost associated with such benefits, except that personal 1299
leave and vacation leave cannot be accrued for use as an employee 1300
of a school district or service center while in the employ of a 1301
community school unless the district or service center board 1302
adopts a policy expressly permitting this accrual. 1303

(2) While on a leave of absence pursuant to division (B)(1) 1304
of this section, a conversion community school shall permit a 1305
teacher to use sick leave accrued while in the employ of the 1306
school district from which the leave of absence was taken and 1307
prior to commencing such leave. If a teacher who is on such a 1308
leave of absence uses sick leave so accrued, the cost of any 1309
salary paid by the community school to the teacher for that time 1310
shall be reported to the department of education. The cost of 1311
employing a substitute teacher for that time shall be paid by the 1312
community school. The department of education shall add amounts to 1313
the payments made to a community school under this chapter as 1314
necessary to cover the cost of salary reported by a community 1315
school as paid to a teacher using sick leave so accrued pursuant 1316
to this section. The department shall subtract the amounts of any 1317
payments made to community schools under this division from 1318
payments made to such sponsoring school district under Chapter 1319
3317. of the Revised Code. 1320

A school district providing a leave of absence and employee 1321
benefits to a person pursuant to this division is not liable for 1322
any action of that person while the person is on such leave and 1323

employed by a community school. 1324

Sec. 3316.07. (A) A school district financial planning and 1325
supervision commission has the following powers, duties, and 1326
functions: 1327

(1) To review or to assume responsibility for the development 1328
of all tax budgets, tax levy and bond and note resolutions, 1329
appropriation measures, and certificates of estimated resources of 1330
the school district in order to ensure that such are consistent 1331
with the financial recovery plan and a balanced appropriation 1332
budget for the current fiscal year, and to request and review any 1333
supporting information upon which the financial recovery plan and 1334
balanced appropriation budget may be developed and based, and to 1335
determine whether revenue estimates and estimates of expenditures 1336
and appropriations will result in a balanced budget; 1337

(2) To inspect and secure copies of any document, resolution, 1338
or instrument pertaining to the effective financial accounting and 1339
reporting system, debt obligations, debt limits, financial 1340
recovery plan, balanced appropriation budgets, appropriation 1341
measures, report of audit, statement or invoice, or other 1342
worksheet or record of the school district; 1343

(3) To inspect and secure copies of any document, instrument, 1344
certification, records of proceedings, or other worksheet or 1345
records of the county budget commission, county auditor, or other 1346
official or employee of the school district or of any other 1347
political subdivision or agency of government of the state; 1348

(4) To review, revise, and approve determinations and 1349
certifications affecting the school district made by the county 1350
budget commission or county auditor pursuant to Chapter 5705. of 1351
the Revised Code to ensure that such determinations and 1352
certifications are consistent with the laws of the state; 1353

(5) To bring civil actions, including mandamus, to enforce this chapter;	1354 1355
(6) After consultation with the officials of the school district and the auditor of state, to implement or require implementation of any necessary or appropriate steps to bring the books of account, accounting systems, and financial procedures and reports of the school district into compliance with requirements prescribed by the auditor of state, and to assume responsibility for achieving such compliance and for making any desirable modifications and supplementary systems and procedures pertinent to the school district;	1356 1357 1358 1359 1360 1361 1362 1363 1364
(7) To assist or provide assistance to the school district or to assume the total responsibility for the structuring or the terms of, and the placement for sale of, debt obligations of the school district;	1365 1366 1367 1368
(8) To perform all other powers, duties, and functions as provided under this chapter;	1369 1370
(9) To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the exercise of its powers under this chapter;	1371 1372 1373
(10) To consult with officials of the school district and make recommendations or assume the responsibility for implementing cost reductions and revenue increases to achieve balanced budgets and carry out the financial recovery plan in accordance with this chapter;	1374 1375 1376 1377 1378
(11) To make reductions in force to bring the school district's budget into balance, notwithstanding section 3319.081 and divisions (A) and (B) of section 3319.17 of the Revised Code, notwithstanding any provision of a policy adopted under section 3319.171 of the Revised Code, and notwithstanding any provision to the contrary in section 4117.08 or 4117.10 of the Revised Code or	1379 1380 1381 1382 1383 1384

in any collective bargaining agreement entered into on or after 1385
November 21, 1997. 1386

In making reductions in force, the commission shall first 1387
consider reasonable reductions among the administrative and 1388
~~non-teaching~~ nonteaching employees of the school district giving 1389
due regard to ensuring the district's ability to maintain the 1390
personnel, programs, and services essential to the provision of an 1391
adequate educational program. 1392

In making these reductions in ~~non-teaching~~ nonteaching 1393
employees in districts where Chapter 124. of the Revised Code 1394
controls such reductions, the reductions shall be made in 1395
accordance with sections 124.321 to 124.327 of the Revised Code. 1396
In making these reductions in ~~non-teaching~~ nonteaching employees 1397
in districts where Chapter 124. of the Revised Code does not 1398
control these reductions, within each category of ~~non-teaching~~ 1399
nonteaching employees, the commission shall give preference to 1400
those employees with continuing contracts or non-probationary 1401
status and who have greater seniority, except that within the 1402
category of nonteaching employees who hold an educational aide 1403
permit or educational paraprofessional license issued under 1404
section 3319.088 of the Revised Code and whose duties primarily 1405
involve instructional support, the commission shall give 1406
preference to those employees recommended by the superintendent of 1407
the district. 1408

If revenues and expenditures cannot be balanced by reasonable 1409
reductions in administrative and ~~non-teaching~~ nonteaching 1410
employees, the commission may also make reasonable reductions in 1411
the number of teaching contracts. If the commission finds it 1412
necessary to suspend teaching contracts, it shall suspend them in 1413
accordance with division (C) of section 3319.17 of the Revised 1414
Code but shall consider a reduction in non-classroom teachers 1415
before classroom teachers. 1416

(B) During the fiscal emergency period, the commission shall, 1417
in addition to other powers: 1418

(1) With respect to the appropriation measure in effect at 1419
the commencement of the fiscal emergency period of the school 1420
district if that period commenced more than three months prior to 1421
the end of the current fiscal year, and otherwise with respect to 1422
the appropriation measure for the next fiscal year: 1423

(a) Review and determine the adequacy of all revenues to meet 1424
all expenditures for such fiscal year; 1425

(b) Review and determine the extent of any deficiency of 1426
revenues to meet such expenditures; 1427

(c) Require the school district board or superintendent to 1428
provide justification documents to substantiate, to the extent and 1429
in the manner considered necessary, any item of revenue or 1430
appropriation; 1431

(d) Not later than sixty days after taking office or after 1432
receiving the appropriation measure for the next fiscal year, 1433
issue a public report regarding its review pursuant to division 1434
(B)(1) of this section. 1435

(2) Require the school district board, by resolution, to 1436
establish monthly levels of expenditures and encumbrances 1437
consistent with the financial recovery plan and the commission's 1438
review pursuant to divisions (B)(1)(a) and (b) of this section, or 1439
establish such levels itself. If the commission permits the 1440
district board to make expenditures, the commission shall monitor 1441
the monthly levels of expenditures and encumbrances and require 1442
justification documents to substantiate any departure from any 1443
approved level. No district board shall make any expenditure apart 1444
from the approved level without the written approval of the 1445
commission. 1446

(C) In making any determination pursuant to division (B) of 1447
this section, the commission may rely on any information 1448
considered in its judgment reliable or material and shall not be 1449
restricted by any tax budget or certificate or any other document 1450
the school district may have adopted or received from any other 1451
governmental agency. 1452

(D) County, state, and school district officers or employees 1453
shall assist the commission diligently and promptly in the 1454
prosecution of its duties, including the furnishing of any 1455
materials, including justification documents, required. 1456

(E) Annually on or before the first day of April during the 1457
fiscal emergency period, the commission shall make reports and 1458
recommendations to the speaker of the house of representatives and 1459
the president of the senate concerning progress of the school 1460
district to eliminate fiscal emergency conditions, failures of the 1461
school district to comply with this chapter, and recommendations 1462
for further actions to attain the objectives of this chapter, 1463
including any legislative action needed to make provisions of law 1464
more effective for their purposes, or to enhance revenue raising 1465
or financing capabilities of school districts. The commission may 1466
make such interim reports as it considers appropriate for such 1467
purposes and shall make such additional reports as may be 1468
requested by either house of the general assembly. 1469

Sec. 3317.01. As used in this section and section 3317.011 of 1470
the Revised Code, "school district," unless otherwise specified, 1471
means any city, local, exempted village, joint vocational, or 1472
cooperative education school district and any educational service 1473
center. 1474

This chapter shall be administered by the state board of 1475
education. The superintendent of public instruction shall 1476
calculate the amounts payable to each school district and shall 1477

certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter.

Annually, the department of education shall calculate and report to each school district the district's total state and local funds for providing an adequate basic education to the district's nonhandicapped students, utilizing the determination in section 3317.012 of the Revised Code. In addition, the department shall calculate and report separately for each school district the district's total state and local funds for providing an adequate education for its handicapped students, utilizing the determinations in both sections 3317.012 and 3317.013 of the Revised Code.

Not later than the thirty-first day of August of each fiscal year, the department of education shall provide to each school district and county MR/DD board a preliminary estimate of the amount of funding that the department calculates the district will receive under each of divisions (C)(1) and (4) of section 3317.022 of the Revised Code. No later than the first day of December of each fiscal year, the department shall update that preliminary estimate.

Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed at least monthly to each school district unless otherwise provided for. The state board shall submit a yearly distribution plan to

the controlling board at its first meeting in July. The state
board shall submit any proposed midyear revision of the plan to
the controlling board in January. Any year-end revision of the
plan shall be submitted to the controlling board in June. If
moneys appropriated for each fiscal year are distributed other
than monthly, such distribution shall be on the same basis for
each school district.

The total amounts paid each month shall constitute, as nearly
as possible, one-twelfth of the total amount payable for the
entire year.

Until fiscal year 2006, payments made during the first six
months of the fiscal year may be based on an estimate of the
amounts payable for the entire year. Payments made in the last six
months shall be based on the final calculation of the amounts
payable to each school district for that fiscal year. Payments
made in the last six months may be adjusted, if necessary, to
correct the amounts distributed in the first six months, and to
reflect enrollment increases when such are at least three per
cent.

Beginning in fiscal year 2006, payments shall be calculated
to reflect the biannual reporting of average daily membership. In
fiscal year 2006 and in each fiscal year thereafter, payments for
July through December shall be based on student counts certified
pursuant to section 3317.03 of the Revised Code for the first full
week in October, and payments for January through June shall be
based on the average of student counts certified pursuant to that
section for the first full week of the previous October and the
third full week in February.

Except as otherwise provided, payments under this chapter
shall be made only to those school districts in which:

(A) The school district, except for any educational service

center and any joint vocational or cooperative education school 1540
district, levies for current operating expenses at least twenty 1541
mills. Levies for joint vocational or cooperative education school 1542
districts or county school financing districts, limited to or to 1543
the extent apportioned to current expenses, shall be included in 1544
this qualification requirement. School district income tax levies 1545
under Chapter 5748. of the Revised Code, limited to or to the 1546
extent apportioned to current operating expenses, shall be 1547
included in this qualification requirement to the extent 1548
determined by the tax commissioner under division (D) of section 1549
3317.021 of the Revised Code. 1550

(B) The school year next preceding the fiscal year for which 1551
such payments are authorized meets the requirement of section 1552
3313.48 or 3313.481 of the Revised Code, with regard to the 1553
minimum number of days or hours school must be open for 1554
instruction with pupils in attendance, for individualized 1555
parent-teacher conference and reporting periods, and for 1556
professional meetings of teachers. This requirement shall be 1557
waived by the superintendent of public instruction if it had been 1558
necessary for a school to be closed because of disease epidemic, 1559
hazardous weather conditions, inoperability of school buses or 1560
other equipment necessary to the school's operation, damage to a 1561
school building, or other temporary circumstances due to utility 1562
failure rendering the school building unfit for school use, 1563
provided that for those school districts operating pursuant to 1564
section 3313.48 of the Revised Code the number of days the school 1565
was actually open for instruction with pupils in attendance and 1566
for individualized parent-teacher conference and reporting periods 1567
is not less than one hundred seventy-five, or for those school 1568
districts operating on a trimester plan the number of days the 1569
school was actually open for instruction with pupils in attendance 1570
not less than seventy-nine days in any trimester, for those school 1571

districts operating on a quarterly plan the number of days the 1572
school was actually open for instruction with pupils in attendance 1573
not less than fifty-nine days in any quarter, or for those school 1574
districts operating on a pentamester plan the number of days the 1575
school was actually open for instruction with pupils in attendance 1576
not less than forty-four days in any pentamester. 1577

A school district shall not be considered to have failed to 1578
comply with this division or section 3313.481 of the Revised Code 1579
because schools were open for instruction but either twelfth grade 1580
students were excused from attendance for up to three days or only 1581
a portion of the kindergarten students were in attendance for up 1582
to three days in order to allow for the gradual orientation to 1583
school of such students. 1584

The superintendent of public instruction shall waive the 1585
requirements of this section with reference to the minimum number 1586
of days or hours school must be in session with pupils in 1587
attendance for the school year succeeding the school year in which 1588
a board of education initiates a plan of operation pursuant to 1589
section 3313.481 of the Revised Code. The minimum requirements of 1590
this section shall again be applicable to such a district 1591
beginning with the school year commencing the second July 1592
succeeding the initiation of one such plan, and for each school 1593
year thereafter. 1594

A school district shall not be considered to have failed to 1595
comply with this division or section 3313.48 or 3313.481 of the 1596
Revised Code because schools were open for instruction but the 1597
length of the regularly scheduled school day, for any number of 1598
days during the school year, was reduced by not more than two 1599
hours due to hazardous weather conditions. 1600

(C) The school district has on file, and is paying in 1601
accordance with, a teachers' salary schedule which complies with 1602

section 3317.13 or 3317.141 of the Revised Code, as applicable. 1603

A board of education or governing board of an educational 1604
service center which has not conformed with other law and the 1605
rules pursuant thereto, shall not participate in the distribution 1606
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 1607
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 1608
and sufficient reason established to the satisfaction of the state 1609
board of education and the state controlling board. 1610

All funds allocated to school districts under this chapter, 1611
except those specifically allocated for other purposes, shall be 1612
used to pay current operating expenses only. 1613

Sec. 3317.02. As used in this chapter: 1614

(A) Unless otherwise specified, "school district" means city, 1615
local, and exempted village school districts. 1616

(B) "Formula amount" means the base cost for the fiscal year 1617
specified in division (B)(4) of section 3317.012 of the Revised 1618
Code. 1619

(C) "FTE basis" means a count of students based on full-time 1620
equivalency, in accordance with rules adopted by the department of 1621
education pursuant to section 3317.03 of the Revised Code. In 1622
adopting its rules under this division, the department shall 1623
provide for counting any student in category one, two, three, 1624
four, five, or six special education ADM or in category one or two 1625
vocational education ADM in the same proportion the student is 1626
counted in formula ADM. 1627

(D) "Formula ADM" means, for a city, local, or exempted 1628
village school district, the number reported pursuant to division 1629
(A) of section 3317.03 of the Revised Code, and for a joint 1630
vocational school district, the number reported pursuant to 1631
division (D) of section 3317.03 of the Revised Code. Beginning in 1632

fiscal year 2006, for payments in which formula ADM is a factor, 1633
for the months of July through December, formula ADM means the 1634
number reported in October of that year, and for the months of 1635
January through June, formula ADM means the average of the numbers 1636
reported in the previous October and in February. 1637

(E) "Three-year average formula ADM" means the average of 1638
formula ADMs for the current and preceding two fiscal years. 1639

(F)(1) "Category one special education ADM" means the average 1640
daily membership of handicapped children receiving special 1641
education services for the handicap specified in division (A) of 1642
section 3317.013 of the Revised Code and reported under division 1643
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 1644

(2) "Category two special education ADM" means the average 1645
daily membership of handicapped children receiving special 1646
education services for those handicaps specified in division (B) 1647
of section 3317.013 of the Revised Code and reported under 1648
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 1649
Code. 1650

(3) "Category three special education ADM" means the average 1651
daily membership of students receiving special education services 1652
for those handicaps specified in division (C) of section 3317.013 1653
of the Revised Code, and reported under division (B)(7) or 1654
(D)(2)(d) of section 3317.03 of the Revised Code. 1655

(4) "Category four special education ADM" means the average 1656
daily membership of students receiving special education services 1657
for those handicaps specified in division (D) of section 3317.013 1658
of the Revised Code and reported under division (B)(8) or 1659
(D)(2)(e) of section 3317.03 of the Revised Code. 1660

(5) "Category five special education ADM" means the average 1661
daily membership of students receiving special education services 1662
for the handicap specified in division (E) of section 3317.013 of 1663

the Revised Code and reported under division (B)(9) or (D)(2)(f) 1664
of section 3317.03 of the Revised Code. 1665

(6) "Category six special education ADM" means the average 1666
daily membership of students receiving special education services 1667
for the handicap specified in division (F) of section 3317.013 of 1668
the Revised Code and reported under division (B)(10) or (D)(2)(g) 1669
of section 3317.03 of the Revised Code. 1670

(7) "Category one vocational education ADM" means the average 1671
daily membership of students receiving vocational education 1672
services described in division (A) of section 3317.014 of the 1673
Revised Code and reported under division (B)(11) or (D)(2)(h) of 1674
section 3317.03 of the Revised Code. 1675

(8) "Category two vocational education ADM" means the average 1676
daily membership of students receiving vocational education 1677
services described in division (B) of section 3317.014 of the 1678
Revised Code and reported under division (B)(12) or (D)(2)(i) of 1679
section 3317.03 of the Revised Code. 1680

Beginning in fiscal year 2006, for payments in which category 1681
one through six special education ADM or category one or two 1682
vocational education ADM is a factor, for the months of July 1683
through December, those terms mean the numbers as described in 1684
~~division~~ divisions (F)(1) ~~through to~~ (8) of this section, 1685
respectively, reported in October of that year, and for the months 1686
of January through June, those terms mean the average of the 1687
numbers as described in ~~division~~ divisions (F)(1) ~~through to~~ (8) 1688
of this section, respectively, reported in the previous October 1689
and in February. 1690

(G) "Handicapped preschool child" means a handicapped child, 1691
as defined in section 3323.01 of the Revised Code, who is at least 1692
age three but is not of compulsory school age, as defined in 1693
section 3321.01 of the Revised Code, and who is not currently 1694

enrolled in kindergarten.	1695
(H) "County MR/DD board" means a county board of mental retardation and developmental disabilities.	1696 1697
(I) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code.	1698 1699
(J) "Transportation ADM" means the number of children reported under division (B)(13) of section 3317.03 of the Revised Code.	1700 1701 1702
(K) "Average efficient transportation use cost per student" means a statistical representation of transportation costs as calculated under division (D)(2) of section 3317.022 of the Revised Code.	1703 1704 1705 1706
(L) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.	1707 1708 1709 1710
(M) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.	1711 1712 1713 1714
(N) "Cost-of-doing-business factor" means the amount indicated in division (N)(1) or (2) of this section for the county in which a city, local, exempted village, or joint vocational school district is located. If a city, local, or exempted village school district is located in more than one county, the factor is the amount indicated for the county to which the district is assigned by the state department of education. If a joint vocational school district is located in more than one county, the factor is the amount indicated for the county in which the joint vocational school with the greatest formula ADM operated by the	1715 1716 1717 1718 1719 1720 1721 1722 1723 1724

district is located. 1725

(1) In fiscal year 2006, the cost-of-doing-business factor 1726
for each county is: 1727

COST-OF-DOING-BUSINESS		1728
COUNTY	FACTOR AMOUNT	1729
Adams	1.00233	1730
Allen	1.01373	1731
Ashland	1.01980	1732
Ashtabula	1.02647	1733
Athens	1.00093	1734
Auglaize	1.01647	1735
Belmont	1.00427	1736
Brown	1.01180	1737
Butler	1.04307	1738
Carroll	1.00913	1739
Champaign	1.02973	1740
Clark	1.02980	1741
Clermont	1.03607	1742
Clinton	1.02193	1743
Columbiana	1.01427	1744
Coshocton	1.01153	1745
Crawford	1.01093	1746
Cuyahoga	1.04173	1747
Darke	1.02253	1748
Defiance	1.00973	1749
Delaware	1.03520	1750
Erie	1.02587	1751
Fairfield	1.02440	1752
Fayette	1.02127	1753
Franklin	1.04053	1754
Fulton	1.0220	1755
Gallia	1.00000	1756

Geauga	1.03340	1757
Greene	1.02960	1758
Guernsey	1.00440	1759
Hamilton	1.05000	1760
Hancock	1.01433	1761
Hardin	1.02373	1762
Harrison	1.00493	1763
Henry	1.02120	1764
Highland	1.00987	1765
Hocking	1.01253	1766
Holmes	1.01187	1767
Huron	1.01953	1768
Jackson	1.00920	1769
Jefferson	1.00487	1770
Knox	1.01860	1771
Lake	1.03493	1772
Lawrence	1.00540	1773
Licking	1.02540	1774
Logan	1.02567	1775
Lorain	1.03433	1776
Lucas	1.02600	1777
Madison	1.03253	1778
Mahoning	1.02307	1779
Marion	1.02040	1780
Medina	1.03573	1781
Meigs	1.00173	1782
Mercer	1.01353	1783
Miami	1.02740	1784
Monroe	1.00333	1785
Montgomery	1.03020	1786
Morgan	1.00593	1787
Morrow	1.02007	1788
Muskingum	1.00847	1789

Noble	1.00487	1790
Ottawa	1.03240	1791
Paulding	1.00767	1792
Perry	1.01067	1793
Pickaway	1.02607	1794
Pike	1.00687	1795
Portage	1.03147	1796
Preble	1.02947	1797
Putnam	1.01440	1798
Richland	1.01327	1799
Ross	1.01007	1800
Sandusky	1.02140	1801
Scioto	1.00080	1802
Seneca	1.01487	1803
Shelby	1.01853	1804
Stark	1.01700	1805
Summit	1.03613	1806
Trumbull	1.02340	1807
Tuscarawas	1.00593	1808
Union	1.03333	1809
Van Wert	1.00887	1810
Vinton	1.00633	1811
Warren	1.04387	1812
Washington	1.00400	1813
Wayne	1.02320	1814
Williams	1.01520	1815
Wood	1.02400	1816
Wyandot	1.01140	1817

(2) In fiscal year 2007, the cost-of-doing-business factor
for each county is:

	COST-OF-DOING-BUSINESS	1820
COUNTY	FACTOR AMOUNT	1821
Adams	1.00117	1822

Allen	1.00687	1823
Ashland	1.00990	1824
Ashtabula	1.01323	1825
Athens	1.00047	1826
Auglaize	1.00823	1827
Belmont	1.00213	1828
Brown	1.00590	1829
Butler	1.02153	1830
Carroll	1.00457	1831
Champaign	1.01487	1832
Clark	1.01490	1833
Clermont	1.01803	1834
Clinton	1.01097	1835
Columbiana	1.00713	1836
Coshocton	1.00577	1837
Crawford	1.00547	1838
Cuyahoga	1.02087	1839
Darke	1.01127	1840
Defiance	1.00487	1841
Delaware	1.01760	1842
Erie	1.01293	1843
Fairfield	1.01220	1844
Fayette	1.01063	1845
Franklin	1.02027	1846
Fulton	1.01100	1847
Gallia	1.00000	1848
Geauga	1.01670	1849
Greene	1.01480	1850
Guernsey	1.00220	1851
Hamilton	1.02500	1852
Hancock	1.00717	1853
Hardin	1.01187	1854
Harrison	1.00247	1855

Henry	1.01060	1856
Highland	1.00493	1857
Hocking	1.00627	1858
Holmes	1.00593	1859
Huron	1.00977	1860
Jackson	1.00460	1861
Jefferson	1.00243	1862
Knox	1.00930	1863
Lake	1.01747	1864
Lawrence	1.00270	1865
Licking	1.01270	1866
Logan	1.01283	1867
Lorain	1.01717	1868
Lucas	1.01300	1869
Madison	1.01627	1870
Mahoning	1.01153	1871
Marion	1.01020	1872
Medina	1.01787	1873
Meigs	1.00087	1874
Mercer	1.00677	1875
Miami	1.01370	1876
Monroe	1.00167	1877
Montgomery	1.01510	1878
Morgan	1.00297	1879
Morrow	1.01003	1880
Muskingum	1.00423	1881
Noble	1.00243	1882
Ottawa	1.01620	1883
Paulding	1.00383	1884
Perry	1.00533	1885
Pickaway	1.01303	1886
Pike	1.00343	1887
Portage	1.01573	1888

Preble	1.01473	1889
Putnam	1.00720	1890
Richland	1.00663	1891
Ross	1.00503	1892
Sandusky	1.01070	1893
Scioto	1.00040	1894
Seneca	1.00743	1895
Shelby	1.00927	1896
Stark	1.00850	1897
Summit	1.01807	1898
Trumbull	1.01170	1899
Tuscarawas	1.00297	1900
Union	1.01667	1901
Van Wert	1.00443	1902
Vinton	1.00317	1903
Warren	1.02193	1904
Washington	1.00200	1905
Wayne	1.01160	1906
Williams	1.00760	1907
Wood	1.01200	1908
Wyandot	1.00570	1909

(O) "Tax exempt value" of a school district means the amount 1910
certified for a school district under division (A)(4) of section 1911
3317.021 of the Revised Code. 1912

(P) "Potential value" of a school district means the 1913
recognized valuation of a school district plus the tax exempt 1914
value of the district. 1915

(Q) "District median income" means the median Ohio adjusted 1916
gross income certified for a school district. On or before the 1917
first day of July of each year, the tax commissioner shall certify 1918
to the department of education for each city, exempted village, 1919
and local school district the median Ohio adjusted gross income of 1920

the residents of the school district determined on the basis of 1921
tax returns filed for the second preceding tax year by the 1922
residents of the district. 1923

(R) "Statewide median income" means the median district 1924
median income of all city, exempted village, and local school 1925
districts in the state. 1926

(S) "Income factor" for a city, exempted village, or local 1927
school district means the quotient obtained by dividing that 1928
district's median income by the statewide median income. 1929

(T) "Medically fragile child" means a child to whom all of 1930
the following apply: 1931

(1) The child requires the services of a doctor of medicine 1932
or osteopathic medicine at least once a week due to the 1933
instability of the child's medical condition. 1934

(2) The child requires the services of a registered nurse on 1935
a daily basis. 1936

(3) The child is at risk of institutionalization in a 1937
hospital, skilled nursing facility, or intermediate care facility 1938
for the mentally retarded. 1939

(U) A child may be identified as "other health 1940
handicapped-major" if the child's condition meets the definition 1941
of "other health impaired" established in rules adopted by the 1942
state board of education prior to July 1, 2001, and if either of 1943
the following apply: 1944

(1) The child is identified as having a medical condition 1945
that is among those listed by the superintendent of public 1946
instruction as conditions where a substantial majority of cases 1947
fall within the definition of "medically fragile child." The 1948
superintendent of public instruction shall issue an initial list 1949
no later than September 1, 2001. 1950

(2) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(V) A child may be identified as "other health handicapped-minor" if the child's condition meets the definition of "other health impaired" established in rules adopted by the state board of education prior to July 1, 2001, but the child's condition does not meet either of the conditions specified in division (U)(1) or (2) of this section.

(W) "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, 3317.0216, 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 of the Revised Code, divisions (B), (C), (D), ~~(E)~~(J), (K), (L), (M), and (N), ~~and (O)~~ of section 3317.023, and division (C) of section 3317.20 of the Revised Code.

(X) "Property exemption value" means zero in fiscal year 2006, and in fiscal year 2007 and each fiscal year thereafter, the amount certified for a school district under divisions (A)(6) and (7) of section 3317.021 of the Revised Code.

Sec. 3317.022. (A) The department of education shall compute and distribute state base cost funding to each school district for the fiscal year using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins.

(1) Compute the following for each eligible district:

[(cost-of-doing-business factor X 1981
the formula amount X formula ADM) + 1982
the sum of the base funding supplements 1983
prescribed in divisions (C)(1) to (4) 1984
of section 3317.012 of the Revised Code] - 1985
[.023 x (the sum of recognized valuation 1986
and property exemption (value))] 1987

If the difference obtained is a negative number, the 1988
district's computation shall be zero. 1989

(2) Compute both of the following for each school district: 1990

(a) The difference of (i) the district's fiscal year 2005 1991
base cost payment under the version of division (A)(1) of this 1992
section in effect in fiscal year 2005, minus (ii) the amount 1993
computed for the district for the current fiscal year under 1994
current division (A)(1) of this section; 1995

(b) The following amount: 1996

[(fiscal year 2005 base cost payment/fiscal 1997
year 2005 formula ADM) X 1998
current year formula ADM] minus 1999
the amount computed for the district 2000
under current division (A)(1) of this section 2001

If one of the amounts computed under division (A)(2)(a) or 2002
(b) of this section is a positive amount, the department shall pay 2003
the district that amount in addition to the amount calculated 2004
under division (A)(1) of this section. If both amounts are 2005
positive amounts, the department shall pay the district the lesser 2006
of the two amounts in addition to the amount calculated under 2007
division (A)(1) of this section. 2008

(3)(a) For each school district for which the tax exempt 2009
value of the district equals or exceeds twenty-five per cent of 2010
the potential value of the district, the department of education 2011

shall calculate the difference between the district's tax exempt value and twenty-five per cent of the district's potential value.	2012 2013
(b) For each school district to which division (A)(3)(a) of this section applies, the department shall adjust the recognized valuation used in the calculation under division (A)(1) of this section by subtracting from it the amount calculated under division (A)(3)(a) of this section.	2014 2015 2016 2017 2018
(B) As used in this section:	2019
(1) The "total special education weight" for a district means the sum of the following amounts:	2020 2021
(a) The district's category one special education ADM multiplied by the multiple specified in division (A) of section 3317.013 of the Revised Code;	2022 2023 2024
(b) The district's category two special education ADM multiplied by the multiple specified in division (B) of section 3317.013 of the Revised Code;	2025 2026 2027
(c) The district's category three special education ADM multiplied by the multiple specified in division (C) of section 3317.013 of the Revised Code;	2028 2029 2030
(d) The district's category four special education ADM multiplied by the multiple specified in division (D) of section 3317.013 of the Revised Code;	2031 2032 2033
(e) The district's category five special education ADM multiplied by the multiple specified in division (E) of section 3317.013 of the Revised Code;	2034 2035 2036
(f) The district's category six special education ADM multiplied by the multiple specified in division (F) of section 3317.013 of the Revised Code.	2037 2038 2039
(2) "State share percentage" means the percentage calculated for a district as follows:	2040 2041

(a) Calculate the state base cost funding amount for the district for the fiscal year under division (A) of this section. If the district would not receive any state base cost funding for that year under that division, the district's state share percentage is zero.

(b) If the district would receive state base cost funding under that division, divide that amount by an amount equal to the following:

(Cost-of-doing-business factor X
the formula amount X formula ADM) +
the sum of the base funding supplements
prescribed in divisions (C)(1) to (4)
of section 3317.012 of the Revised Code

The resultant number is the district's state share percentage.

(3) "Related services" includes:

(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;

(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;

(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;

(d) Any service included in units funded under former	2072
division (0)(1) of section 3317.023 <u>3317.024</u> of the Revised Code;	2073
(e) Any other related service needed by handicapped children	2074
in accordance with their individualized education plans.	2075
(4) The "total vocational education weight" for a district	2076
means the sum of the following amounts:	2077
(a) The district's category one vocational education ADM	2078
multiplied by the multiple specified in division (A) of section	2079
3317.014 of the Revised Code;	2080
(b) The district's category two vocational education ADM	2081
multiplied by the multiple specified in division (B) of section	2082
3317.014 of the Revised Code.	2083
(C)(1) The department shall compute and distribute state	2084
special education and related services additional weighted costs	2085
funds to each school district in accordance with the following	2086
formula:	2087
The district's state share percentage	2088
X the formula amount for the year	2089
for which the aid is calculated	2090
X the district's total special education weight	2091
(2) The attributed local share of special education and	2092
related services additional weighted costs equals:	2093
(1 - the district's state share percentage) X	2094
the district's total special education weight X	2095
the formula amount	2096
(3)(a) The department shall compute and pay in accordance	2097
with this division additional state aid to school districts for	2098
students in categories two through six special education ADM. If a	2099
district's costs for the fiscal year for a student in its	2100
categories two through six special education ADM exceed the	2101

threshold catastrophic cost for serving the student, the district 2102
may submit to the superintendent of public instruction 2103
documentation, as prescribed by the superintendent, of all its 2104
costs for that student. Upon submission of documentation for a 2105
student of the type and in the manner prescribed, the department 2106
shall pay to the district an amount equal to the sum of the 2107
following: 2108

(i) One-half of the district's costs for the student in 2109
excess of the threshold catastrophic cost; 2110

(ii) The product of one-half of the district's costs for the 2111
student in excess of the threshold catastrophic cost multiplied by 2112
the district's state share percentage. 2113

(b) For purposes of division (C)(3)(a) of this section, the 2114
threshold catastrophic cost for serving a student equals: 2115

(i) For a student in the school district's category two, 2116
three, four, or five special education ADM, twenty-five thousand 2117
dollars in fiscal year 2002, twenty-five thousand seven hundred 2118
dollars in fiscal years 2003, 2004, and 2005, and twenty-six 2119
thousand five hundred dollars in fiscal years 2006 and 2007; 2120

(ii) For a student in the district's category six special 2121
education ADM, thirty thousand dollars in fiscal year 2002, thirty 2122
thousand eight hundred forty dollars in fiscal years 2003, 2004, 2123
and 2005, and thirty-one thousand eight hundred dollars in fiscal 2124
years 2006 and 2007. 2125

(c) The district shall only report under division (C)(3)(a) 2126
of this section, and the department shall only pay for, the costs 2127
of educational expenses and the related services provided to the 2128
student in accordance with the student's individualized education 2129
program. Any legal fees, court costs, or other costs associated 2130
with any cause of action relating to the student may not be 2131
included in the amount. 2132

(4)(a) As used in this division, the "personnel allowance" 2133
means thirty thousand dollars in fiscal years 2002, 2003, 2004, 2005, 2006, and 2007. 2134
2135

(b) For the provision of speech language pathology services 2136
to students, including students who do not have individualized 2137
education programs prepared for them under Chapter 3323. of the 2138
Revised Code, and for no other purpose, the department of 2139
education shall pay each school district an amount calculated 2140
under the following formula: 2141

(formula ADM divided by 2000) X 2142
the personnel allowance X 2143
the state share percentage 2144

(5) In any fiscal year, a school district shall spend for 2145
purposes that the department designates as approved for special 2146
education and related services expenses at least the amount 2147
calculated as follows: 2148

(cost-of-doing-business factor X 2149
formula amount X the sum of categories 2150
one through six special education ADM) + 2151
(total special education weight X formula amount) 2152

The purposes approved by the department for special education 2153
expenses shall include, but shall not be limited to, 2154
identification of handicapped children, compliance with state 2155
rules governing the education of handicapped children and 2156
prescribing the continuum of program options for handicapped 2157
children, provision of speech language pathology services, and the 2158
portion of the school district's overall administrative and 2159
overhead costs that are attributable to the district's special 2160
education student population. 2161

The department shall require school districts to report data 2162
annually to allow for monitoring compliance with division (C)(5) 2163

of this section. The department shall annually report to the 2164
governor and the general assembly the amount of money spent by 2165
each school district for special education and related services. 2166

(6) In any fiscal year, a school district shall spend for the 2167
provision of speech language pathology services not less than the 2168
sum of the amount calculated under division (C)(1) of this section 2169
for the students in the district's category one special education 2170
ADM and the amount calculated under division (C)(4) of this 2171
section. 2172

(D)(1) As used in this division: 2173

(a) "Daily bus miles per student" equals the number of bus 2174
miles traveled per day, divided by transportation base. 2175

(b) "Transportation base" equals total student count as 2176
defined in section 3301.011 of the Revised Code, minus the number 2177
of students enrolled in preschool handicapped units, plus the 2178
number of nonpublic school students included in transportation 2179
ADM. 2180

(c) "Transported student percentage" equals transportation 2181
ADM divided by transportation base. 2182

(d) "Transportation cost per student" equals total operating 2183
costs for board-owned or contractor-operated school buses divided 2184
by transportation base. 2185

(2) Analysis of student transportation cost data has resulted 2186
in a finding that an average efficient transportation use cost per 2187
student can be calculated by means of a regression formula that 2188
has as its two independent variables the number of daily bus miles 2189
per student and the transported student percentage. For fiscal 2190
year 1998 transportation cost data, the average efficient 2191
transportation use cost per student is expressed as follows: 2192

$51.79027 + (139.62626 \times \text{daily bus miles per student}) +$ 2193

(116.25573 X transported student percentage) 2194

The department of education shall annually determine the 2195
average efficient transportation use cost per student in 2196
accordance with the principles stated in division (D)(2) of this 2197
section, updating the intercept and regression coefficients of the 2198
regression formula modeled in this division, based on an annual 2199
statewide analysis of each school district's daily bus miles per 2200
student, transported student percentage, and transportation cost 2201
per student data. The department shall conduct the annual update 2202
using data, including daily bus miles per student, transported 2203
student percentage, and transportation cost per student data, from 2204
the prior fiscal year. The department shall notify the office of 2205
budget and management of such update by the fifteenth day of 2206
February of each year. 2207

(3) In addition to funds paid under divisions (A), (C), and 2208
(E) of this section, each district with a transported student 2209
percentage greater than zero shall receive a payment equal to a 2210
percentage of the product of the district's transportation base 2211
from the prior fiscal year times the annually updated average 2212
efficient transportation use cost per student, times an inflation 2213
factor of two and eight_tenths per cent to account for the 2214
one-year difference between the data used in updating the formula 2215
and calculating the payment and the year in which the payment is 2216
made. The percentage shall be the following percentage of that 2217
product specified for the corresponding fiscal year: 2218

FISCAL YEAR	PERCENTAGE	
2000	52.5%	2220
2001	55%	2221
2002	57.5%	2222
2003 and thereafter	The greater of 60% or the district's state share percentage	2223

The payments made under division (D)(3) of this section each 2224
year shall be calculated based on all of the same prior year's 2225
data used to update the formula. 2226

(4) In addition to funds paid under divisions (D)(2) and (3) 2227
of this section, a school district shall receive a rough road 2228
subsidy if both of the following apply: 2229

(a) Its county rough road percentage is higher than the 2230
statewide rough road percentage, as those terms are defined in 2231
division (D)(5) of this section; 2232

(b) Its district student density is lower than the statewide 2233
student density, as those terms are defined in that division. 2234

(5) The rough road subsidy paid to each district meeting the 2235
qualifications of division (D)(4) of this section shall be 2236
calculated in accordance with the following formula: 2237

(per rough mile subsidy X total rough road miles) X 2238
density multiplier 2239

where: 2240

(a) "Per rough mile subsidy" equals the amount calculated in 2241
accordance with the following formula: 2242

$$0.75 - \{0.75 \times [(\text{maximum rough road percentage} -$$
 2243
$$\text{county rough road percentage}) / (\text{maximum rough road percentage} -$$
 2244
$$\text{statewide rough road percentage})\}$$
 2245

(i) "Maximum rough road percentage" means the highest county 2246
rough road percentage in the state. 2247

(ii) "County rough road percentage" equals the percentage of 2248
the mileage of state, municipal, county, and township roads that 2249
is rated by the department of transportation as type A, B, C, E2, 2250
or F in the county in which the school district is located or, if 2251
the district is located in more than one county, the county to 2252
which it is assigned for purposes of determining its 2253

cost-of-doing-business factor. 2254

(iii) "Statewide rough road percentage" means the percentage 2255
of the statewide total mileage of state, municipal, county, and 2256
township roads that is rated as type A, B, C, E2, or F by the 2257
department of transportation. 2258

(b) "Total rough road miles" means a school district's total 2259
bus miles traveled in one year times its county rough road 2260
percentage. 2261

(c) "Density multiplier" means a figure calculated in 2262
accordance with the following formula: 2263

1 - [(minimum student density - district student 2264
density)/(minimum student density - 2265
statewide student density)] 2266

(i) "Minimum student density" means the lowest district 2267
student density in the state. 2268

(ii) "District student density" means a school district's 2269
transportation base divided by the number of square miles in the 2270
district. 2271

(iii) "Statewide student density" means the sum of the 2272
transportation bases for all school districts divided by the sum 2273
of the square miles in all school districts. 2274

(6) In addition to funds paid under divisions (D)(2) to (5) 2275
of this section, each district shall receive in accordance with 2276
rules adopted by the state board of education a payment for 2277
students transported by means other than board-owned or 2278
contractor-operated buses and whose transportation is not funded 2279
under division (J) of section 3317.024 of the Revised Code. The 2280
rules shall include provisions for school district reporting of 2281
such students. 2282

(E)(1) The department shall compute and distribute state 2283

vocational education additional weighted costs funds to each 2284
school district in accordance with the following formula: 2285
state share percentage X 2286
the formula amount X 2287
total vocational education weight 2288

In any fiscal year, a school district receiving funds under 2289
division (E)(1) of this section shall spend those funds only for 2290
the purposes that the department designates as approved for 2291
vocational education expenses. Vocational ~~educational~~ education 2292
expenses approved by the department shall include only expenses 2293
connected to the delivery of career-technical programming to 2294
career-technical students. The department shall require the school 2295
district to report data annually so that the department may 2296
monitor the district's compliance with the requirements regarding 2297
the manner in which funding received under division (E)(1) of this 2298
section may be spent. 2299

(2) The department shall compute for each school district 2300
state funds for vocational education associated services in 2301
accordance with the following formula: 2302

state share percentage X .05 X 2303
the formula amount X the sum of categories one and two 2304
vocational education ADM 2305

In any fiscal year, a school district receiving funds under 2306
division (E)(2) of this section, or through a transfer of funds 2307
pursuant to division ~~(L)~~(K) of section 3317.023 of the Revised 2308
Code, shall spend those funds only for the purposes that the 2309
department designates as approved for vocational education 2310
associated services expenses, which may include such purposes as 2311
apprenticeship coordinators, coordinators for other vocational 2312
education services, vocational evaluation, and other purposes 2313
designated by the department. The department may deny payment 2314
under division (E)(2) of this section to any district that the 2315

department determines is not operating those services or is using 2316
funds paid under division (E)(2) of this section, or through a 2317
transfer of funds pursuant to division ~~(L)~~(K) of section 3317.023 2318
of the Revised Code, for other purposes. 2319

(F) The actual local share in any fiscal year for the 2320
combination of special education and related services additional 2321
weighted costs funding calculated under division (C)(1) of this 2322
section, transportation funding calculated under divisions (D)(2) 2323
and (3) of this section, and vocational education and associated 2324
services additional weighted costs funding calculated under 2325
divisions (E)(1) and (2) of this section shall not exceed for any 2326
school district the product of three and three-tenths mills times 2327
the district's recognized valuation. The department annually shall 2328
pay each school district as an excess cost supplement any amount 2329
by which the sum of the district's attributed local shares for 2330
that funding exceeds that product. For purposes of calculating the 2331
excess cost supplement: 2332

(1) The attributed local share for special education and 2333
related services additional weighted costs funding is the amount 2334
specified in division (C)(2) of this section. 2335

(2) The attributed local share of transportation funding 2336
equals the difference of the total amount calculated for the 2337
district using the formula developed under division (D)(2) of this 2338
section minus the actual amount paid to the district after 2339
applying the percentage specified in division (D)(3) of this 2340
section. 2341

(3) The attributed local share of vocational education and 2342
associated services additional weighted costs funding is the 2343
amount determined as follows: 2344

(1 - state share percentage) X 2345
[(total vocational education weight X 2346
the formula amount) + the payment under 2347

division (E)(2) of this section] 2348

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 2349
Revised Code, the amounts required to be paid to a district under 2350
this chapter shall be adjusted by the amount of the computations 2351
made under divisions (B) to ~~(O)~~(N) of this section. 2352

As used in this section: 2353

(1) "Classroom teacher" means a licensed employee who 2354
provides direct instruction to pupils, excluding teachers funded 2355
from money paid to the district from federal sources; educational 2356
service personnel; and vocational and special education teachers. 2357

(2) "Educational service personnel" shall not include such 2358
specialists funded from money paid to the district from federal 2359
sources or assigned full-time to vocational or special education 2360
students and classes and may only include those persons employed 2361
in the eight specialist areas in a pattern approved by the 2362
department of education under guidelines established by the state 2363
board of education. 2364

(3) ~~"Annual salary" means the annual base salary stated in 2365
the state minimum salary schedule for the performance of the 2366
teacher's regular teaching duties that the teacher earns for 2367
services rendered for the first full week of October of the fiscal 2368
year for which the adjustment is made under division (C) of this 2369
section. It shall not include any salary payments for supplemental 2370
teachers contracts. 2371~~

~~(4)~~ "Regular student population" means the formula ADM plus 2372
the number of students reported as enrolled in the district 2373
pursuant to division (A)(1) of section 3313.981 of the Revised 2374
Code; minus the number of students reported under division (A)(2) 2375
of section 3317.03 of the Revised Code; minus the FTE of students 2376
reported under division (B)(6), (7), (8), (9), (10), (11), or (12) 2377

of that section who are enrolled in a vocational education class 2378
or receiving special education; and minus twenty per cent of the 2379
students enrolled concurrently in a joint vocational school 2380
district. 2381

~~(5)~~(4) "State share percentage" has the same meaning as in 2382
section 3317.022 of the Revised Code. 2383

~~(6)~~(5) "VEPD" means a school district or group of school 2384
districts designated by the department of education as being 2385
responsible for the planning for and provision of vocational 2386
education services to students within the district or group. 2387

~~(7)~~(6) "Lead district" means a school district, including a 2388
joint vocational school district, designated by the department as 2389
a VEPD, or designated to provide primary vocational education 2390
leadership within a VEPD composed of a group of districts. 2391

(B) If the district employs less than one full-time 2392
equivalent classroom teacher for each twenty-five pupils in the 2393
regular student population in any school district, deduct the sum 2394
of the amounts obtained from the following computations: 2395

(1) Divide the number of the district's full-time equivalent 2396
classroom teachers employed by one twenty-fifth; 2397

(2) Subtract the quotient in (1) from the district's regular 2398
student population; 2399

(3) Multiply the difference in (2) by seven hundred fifty-two 2400
dollars. 2401

~~(C) If a positive amount, add one half of the amount obtained 2402
by multiplying the number of full time equivalent classroom 2403
teachers by:~~ 2404

~~(1) The mean annual salary of all full time equivalent 2405
classroom teachers employed by the district at their respective 2406
training and experience levels minus; 2407~~

~~(2) The mean annual salary of all such teachers at their
respective levels in all school districts receiving payments under
this section.~~

~~The number of full-time equivalent classroom teachers used in
this computation shall not exceed one twenty-fifth of the
district's regular student population. In calculating the
district's mean salary under this division, those full-time
equivalent classroom teachers with the highest training level
shall be counted first, those with the next highest training level
second, and so on, in descending order. Within the respective
training levels, teachers with the highest years of service shall
be counted first, the next highest years of service second, and so
on, in descending order.~~

~~(D) This division does not apply to a school district that
has entered into an agreement under division (A) of section
3313.42 of the Revised Code. Deduct the amount obtained from the
following computations if the district employs fewer than five
full-time equivalent educational service personnel, including
elementary school art, music, and physical education teachers,
counselors, librarians, visiting teachers, school social workers,
and school nurses for each one thousand pupils in the regular
student population:~~

~~(1) Divide the number of full-time equivalent educational
service personnel employed by the district by five
one-thousandths;~~

~~(2) Subtract the quotient in (1) from the district's regular
student population;~~

~~(3) Multiply the difference in (2) by ninety-four dollars.~~

~~(E)(D) If a local school district, or a city or exempted
village school district to which a governing board of an
educational service center provides services pursuant to section~~

3313.843 of the Revised Code, deduct the amount of the payment 2439
required for the reimbursement of the governing board under 2440
section 3317.11 of the Revised Code. 2441

~~(F)~~(E)(1) If the district is required to pay to or entitled 2442
to receive tuition from another school district under division 2443
(C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised 2444
Code, or if the superintendent of public instruction is required 2445
to determine the correct amount of tuition and make a deduction or 2446
credit under section 3317.08 of the Revised Code, deduct and 2447
credit such amounts as provided in division (J) of section 3313.64 2448
or section 3317.08 of the Revised Code. 2449

(2) For each child for whom the district is responsible for 2450
tuition or payment under division (A)(1) of section 3317.082 or 2451
section 3323.091 of the Revised Code, deduct the amount of tuition 2452
or payment for which the district is responsible. 2453

~~(G)~~(F) If the district has been certified by the 2454
superintendent of public instruction under section 3313.90 of the 2455
Revised Code as not in compliance with the requirements of that 2456
section, deduct an amount equal to ten per cent of the amount 2457
computed for the district under section 3317.022 of the Revised 2458
Code. 2459

~~(H)~~(G) If the district has received a loan from a commercial 2460
lending institution for which payments are made by the 2461
superintendent of public instruction pursuant to division (E)(3) 2462
of section 3313.483 of the Revised Code, deduct an amount equal to 2463
such payments. 2464

~~(I)~~(H)(1) If the district is a party to an agreement entered 2465
into under division (D), (E), or (F) of section 3311.06 or 2466
division (B) of section 3311.24 of the Revised Code and is 2467
obligated to make payments to another district under such an 2468
agreement, deduct an amount equal to such payments if the district 2469

school board notifies the department in writing that it wishes to 2470
have such payments deducted. 2471

(2) If the district is entitled to receive payments from 2472
another district that has notified the department to deduct such 2473
payments under division ~~(I)~~(H)(1) of this section, add the amount 2474
of such payments. 2475

~~(J)~~(I) If the district is required to pay an amount of funds 2476
to a cooperative education district pursuant to a provision 2477
described by division (B)(4) of section 3311.52 or division (B)(8) 2478
of section 3311.521 of the Revised Code, deduct such amounts as 2479
provided under that provision and credit those amounts to the 2480
cooperative education district for payment to the district under 2481
division (B)(1) of section 3317.19 of the Revised Code. 2482

~~(K)~~(J)(1) If a district is educating a student entitled to 2483
attend school in another district pursuant to a shared education 2484
contract, compact, or cooperative education agreement other than 2485
an agreement entered into pursuant to section 3313.842 of the 2486
Revised Code, credit to that educating district on an FTE basis 2487
both of the following: 2488

(a) An amount equal to the greater of the following: 2489

(i) The fiscal year 2005 formula amount times the fiscal year 2490
2005 cost of doing business factor of the school district where 2491
the student is entitled to attend school pursuant to section 2492
3313.64 or 3313.65 of the Revised Code; 2493

(ii) The sum of (the current formula amount times the current 2494
cost-of-doing-business factor of the school district ~~when~~ where 2495
the student is entitled to attend school pursuant to section 2496
3313.64 or 3313.65 of the Revised Code) plus the per pupil amount 2497
of the base funding supplements specified in divisions (C)(1) to 2498
(4) of section 3317.012 of the Revised Code. 2499

(b) An amount equal to the current formula amount times the 2500

state share percentage times any multiple applicable to the 2501
student pursuant to section 3317.013 or 3317.014 of the Revised 2502
Code. 2503

(2) Deduct any amount credited pursuant to division ~~(K)~~(J)(1) 2504
of this section from amounts paid to the school district in which 2505
the student is entitled to attend school pursuant to section 2506
3313.64 or 3313.65 of the Revised Code. 2507

(3) If the district is required by a shared education 2508
contract, compact, or cooperative education agreement to make 2509
payments to an educational service center, deduct the amounts from 2510
payments to the district and add them to the amounts paid to the 2511
service center pursuant to section 3317.11 of the Revised Code. 2512

~~(L)~~(K)(1) If a district, including a joint vocational school 2513
district, is a lead district of a VEPD, credit to that district 2514
the amounts calculated for all the school districts within that 2515
VEPD pursuant to division (E)(2) of section 3317.022 of the 2516
Revised Code. 2517

(2) Deduct from each appropriate district that is not a lead 2518
district, the amount attributable to that district that is 2519
credited to a lead district under division ~~(L)~~(K)(1) of this 2520
section. 2521

~~(M)~~(L) If the department pays a joint vocational school 2522
district under division (G)(4) of section 3317.16 of the Revised 2523
Code for excess costs of providing special education and related 2524
services to a handicapped student, as calculated under division 2525
(G)(2) of that section, the department shall deduct the amount of 2526
that payment from the city, local, or exempted village school 2527
district that is responsible as specified in that section for the 2528
excess costs. 2529

~~(N)~~(M)(1) If the district reports an amount of excess cost 2530
for special education services for a child under division (C) of 2531

section 3323.14 of the Revised Code, the department shall pay that amount to the district.

(2) If the district reports an amount of excess cost for special education services for a child under division (C) of section 3323.14 of the Revised Code, the department shall deduct that amount from the district of residence of that child.

~~(O)~~(N) If the department of job and family services presents to the department of education a payment request through an intrastate transfer voucher for the nonfederal share of reimbursements made to a school district for medicaid services provided by the district, the department of education shall pay the amount of that request to the department of job and family services and shall deduct the amount of that payment from the district.

Sec. 3317.08. A board of education may admit to its schools a child it is not required by section 3313.64 or 3313.65 of the Revised Code to admit, if tuition is paid for the child.

Unless otherwise provided by law, tuition shall be computed in accordance with this section. A district's tuition charge for a school year shall be one of the following:

(A) For any child, except a handicapped preschool child described in division (B) of this section, the quotient obtained by dividing the sum of the amounts described in divisions (A)(1) and (2) of this section by the district's formula ADM.

(1) The district's total taxes charged and payable for current expenses for the tax year preceding the tax year in which the school year begins as certified under division (A)(3) of section 3317.021 of the Revised Code.

(2) The district's total taxes collected for current expenses under a school district income tax adopted pursuant to section

5748.03 or 5748.08 of the Revised Code that are disbursed to the district during the fiscal year. On or before the first day of June of each year, the tax commissioner shall certify the amount to be used in the calculation under this division for the next fiscal year to the department of education for each city, local, and exempted village school district that levies a school district income tax.

(B) For any handicapped preschool child not included in a unit approved under division (B) of section 3317.05 of the Revised Code, an amount computed for the school year as follows:

(1) For each type of special education service provided to the child for whom tuition is being calculated, determine the amount of the district's operating expenses in providing that type of service to all handicapped preschool children not included in units approved under division (B) of section 3317.05 of the Revised Code;

(2) For each type of special education service for which operating expenses are determined under division (B)(1) of this section, determine the amount of such operating expenses that was paid from any state funds received under this chapter;

(3) For each type of special education service for which operating expenses are determined under division (B)(1) of this section, divide the difference between the amount determined under division (B)(1) of this section and the amount determined under division (B)(2) of this section by the total number of handicapped preschool children not included in units approved under division (B) of section 3317.05 of the Revised Code who received that type of service;

(4) Determine the sum of the quotients obtained under division (B)(3) of this section for all types of special education services provided to the child for whom tuition is being

calculated. 2593

The state board of education shall adopt rules defining the 2594
types of special education services and specifying the operating 2595
expenses to be used in the computation under this section. 2596

If any child for whom a tuition charge is computed under this 2597
section for any school year is enrolled in a district for only 2598
part of that school year, the amount of the district's tuition 2599
charge for the child for the school year shall be computed in 2600
proportion to the number of school days the child is enrolled in 2601
the district during the school year. 2602

Except as otherwise provided in division (J) of section 2603
3313.64 of the Revised Code, whenever a district admits a child to 2604
its schools for whom tuition computed in accordance with this 2605
section is an obligation of another school district, the amount of 2606
the tuition shall be certified by the treasurer of the board of 2607
education of the district of attendance, to the board of education 2608
of the district required to pay tuition for its approval and 2609
payment. If agreement as to the amount payable or the district 2610
required to pay the tuition cannot be reached, or the board of 2611
education of the district required to pay the tuition refuses to 2612
pay that amount, the board of education of the district of 2613
attendance shall notify the superintendent of public instruction. 2614
The superintendent shall determine the correct amount and the 2615
district required to pay the tuition and shall deduct that amount, 2616
if any, under division ~~(G)~~(E) of section 3317.023 of the Revised 2617
Code, from the district required to pay the tuition and add that 2618
amount to the amount allocated to the district attended under such 2619
division. The superintendent of public instruction shall send to 2620
the district required to pay the tuition an itemized statement 2621
showing such deductions at the time of such deduction. 2622

When a political subdivision owns and operates an airport, 2623

welfare, or correctional institution or other project or facility 2624
outside its corporate limits, the territory within which the 2625
facility is located is exempt from taxation by the school district 2626
within which such territory is located, and there are school age 2627
children residing within such territory, the political subdivision 2628
owning such tax exempt territory shall pay tuition to the district 2629
in which such children attend school. The tuition for these 2630
children shall be computed as provided for in this section. 2631

Sec. 3317.082. As used in this section, "institution" means a 2632
residential facility that receives and cares for children 2633
maintained by the department of youth services and that operates a 2634
school chartered by the state board of education under section 2635
3301.16 of the Revised Code. 2636

(A) On or before the thirty-first day of each January and 2637
July, the superintendent of each institution that during the 2638
six-month period immediately preceding each January or July 2639
provided an elementary or secondary education for any child, other 2640
than a child receiving special education under section 3323.091 of 2641
the Revised Code, shall prepare and submit to the department of 2642
education, a statement for each such child indicating the child's 2643
name, any school district responsible to pay tuition for the child 2644
as determined by the superintendent in accordance with division 2645
(C)(2) or (3) of section 3313.64 of the Revised Code, and the 2646
period of time during that six-month period that the child 2647
received an elementary or secondary education. If any school 2648
district is responsible to pay tuition for any such child, the 2649
department of education, no later than the immediately succeeding 2650
last day of February or August, as applicable, shall calculate the 2651
amount of the tuition of the district under section 3317.08 of the 2652
Revised Code for the period of time indicated on the statement and 2653
do one of the following: 2654

(1) If the tuition amount is equal to or less than the amount of state basic aid funds payable to the district under sections 3317.022 and 3317.023 of the Revised Code, pay to the institution submitting the statement an amount equal to the tuition amount, as provided under division (Q) of section 3317.024 of the Revised Code, and deduct the tuition amount from the state basic aid funds payable to the district, as provided under division ~~(F)~~(E)(2) of section 3317.023 of the Revised Code;

(2) If the tuition amount is greater than the amount of state basic aid funds payable to the district under sections 3317.022 and 3317.023 of the Revised Code, require the district to pay to the institution submitting the statement an amount equal to the tuition amount.

(B) In the case of any disagreement about the school district responsible to pay tuition for a child pursuant to this section, the superintendent of public instruction shall make the determination in any such case in accordance with division (C)(2) or (3) of section 3313.64 of the Revised Code.

Sec. 3317.11. (A) As used in this section:

(1) "Client school district" means a city or exempted village school district that has entered into an agreement under section 3313.843 of the Revised Code to receive any services from an educational service center.

(2) "Service center ADM" means the sum of the total student counts of all local school districts within an educational service center's territory and all of the service center's client school districts.

(3) "Total student count" has the same meaning as in section 3301.011 of the Revised Code.

(B)(1) The governing board of each educational service center

shall provide supervisory services to each local school district 2685
within the service center's territory. Each city or exempted 2686
village school district that enters into an agreement under 2687
section 3313.843 of the Revised Code for a governing board to 2688
provide any services also is considered to be provided supervisory 2689
services by the governing board. Except as provided in division 2690
(B)(2) of this section, the supervisory services shall not exceed 2691
one supervisory teacher for the first fifty classroom teachers 2692
required to be employed in the districts, as calculated under 2693
section 3317.023 of the Revised Code, and one for each additional 2694
one hundred required classroom teachers, as so calculated. 2695

The supervisory services shall be financed annually through 2696
supervisory units. Except as provided in division (B)(2) of this 2697
section, the number of supervisory units assigned to each district 2698
shall not exceed one unit for the first fifty classroom teachers 2699
required to be employed in the district, as calculated under 2700
section 3317.023 of the Revised Code, and one for each additional 2701
one hundred required classroom teachers, as so calculated. The 2702
cost of each supervisory unit shall be the sum of: 2703

(a) The minimum salary prescribed by section 3317.13 of the 2704
Revised Code for the licensed supervisory employee of the 2705
governing board; 2706

(b) An amount equal to fifteen per cent of the salary 2707
prescribed by section 3317.13 of the Revised Code; 2708

(c) An allowance for necessary travel expenses, limited to 2709
the lesser of two hundred twenty-three dollars and sixteen cents 2710
per month or two thousand six hundred seventy-eight dollars per 2711
year. 2712

(2) If a majority of the boards of education, or 2713
superintendents acting on behalf of the boards, of the local and 2714
client school districts receiving services from the educational 2715

service center agree to receive additional supervisory services 2716
and to pay the cost of a corresponding number of supervisory units 2717
in excess of the services and units specified in division (B)(1) 2718
of this section, the service center shall provide the additional 2719
services as agreed to by the majority of districts to, and the 2720
department of education shall apportion the cost of the 2721
corresponding number of additional supervisory units pursuant to 2722
division (B)(3) of this section among, all of the service center's 2723
local and client school districts. 2724

(3) The department shall apportion the total cost for all 2725
supervisory units among the service center's local and client 2726
school districts based on each district's total student count. The 2727
department shall deduct each district's apportioned share pursuant 2728
to division ~~(E)~~(D) of section 3317.023 of the Revised Code and pay 2729
the apportioned share to the service center. 2730

(C) The department annually shall deduct from each local and 2731
client school district of each educational service center, 2732
pursuant to division ~~(E)~~(D) of section 3317.023 of the Revised 2733
Code, and pay to the service center an amount equal to six dollars 2734
and fifty cents times the school district's total student count. 2735
The board of education, or the superintendent acting on behalf of 2736
the board, of any local or client school district may agree to pay 2737
an amount in excess of six dollars and fifty cents per student in 2738
total student count. If a majority of the boards of education, or 2739
superintendents acting on behalf of the boards, of the local 2740
school districts within a service center's territory approve an 2741
amount in excess of six dollars and fifty cents per student in 2742
total student count, the department shall deduct the approved 2743
excess per student amount from all of the local school districts 2744
within the service center's territory and pay the excess amount to 2745
the service center. 2746

(D) The department shall pay each educational service center 2747

the amounts due to it from school districts pursuant to contracts, 2748
compacts, or agreements under which the service center furnishes 2749
services to the districts or their students. In order to receive 2750
payment under this division, an educational service center shall 2751
furnish either a copy of the contract, compact, or agreement 2752
clearly indicating the amounts of the payments, or a written 2753
statement that clearly indicates the payments owed and is signed 2754
by the superintendent or treasurer of the responsible school 2755
district. The amounts paid to service centers under this division 2756
shall be deducted from payments to school districts pursuant to 2757
division ~~(K)~~(J)(3) of section 3317.023 of the Revised Code. 2758

(E) Each school district's deduction under this section and 2759
divisions ~~(E)~~(D) and ~~(K)~~(J)(3) of section 3317.023 of the Revised 2760
Code shall be made from the total payment computed for the 2761
district under this chapter, after making any other adjustments in 2762
that payment required by law. 2763

(F)(1) Except as provided in division (F)(2) of this section, 2764
the department annually shall pay the governing board of each 2765
educational service center state funds equal to thirty-seven 2766
dollars times its service center ADM. 2767

(2) The department annually shall pay state funds equal to 2768
forty dollars and fifty-two cents times the service center ADM to 2769
each educational service center comprising territory that was 2770
included in the territory of at least three former service centers 2771
or county school districts, which former centers or districts 2772
engaged in one or more mergers under section 3311.053 of the 2773
Revised Code to form the present center. 2774

(G) Each city, exempted village, local, joint vocational, or 2775
cooperative education school district shall pay to the governing 2776
board of an educational service center any amounts agreed to for 2777
each child enrolled in the district who receives special education 2778

and related services or career-technical education from the 2779
educational service center, unless these educational services are 2780
provided pursuant to a contract, compact, or agreement for which 2781
the department deducts and transfers payments under division (D) 2782
of this section and division ~~(K)~~(J)(3) of section 3317.023 of the 2783
Revised Code. 2784

(H) An educational service center: 2785

(1) May provide special education and career-technical 2786
education to students in its local or client school districts; 2787

(2) Is eligible for transportation funding under division (J) 2788
of section 3317.024 of the Revised Code and for state subsidies 2789
for the purchase of school buses under section 3317.07 of the 2790
Revised Code; 2791

(3) May apply for and receive gifted education units and 2792
provide gifted education services to students in its local or 2793
client school districts; 2794

(4) May conduct driver education for high school students in 2795
accordance with Chapter 4508. of the Revised Code. 2796

Sec. 3317.12. Any As used in this section, "nonteaching 2797
school employees" does not include educational assistants for whom 2798
a salary schedule is adopted under section 3317.142 of the Revised 2799
Code. 2800

Any board of education participating in funds distributed 2801
under ~~Chapter 3317. of the Revised Code~~ this chapter shall 2802
annually adopt a salary schedule for nonteaching school employees 2803
based upon training, experience, and qualifications with initial 2804
salaries no less than the salaries in effect on October 13, 1967. 2805
Each board of education shall prepare and may amend from time to 2806
time, specifications descriptive of duties, responsibilities, 2807
requirements, and desirable qualifications of the classifications 2808

of employees required to perform the duties specified in the 2809
salary schedule. All nonteaching school employees are to be 2810
notified of the position classification to which they are assigned 2811
and the salary for the classification. The compensation of all 2812
employees working for a particular school board shall be uniform 2813
for like positions except as compensation would be affected by 2814
salary increments based upon length of service. 2815

On the fifteenth day of October each year the salary schedule 2816
and the list of job classifications and salaries in effect on that 2817
date shall be filed by each board of education with the 2818
superintendent of public instruction. If such salary schedule and 2819
classification plan is not filed, the superintendent of public 2820
instruction shall order the board to file such schedules 2821
forthwith. If this condition is not corrected within ten days 2822
after receipt of the order from the superintendent of public 2823
instruction, no money shall be distributed to the district under 2824
~~Chapter 3317. of the Revised Code~~ this chapter until the 2825
superintendent has satisfactory evidence of the board of 2826
education's full compliance with such order. 2827

Sec. 3317.13. (A) As used in this section and section 3317.14 2828
of the Revised Code: 2829

(1) "Years of service" includes the following: 2830

(a) All years of teaching service in the same ~~school district~~ 2831
~~or~~ educational service center, regardless of training level, with 2832
each year consisting of at least one hundred twenty days under a 2833
teacher's contract; 2834

(b) All years of teaching service in a chartered, nonpublic 2835
school located in Ohio as a teacher licensed pursuant to section 2836
3319.22 of the Revised Code or in another public school, 2837
regardless of training level, with each year consisting of at 2838
least one hundred twenty days under a teacher's contract; 2839

(c) All years of teaching service in a chartered school or 2840
institution or a school or institution that subsequently became 2841
chartered or a chartered special education program or a special 2842
education program that subsequently became chartered operated by 2843
the state or by a subdivision or other local governmental unit of 2844
this state as a teacher licensed pursuant to section 3319.22 of 2845
the Revised Code, regardless of training level, with each year 2846
consisting of at least one hundred twenty days; and 2847

(d) All years of active military service in the armed forces 2848
of the United States, as defined in section 3307.75 of the Revised 2849
Code, to a maximum of five years. For purposes of this 2850
calculation, a partial year of active military service of eight 2851
continuous months or more in the armed forces shall be counted as 2852
a full year. 2853

(2) "Teacher" means ~~all teachers employed by the board of~~ 2854
~~education of any school district, including any cooperative~~ 2855
~~education or joint vocational school district and~~ all teachers 2856
employed by any educational service center governing board. 2857

(B) No teacher shall be paid a salary less than that provided 2858
in the schedule set forth in division (C) of this section. In 2859
calculating the minimum salary any teacher shall be paid pursuant 2860
to this section, years of service shall include the sum of all 2861
years of the teacher's teaching service included in divisions 2862
(A)(1)(a), (b), (c), and (d) of this section; except that any 2863
~~school district or~~ educational service center employing a teacher 2864
new to the ~~district or~~ educational service center shall grant such 2865
teacher a total of not more than ten years of service pursuant to 2866
divisions (A)(1)(b), (c), and (d) of this section. 2867

Upon written complaint to the superintendent of public 2868
instruction that the ~~board of education of a district or the~~ 2869
governing board of an educational service center ~~governing board~~ 2870

has failed or refused to annually adopt a salary schedule or to 2871
 pay salaries in accordance with the salary schedule set forth in 2872
 division (C) of this section, the superintendent of public 2873
 instruction shall cause to be made an immediate investigation of 2874
 such complaint. If the superintendent finds that the conditions 2875
 complained of exist, the superintendent shall order the board to 2876
 correct such conditions within ten days from the date of the 2877
 finding. No moneys shall be distributed to the ~~district or~~ 2878
 educational service center under this chapter until the 2879
 superintendent has satisfactory evidence of the ~~board of~~ 2880
~~education's~~ board's full compliance with such order. 2881

Each teacher shall be fully credited with placement in the 2882
 appropriate academic training level column in the ~~district's or~~ 2883
 educational service center's salary schedule with years of service 2884
 properly credited pursuant to this section or section 3317.14 of 2885
 the Revised Code. No rule shall be adopted or exercised by any 2886
~~board of education or~~ educational service center governing board 2887
 which restricts the placement or the crediting of annual salary 2888
 increments for any teacher according to the appropriate academic 2889
 training level column. 2890

(C) Minimum salaries exclusive of retirement and sick leave 2891
 for teachers shall be as follows: 2892

	Teachers		Teachers with		Teachers				
Years	with Less	Teachers with	Five Years of	with					
of	than	a Bachelor's	Training, but	a Master's					
Service	Bachelor's	Degree	no Master's	Degree or					
	Degree		Degree	Higher					
	Per	Per	Per	Per	Per	Per	Per		
	Dollar	Dollar	Dollar	Dollar	Dollar	Dollar	Dollar		
	Cent*	Cent*	Cent*	Cent*	Cent*	Cent*	Cent*		
	Amount	Amount	Amount	Amount	Amount	Amount	Amount		
0	86.5	\$17,300	100.0	\$20,000	103.8	\$20,760	109.5	\$21,900	2898
1	90.0	18,000	103.8	20,760	108.1	21,620	114.3	22,860	2899
2	93.5	18,700	107.6	21,520	112.4	22,480	119.1	23,820	2900

3	97.0	19,400	111.4	22,280	116.7	23,340	123.9	24,780	2903
4	100.5	20,100	115.2	23,040	121.0	24,200	128.7	25,740	2904
5	104.0	20,800	119.0	23,800	125.3	25,060	133.5	26,700	2905
6	104.0	20,800	122.8	24,560	129.6	25,920	138.3	27,660	2906
7	104.0	20,800	126.6	25,320	133.9	26,780	143.1	28,620	2907
8	104.0	20,800	130.4	26,080	138.2	27,640	147.9	29,580	2908
9	104.0	20,800	134.2	26,840	142.5	28,500	152.7	30,540	2909
10	104.0	20,800	138.0	27,600	146.8	29,360	157.5	31,500	2910
11	104.0	20,800	141.8	28,360	151.1	30,220	162.3	32,460	2911

* Percentages represent the percentage which each salary is of the base amount. 2912
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For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any ~~school district or~~ educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience. 2914
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As used in this division: 2923

(1) "Base amount" means twenty thousand dollars. 2924

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university. 2925
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(D) For purposes of this section, all credited training shall be from a recognized college or university. 2928
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Sec. 3317.14. Any ~~school district board of education or~~ educational service center governing board participating in funds distributed under ~~Chapter 3317. of the Revised Code~~ this chapter 2930
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shall annually adopt a teachers' salary schedule with provision 2933
for increments based upon training and years of service. 2934
Notwithstanding sections 3317.13 and 3319.088 of the Revised Code, 2935
the board may establish its own service requirements and may grant 2936
service credit for such activities as teaching in public or 2937
nonpublic schools in this state or in another state, for service 2938
as an educational assistant other than as a classroom aide 2939
employed in accordance with section 5107.541 of the Revised Code, 2940
and for service in the military or in an appropriate state or 2941
federal governmental agency, provided no teacher receives less 2942
than the amount required to be paid pursuant to section 3317.13 of 2943
the Revised Code and provided full credit for a minimum of five 2944
years of actual teaching and military experience as defined in 2945
division (A) of section 3317.13 of the Revised Code is given to 2946
each teacher. 2947

On the fifteenth day of October of each year the salary 2948
schedule in effect on that date in ~~each school district and~~ each 2949
educational service center shall be filed with the superintendent 2950
of public instruction. ~~A copy of such schedule shall also annually~~ 2951
~~be filed by the board of education of each local school district~~ 2952
~~with the educational service center superintendent, who thereupon~~ 2953
~~shall certify to the treasurer of such local district the correct~~ 2954
~~salary to be paid to each teacher in accordance with the adopted~~ 2955
~~schedule.~~ 2956

Each teacher who has completed training which would qualify 2957
such teacher for a higher salary bracket pursuant to this section 2958
shall file by the fifteenth day of September with the treasurer of 2959
the ~~board of education or~~ educational service center satisfactory 2960
evidence of the completion of such additional training. The 2961
treasurer shall then immediately place the teacher, pursuant to 2962
this section and section 3317.13 of the Revised Code, in the 2963
proper salary bracket in accordance with training and years of 2964

service before certifying such salary, training, and years of 2965
service to the superintendent of public instruction. No teacher 2966
shall be paid less than the salary to which such teacher is 2967
entitled pursuant to section 3317.13 of the Revised Code. 2968

Sec. 3317.141. (A) As used in this section: 2969

(1) "Teacher" means a classroom teacher. 2970

(2) "Base salary amount" means the minimum salary paid to a 2971
teacher based on the subject area in which the teacher provides 2972
instruction or, if a teacher provides instruction in more than one 2973
subject area, the minimum salary paid to the teacher based on the 2974
grade level in which the teacher provides instruction. 2975

(B) The board of education of each city, exempted village, 2976
local, cooperative education, and joint vocational school district 2977
participating in funds distributed under this chapter annually 2978
shall adopt a teachers' salary schedule in accordance with this 2979
section. The salary schedule shall require each teacher employed 2980
by the board to be paid the base salary amount applicable to the 2981
teacher as designated in the collective bargaining agreement 2982
entered into by the board under Chapter 4117. of the Revised Code 2983
plus an additional amount based on the teacher's performance on 2984
each of the following measures: 2985

(1) For teachers in kindergarten and first grade, the 2986
progress made by students assigned to the teacher's classroom 2987
toward academic achievement goals established in the collective 2988
bargaining agreement entered into by the board under Chapter 4117. 2989
of the Revised Code; and for teachers in grades two through 2990
twelve, the academic achievement of students assigned to the 2991
teacher's classroom compared to the academic achievement of those 2992
students in the previous school year; 2993

(2) Evaluations of the teacher conducted by administrators, 2994

<u>other teachers, or representatives of an employee organization</u>	2995
<u>representing teachers;</u>	2996
<u>(3) Evaluations of the teacher provided by students assigned</u>	2997
<u>to the teacher's classroom and parents of those students;</u>	2998
<u>(4) Attainment of school building performance goals</u>	2999
<u>established in the collective bargaining agreement entered into by</u>	3000
<u>the board under Chapter 4117. of the Revised Code;</u>	3001
<u>(5) Attainment of school district performance goals</u>	3002
<u>established in the collective bargaining agreement entered into by</u>	3003
<u>the board under Chapter 4117. of the Revised Code.</u>	3004
<u>No teacher shall be paid less than the base salary amount</u>	3005
<u>applicable to teachers who provide instruction in the same subject</u>	3006
<u>area or grade level as the teacher. The base salary amount,</u>	3007
<u>exclusive of retirement and sick leave, applicable to a teacher</u>	3008
<u>shall not be less than twenty-two thousand dollars for a teacher</u>	3009
<u>employed by an urban school district, as defined in section</u>	3010
<u>3314.02 of the Revised Code, or less than twenty thousand dollars</u>	3011
<u>for a teacher employed by any other school district.</u>	3012
<u>The base salary amount paid to a teacher shall not exceed</u>	3013
<u>fifty per cent of the maximum total salary, exclusive of</u>	3014
<u>retirement and sick leave, authorized by the salary schedule for</u>	3015
<u>that teacher. For each measure described in divisions (B)(1) to</u>	3016
<u>(5) of this section, the additional amount paid to a teacher based</u>	3017
<u>on the teacher's performance on that measure shall not exceed ten</u>	3018
<u>per cent of the maximum salary, exclusive of retirement and sick</u>	3019
<u>leave, authorized by the salary schedule for that teacher.</u>	3020
<u>A teacher's salary may be lower than the salary paid to the</u>	3021
<u>teacher during the preceding year if the teacher's performance on</u>	3022
<u>the measures described in divisions (B)(1) to (5) of this section</u>	3023
<u>places the teacher in a lower salary bracket on the salary</u>	3024
<u>schedule adopted under this section.</u>	3025

(C) The collective bargaining agreement entered into by the board under Chapter 4117. of the Revised Code shall establish procedures to implement the salary schedule adopted under this section. In accordance with section 4117.08 of the Revised Code, the following topics regarding implementation of the salary schedule shall be appropriate subjects for collective bargaining:

(1) The base salary amount paid to teachers, which amount may be different for separate groups of teachers based upon the subject area or grade level in which teachers included in the group provide instruction but shall be the same for each teacher within that group;

(2) The academic achievement goals described in division (B)(1) of this section for students enrolled in kindergarten and first grade;

(3) The method for measuring the academic achievement of students enrolled in grades two through twelve for the purpose of determining teacher performance under division (B)(1) of this section;

(4) The manner in which the evaluations described in division (B)(2) of this section will be conducted;

(5) The manner in which the evaluations described in division (B)(3) of this section will be conducted, including procedures for excluding from assessments of teacher performance any evaluation submitted by a student or parent with whom the teacher who is the subject of the evaluation has repeatedly experienced problems due to the behavior of that student or parent;

(6) The school district and building performance goals described in divisions (B)(4) and (5) of this section;

(7) The criteria for determining any salary in excess of the base salary amount paid to a teacher during the teacher's initial

year of employment by the board.

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(D) On the fifteenth day of October each year the board shall file the salary schedule in effect on that date with the superintendent of public instruction. The board of education of each local school district also annually shall file a copy of the salary schedule with the superintendent of the educational service center in whose territory the district is located, who thereupon shall certify to the treasurer of the district the correct salary to be paid to each teacher in accordance with the adopted schedule.

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(E) Upon written complaint to the superintendent of public instruction that the board of education of a school district has failed or refused to adopt an annual salary schedule or to pay salaries in accordance with such schedule as required by this section, the superintendent shall make an immediate investigation of the complaint. If the superintendent finds that the conditions complained of exist, the superintendent shall order the board to correct the conditions within ten days from the date of the finding. No funds shall be distributed to the school district under this chapter until the superintendent has satisfactory evidence of the board's full compliance with the order.

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Sec. 3317.142. (A) As used in this section:

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(1) "Educational assistant" has the same meaning as in section 3319.088 of the Revised Code.

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(2) "Base salary amount" means the minimum salary paid to an educational assistant based on the subject area in which the educational assistant provides instructional support or, if an educational assistant provides instructional support in more than one subject area, the minimum salary paid to the educational assistant based on the grade level in which the educational

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assistant provides instructional support. 3086

(B) The board of education of each city, exempted village, local, cooperative education, and joint vocational school district annually shall adopt a salary schedule in accordance with this section for educational assistants whose duties primarily involve instructional support. The salary schedule shall require each educational assistant employed by the board to be paid the base salary amount applicable to the educational assistant as designated in the collective bargaining agreement entered into by the board under Chapter 4117. of the Revised Code plus an additional amount based on the educational assistant's performance on each of the following measures: 3087
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(1) For educational assistants in kindergarten and first grade, the progress made by students assigned to the classrooms in which the educational assistant provides instructional support toward academic achievement goals established in the collective bargaining agreement entered into by the board under Chapter 4117. of the Revised Code; and for educational assistants in grades two through twelve, the academic achievement of students assigned to the classrooms in which the educational assistant provides instructional support compared to the academic achievement of those students in the previous school year; 3098
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(2) Evaluations of the educational assistant conducted by administrators, classroom teachers, other educational assistants, or representatives of an employee organization representing educational assistants; 3108
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(3) Evaluations of the educational assistant provided by students assigned to the classrooms in which the educational assistant provides instructional support and parents of those students; 3112
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(4) Attainment of school building performance goals 3116

established in the collective bargaining agreement entered into by 3117
the board under Chapter 4117. of the Revised Code; 3118

(5) Attainment of school district performance goals 3119
established in the collective bargaining agreement entered into by 3120
the board under Chapter 4117. of the Revised Code. 3121

No educational assistant shall be paid less than the base 3122
salary amount applicable to educational assistants who provide 3123
instructional support in the same subject area or grade level as 3124
the educational assistant. The base salary amount paid to an 3125
educational assistant shall not exceed fifty per cent of the 3126
maximum total salary, exclusive of retirement and sick leave, 3127
authorized by the salary schedule for that educational assistant. 3128
For each measure described in divisions (B)(1) to (5) of this 3129
section, the additional amount paid to an educational assistant 3130
based on the educational assistant's performance on that measure 3131
shall not exceed ten per cent of the maximum salary, exclusive of 3132
retirement and sick leave, authorized by the salary schedule for 3133
that educational assistant. 3134

An educational assistant's salary may be lower than the 3135
salary paid to the educational assistant during the preceding year 3136
if the educational assistant's performance on the measures 3137
described in divisions (B)(1) to (5) of this section places the 3138
educational assistant in a lower salary bracket on the salary 3139
schedule adopted under this section. 3140

(C) The collective bargaining agreement entered into by the 3141
board under Chapter 4117. of the Revised Code shall establish 3142
procedures to implement the salary schedule adopted under this 3143
section. In accordance with section 4117.08 of the Revised Code, 3144
the following topics regarding implementation of the salary 3145
schedule shall be appropriate subjects for collective bargaining: 3146

(1) The base salary amount paid to educational assistants, 3147

which amount may be different for separate groups of educational assistants based upon the subject area or grade level in which educational assistants included in the group provide instructional support but shall be the same for each educational assistant within that group; 3148
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(2) The academic achievement goals described in division (B)(1) of this section for students enrolled in kindergarten and first grade; 3153
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(3) The method for measuring the academic achievement of students enrolled in grades two through twelve for the purpose of determining educational assistant performance under division (B)(1) of this section; 3156
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(4) The manner in which the evaluations described in division (B)(2) of this section will be conducted; 3160
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(5) The manner in which the evaluations described in division (B)(3) of this section will be conducted, including procedures for excluding from assessments of educational assistant performance any evaluation submitted by a student or parent with whom the educational assistant who is the subject of the evaluation has repeatedly experienced problems due to the behavior of that student or parent; 3162
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(6) The school district and building performance goals described in divisions (B)(4) and (5) of this section; 3169
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(7) The criteria for determining any salary in excess of the base salary amount paid to an educational assistant during the educational assistant's initial year of employment by the board. 3171
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(D) On the fifteenth day of October each year the board shall file the salary schedule in effect on that date with the superintendent of public instruction. If the salary schedule is not filed, the superintendent shall order the board to file the 3174
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schedule immediately. If the salary schedule is not filed within 3178
ten days after receipt of the order from the superintendent, no 3179
funds shall be distributed to the district under this chapter 3180
until the superintendent has satisfactory evidence of the board's 3181
full compliance with the order. 3182

Sec. 3317.16. (A) As used in this section: 3183

(1) "State share percentage" means the percentage calculated 3184
for a joint vocational school district as follows: 3185

(a) Calculate the state base cost funding amount for the 3186
district under division (B) of this section. If the district would 3187
not receive any base cost funding for that year under that 3188
division, the district's state share percentage is zero. 3189

(b) If the district would receive base cost funding under 3190
that division, divide that base cost amount by an amount equal to 3191
the following: 3192

cost-of-doing-business factor X 3193

the formula amount X 3194

formula ADM 3195

The resultant number is the district's state share 3196
percentage. 3197

(2) The "total special education weight" for a joint 3198
vocational school district shall be calculated in the same manner 3199
as prescribed in division (B)(1) of section 3317.022 of the 3200
Revised Code. 3201

(3) The "total vocational education weight" for a joint 3202
vocational school district shall be calculated in the same manner 3203
as prescribed in division (B)(4) of section 3317.022 of the 3204
Revised Code. 3205

(4) The "total recognized valuation" of a joint vocational 3206
school district shall be determined by adding the recognized 3207

valuations of all its constituent school districts for the	3208
applicable fiscal year.	3209
(5) "Resident district" means the city, local, or exempted	3210
village school district in which a student is entitled to attend	3211
school under section 3313.64 or 3313.65 of the Revised Code.	3212
(6) "Community school" means a community school established	3213
under Chapter 3314. of the Revised Code.	3214
(B) The department of education shall compute and distribute	3215
state base cost funding to each joint vocational school district	3216
for the fiscal year in accordance with division (B) of this	3217
section.	3218
(1) Compute the following for each eligible district:	3219
(cost-of-doing-business factor X	3220
formula amount X	3221
formula ADM) -	3222
(.0005 X total recognized valuation)	3223
If the difference obtained under this division is a negative	3224
number, the district's computation shall be zero.	3225
(2) Compute both of the following for each district:	3226
(a) The difference of (i) the district's fiscal year 2005	3227
base cost payment under the version of division (B) of this	3228
section in effect in fiscal year 2005, minus (ii) the amount	3229
computed for the district for the current fiscal year under	3230
current division (B)(1) of this section;	3231
(b) The following amount:	3232
[(fiscal year 2005 base cost payment/fiscal year 2005 formula	3233
ADM) X current year formula ADM] minus the amount computed for	3234
the district under current division (B)(1) of this section	3235
If one of the amounts computed under division (B)(2)(a) or	3236
(b) of this section is a positive amount, the department shall pay	3237

the district that amount in addition to the amount calculated 3238
under division (B)(1) of this section. If both amounts are 3239
positive amounts, the department shall pay the district the lesser 3240
of the two amounts in addition to the amount calculated under 3241
division (B)(1) of this section. 3242

(C)(1) The department shall compute and distribute state 3243
vocational education additional weighted costs funds to each joint 3244
vocational school district in accordance with the following 3245
formula: 3246

$$\frac{\text{state share percentage} \times \text{formula amount} \times}{\text{total vocational education weight}} \quad 3247$$

In each fiscal year, a joint vocational school district 3249
receiving funds under division (C)(1) of this section shall spend 3250
those funds only for the purposes the department designates as 3251
approved for vocational education expenses. Vocational educational 3252
expenses approved by the department shall include only expenses 3253
connected to the delivery of career-technical programming to 3254
career-technical students. The department shall require the joint 3255
vocational school district to report data annually so that the 3256
department may monitor the district's compliance with the 3257
requirements regarding the manner in which funding received under 3258
division (C)(1) of this section may be spent. 3259

(2) The department shall compute for each joint vocational 3260
school district state funds for vocational education associated 3261
services costs in accordance with the following formula: 3262

$$\frac{\text{state share percentage} \times .05 \times}{\text{the formula amount} \times \text{the sum of}} \quad 3263$$
$$\text{categories one and two vocational} \quad 3264$$
$$\text{education ADM} \quad 3265$$

In any fiscal year, a joint vocational school district 3267
receiving funds under division (C)(2) of this section, or through 3268

a transfer of funds pursuant to division ~~(L)~~(K) of section 3269
3317.023 of the Revised Code, shall spend those funds only for the 3270
purposes that the department designates as approved for vocational 3271
education associated services expenses, which may include such 3272
purposes as apprenticeship coordinators, coordinators for other 3273
vocational education services, vocational evaluation, and other 3274
purposes designated by the department. The department may deny 3275
payment under division (C)(2) of this section to any district that 3276
the department determines is not operating those services or is 3277
using funds paid under division (C)(2) of this section, or through 3278
a transfer of funds pursuant to division ~~(L)~~(K) of section 3279
3317.023 of the Revised Code, for other purposes. 3280

(D)(1) The department shall compute and distribute state 3281
special education and related services additional weighted costs 3282
funds to each joint vocational school district in accordance with 3283
the following formula: 3284

$$\frac{\text{state share percentage} \times \text{formula amount}}{\text{total special education weight}} \quad 3285$$

(2)(a) As used in this division, the "personnel allowance" 3287
means thirty thousand dollars in fiscal years 2002, 2003, 2004, 3288
2005, 2006, and 2007. 3289

(b) For the provision of speech language pathology services 3290
to students, including students who do not have individualized 3291
education programs prepared for them under Chapter 3323. of the 3292
Revised Code, and for no other purpose, the department shall pay 3293
each joint vocational school district an amount calculated under 3294
the following formula: 3295

$$\frac{(\text{formula ADM divided by 2000}) \times \text{the personnel allowance} \times \text{state share percentage}}{\quad} \quad 3296$$

(3) In any fiscal year, a joint vocational school district 3298
shall spend for purposes that the department designates as 3299

approved for special education and related services expenses at 3300
least the amount calculated as follows: 3301
 (cost-of-doing-business factor X formula amount 3302
 X the sum of categories one through 3303
 six special education ADM) + 3304
 (total special education weight X 3305
 formula amount) 3306

The purposes approved by the department for special education 3307
expenses shall include, but shall not be limited to, compliance 3308
with state rules governing the education of handicapped children, 3309
providing services identified in a student's individualized 3310
education program as defined in section 3323.01 of the Revised 3311
Code, provision of speech language pathology services, and the 3312
portion of the district's overall administrative and overhead 3313
costs that are attributable to the district's special education 3314
student population. 3315

The department shall require joint vocational school 3316
districts to report data annually to allow for monitoring 3317
compliance with division (D)(3) of this section. The department 3318
shall annually report to the governor and the general assembly the 3319
amount of money spent by each joint vocational school district for 3320
special education and related services. 3321

(4) In any fiscal year, a joint vocational school district 3322
shall spend for the provision of speech language pathology 3323
services not less than the sum of the amount calculated under 3324
division (D)(1) of this section for the students in the district's 3325
category one special education ADM and the amount calculated under 3326
division (D)(2) of this section. 3327

(E)(1) If a joint vocational school district's costs for a 3328
fiscal year for a student in its categories two through six 3329
special education ADM exceed the threshold catastrophic cost for 3330

serving the student, as specified in division (C)(3)(b) of section 3331
3317.022 of the Revised Code, the district may submit to the 3332
superintendent of public instruction documentation, as prescribed 3333
by the superintendent, of all of its costs for that student. Upon 3334
submission of documentation for a student of the type and in the 3335
manner prescribed, the department shall pay to the district an 3336
amount equal to the sum of the following: 3337

(a) One-half of the district's costs for the student in 3338
excess of the threshold catastrophic cost; 3339

(b) The product of one-half of the district's costs for the 3340
student in excess of the threshold catastrophic cost multiplied by 3341
the district's state share percentage. 3342

(2) The district shall only report under division (E)(1) of 3343
this section, and the department shall only pay for, the costs of 3344
educational expenses and the related services provided to the 3345
student in accordance with the student's individualized education 3346
program. Any legal fees, court costs, or other costs associated 3347
with any cause of action relating to the student may not be 3348
included in the amount. 3349

(F) Each fiscal year, the department shall pay each joint 3350
vocational school district an amount for adult technical and 3351
vocational education and specialized consultants. 3352

(G)(1) A joint vocational school district's local share of 3353
special education and related services additional weighted costs 3354
equals: 3355

(1 - state share percentage) X 3356
Total special education weight X 3357
the formula amount 3358

(2) For each handicapped student receiving special education 3359
and related services under an individualized education program, as 3360
defined in section 3323.01 of the Revised Code, at a joint 3361

vocational district, the resident district or, if the student is
enrolled in a community school, the community school shall be
responsible for the amount of any costs of providing those special
education and related services to that student that exceed the sum
of the amount calculated for those services attributable to that
student under divisions (B), (D), (E), and (G)(1) of this section.

Those excess costs shall be calculated by subtracting the sum
of the following from the actual cost to provide special education
and related services to the student:

(a) The product of the formula amount times the
cost-of-doing-business factor;

(b) The product of the formula amount times the applicable
multiple specified in section 3317.013 of the Revised Code;

(c) Any funds paid under division (E) of this section for the
student;

(d) Any other funds received by the joint vocational school
district under this chapter to provide special education and
related services to the student, not including the amount
calculated under division (G)(2) of this section.

(3) The board of education of the joint vocational school
district may report the excess costs calculated under division
(G)(2) of this section to the department of education.

(4) If the board of education of the joint vocational school
district reports excess costs under division (G)(3) of this
section, the department shall pay the amount of excess cost
calculated under division (G)(2) of this section to the joint
vocational school district and shall deduct that amount as
provided in division (G)(4)(a) or (b) of this section, as
applicable:

(a) If the student is not enrolled in a community school, the

department shall deduct the amount from the account of the 3392
student's resident district pursuant to division ~~(M)~~(L) of section 3393
3317.023 of the Revised Code. 3394

(b) If the student is enrolled in a community school, the 3395
department shall deduct the amount from the account of the 3396
community school pursuant to section 3314.083 of the Revised Code. 3397

Sec. 3317.19. (A) As used in this section, "total unit 3398
allowance" means an amount equal to the sum of the following: 3399

(1) The total of the salary allowances for the teachers 3400
employed in the cooperative education school district for all 3401
units approved under division (B) or (C) of section 3317.05 of the 3402
Revised Code. The salary allowance for each unit shall equal the 3403
minimum salary for the teacher of the unit calculated on the basis 3404
of the teacher's training level and years of experience pursuant 3405
to the salary schedule prescribed in the version of section 3406
3317.13 of the Revised Code in effect prior to ~~the effective date~~ 3407
~~of this amendment~~ July 1, 2001. 3408

(2) Fifteen per cent of the total computed under division 3409
(A)(1) of this section; 3410

(3) The total of the unit operating allowances for all 3411
approved units. The amount of each allowance shall equal one of 3412
the following: 3413

(a) Eight thousand twenty-three dollars times the number of 3414
preschool handicapped units or fraction thereof approved for the 3415
year under division (B) of section 3317.05 of the Revised Code; 3416

(b) Two thousand one hundred thirty-two dollars times the 3417
number of units or fraction thereof approved for the year under 3418
division (C) of section 3317.05 of the Revised Code. 3419

(B) The state board of education shall compute and distribute 3420
to each cooperative education school district for each fiscal year 3421

an amount equal to the sum of the following: 3422

(1) An amount equal to the total of the amounts credited to 3423
the cooperative education school district pursuant to division 3424
~~(K)~~(J) of section 3317.023 of the Revised Code; 3425

(2) The total unit allowance; 3426

(3) An amount for assisting in providing free lunches to 3427
needy children and an amount for assisting needy school districts 3428
in purchasing necessary equipment for food preparation pursuant to 3429
division (K) of section 3317.024 of the Revised Code. 3430

(C) If a cooperative education school district has had 3431
additional special education units approved for the year under 3432
division (F)(2) of section 3317.03 of the Revised Code, the 3433
district shall receive an additional amount during the last half 3434
of the fiscal year. For each unit, the additional amount shall 3435
equal fifty per cent of the amount computed under division (A) of 3436
this section for a unit approved under division (B) of section 3437
3317.05 of the Revised Code. 3438

Sec. 3319.02. (A)(1) As used in this section, "other 3439
administrator" means any of the following: 3440

(a) Except as provided in division (A)(2) of this section, 3441
any employee in a position for which a board of education requires 3442
a license designated by rule of the department of education for 3443
being an administrator issued under section 3319.22 of the Revised 3444
Code, including a professional pupil services employee or 3445
administrative specialist or an equivalent of either one who is 3446
not employed as a school counselor and spends less than fifty per 3447
cent of the time employed teaching or working with students; 3448

(b) Any nonlicensed employee whose job duties enable such 3449
employee to be considered as either a "supervisor" or a 3450
"management level employee," as defined in section 4117.01 of the 3451

Revised Code; 3452

(c) A business manager appointed under section 3319.03 of the Revised Code. 3453
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(2) As used in this section, "other administrator" does not include a superintendent, assistant superintendent, principal, or assistant principal. 3455
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(B) The board of education of each school district and the governing board of an educational service center may appoint one or more assistant superintendents and such other administrators as are necessary. An assistant educational service center superintendent or service center supervisor employed on a part-time basis may also be employed by a local board as a teacher. The board of each city, exempted village, and local school district shall employ principals for all high schools and for such other schools as the board designates, and those boards may appoint assistant principals for any school that they designate. 3458
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(C) In educational service centers and in city, exempted village, and local school districts, assistant superintendents, principals, assistant principals, and other administrators shall only be employed or reemployed in accordance with nominations of the superintendent, except that a board of education of a school district or the governing board of a service center, by a three-fourths vote of its full membership, may reemploy any assistant superintendent, principal, assistant principal, or other administrator whom the superintendent refuses to nominate. 3469
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The board of education or governing board shall execute a written contract of employment with each assistant superintendent, principal, assistant principal, and other administrator it employs or reemploys. The term of such contract shall not exceed three years except that in the case of a person who has been employed as 3478
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an assistant superintendent, principal, assistant principal, or 3483
other administrator in the district or center for three years or 3484
more, the term of the contract shall be for not more than five 3485
years and, unless the superintendent of the district recommends 3486
otherwise, not less than two years. If the superintendent so 3487
recommends, the term of the contract of a person who has been 3488
employed by the district or service center as an assistant 3489
superintendent, principal, assistant principal, or other 3490
administrator for three years or more may be one year, but all 3491
subsequent contracts granted such person shall be for a term of 3492
not less than two years and not more than five years. When a 3493
teacher with continuing service status becomes an assistant 3494
superintendent, ~~principal, assistant principal,~~ or other 3495
administrator with ~~the district or a~~ service center with which the 3496
teacher holds continuing service status, the teacher retains such 3497
status in the teacher's nonadministrative position as provided in 3498
sections 3319.08 and 3319.09 of the Revised Code. 3499

A board of education or governing board may reemploy an 3500
assistant superintendent, principal, assistant principal, or other 3501
administrator at any regular or special meeting held during the 3502
period beginning on the first day of January of the calendar year 3503
immediately preceding the year of expiration of the employment 3504
contract and ending on the last day of March of the year the 3505
employment contract expires. 3506

Except by mutual agreement of the parties thereto, no 3507
assistant superintendent, principal, assistant principal, or other 3508
administrator shall be transferred during the life of a contract 3509
to a position of lesser responsibility. No contract may be 3510
terminated by a board except pursuant to section 3319.16 of the 3511
Revised Code. No contract may be suspended except pursuant to 3512
section 3319.17 or 3319.171 of the Revised Code. The salaries and 3513
compensation prescribed by such contracts shall not be reduced by 3514

a board unless such reduction is a part of a uniform plan 3515
affecting the entire district or center. The contract shall 3516
specify the employee's administrative position and duties as 3517
included in the job description adopted under division (D) of this 3518
section, the salary and other compensation to be paid for 3519
performance of duties, the number of days to be worked, the number 3520
of days of vacation leave, if any, and any paid holidays in the 3521
contractual year. 3522

An assistant superintendent, principal, assistant principal, 3523
or other administrator is, at the expiration of the current term 3524
of employment, deemed reemployed at the same salary plus any 3525
increments that may be authorized by the board, unless such 3526
employee notifies the board in writing to the contrary on or 3527
before the first day of June, or unless such board, on or before 3528
the last day of March of the year in which the contract of 3529
employment expires, either reemploys such employee for a 3530
succeeding term or gives written notice of its intention not to 3531
reemploy the employee. The term of reemployment of a person 3532
reemployed under this paragraph shall be one year, except that if 3533
such person has been employed by the school district or service 3534
center as an assistant superintendent, principal, assistant 3535
principal, or other administrator for three years or more, the 3536
term of reemployment shall be two years. 3537

(D)(1) Each board shall adopt procedures for the evaluation 3538
of all assistant superintendents, principals, assistant 3539
principals, and other administrators and shall evaluate such 3540
employees in accordance with those procedures. The evaluation 3541
based upon such procedures shall be considered by the board in 3542
deciding whether to renew the contract of employment of an 3543
assistant superintendent, principal, assistant principal, or other 3544
administrator. 3545

(2) The evaluation shall measure each assistant 3546

superintendent's, principal's, assistant principal's, and other 3547
administrator's effectiveness in performing the duties included in 3548
the job description and the evaluation procedures shall provide 3549
for, but not be limited to, the following: 3550

(a) Each assistant superintendent, principal, assistant 3551
principal, and other administrator shall be evaluated annually 3552
through a written evaluation process. 3553

(b) The evaluation shall be conducted by the superintendent 3554
or designee. 3555

(c) In order to provide time to show progress in correcting 3556
the deficiencies identified in the evaluation process, the 3557
evaluation process shall be completed as follows: 3558

(i) In any school year that the employee's contract of 3559
employment is not due to expire, at least one evaluation shall be 3560
completed in that year. A written copy of the evaluation shall be 3561
provided to the employee no later than the end of the employee's 3562
contract year as defined by the employee's annual salary notice. 3563

(ii) In any school year that the employee's contract of 3564
employment is due to expire, at least a preliminary evaluation and 3565
at least a final evaluation shall be completed in that year. A 3566
written copy of the preliminary evaluation shall be provided to 3567
the employee at least sixty days prior to any action by the board 3568
on the employee's contract of employment. The final evaluation 3569
shall indicate the superintendent's intended recommendation to the 3570
board regarding a contract of employment for the employee. A 3571
written copy of the evaluation shall be provided to the employee 3572
at least five days prior to the board's acting to renew or not 3573
renew the contract. 3574

(3) Termination of an assistant superintendent, principal, 3575
assistant principal, or other administrator's contract shall be 3576
pursuant to section 3319.16 of the Revised Code. Suspension of any 3577

such employee shall be pursuant to section 3319.17 or 3319.171 of
the Revised Code. 3578
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(4) Before taking action to renew or nonrenew the contract of 3580
an assistant superintendent, principal, assistant principal, or 3581
other administrator under this section and prior to the last day 3582
of March of the year in which such employee's contract expires, 3583
the board shall notify each such employee of the date that the 3584
contract expires and that the employee may request a meeting with 3585
the board. Upon request by such an employee, the board shall grant 3586
the employee a meeting in executive session. In that meeting, the 3587
board shall discuss its reasons for considering renewal or 3588
nonrenewal of the contract. The employee shall be permitted to 3589
have a representative, chosen by the employee, present at the 3590
meeting. 3591

(5) The establishment of an evaluation procedure shall not 3592
create an expectancy of continued employment. Nothing in division 3593
(D) of this section shall prevent a board from making the final 3594
determination regarding the renewal or nonrenewal of the contract 3595
of any assistant superintendent, principal, assistant principal, 3596
or other administrator. However, if a board fails to provide 3597
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 3598
section, or if the board fails to provide at the request of the 3599
employee a meeting as prescribed in division (D)(4) of this 3600
section, the employee automatically shall be reemployed at the 3601
same salary plus any increments that may be authorized by the 3602
board for a period of one year, except that if the employee has 3603
been employed by the district or service center as an assistant 3604
superintendent, principal, assistant principal, or other 3605
administrator for three years or more, the period of reemployment 3606
shall be for two years. 3607

(E) On nomination of the superintendent of a service center a 3608
governing board may employ supervisors who shall be employed under 3609

written contracts of employment for terms not to exceed five years 3610
each. Such contracts may be terminated by a governing board 3611
pursuant to section 3319.16 of the Revised Code. Any supervisor 3612
employed pursuant to this division may terminate the contract of 3613
employment at the end of any school year after giving the board at 3614
least thirty days' written notice prior to such termination. On 3615
the recommendation of the superintendent the contract or contracts 3616
of any supervisor employed pursuant to this division may be 3617
suspended for the remainder of the term of any such contract 3618
pursuant to section 3319.17 or 3319.171 of the Revised Code. 3619

(F) A board may establish vacation leave for any individuals 3620
employed under this section. Upon such an individual's separation 3621
from employment, a board that has such leave may compensate such 3622
an individual at the individual's current rate of pay for all 3623
lawfully accrued and unused vacation leave credited at the time of 3624
separation, not to exceed the amount accrued within three years 3625
before the date of separation. In case of the death of an 3626
individual employed under this section, such unused vacation leave 3627
as the board would have paid to the individual upon separation 3628
under this section shall be paid in accordance with section 3629
2113.04 of the Revised Code, or to the estate. 3630

(G) The board of education of any school district may 3631
contract with the governing board of the educational service 3632
center from which it otherwise receives services to conduct 3633
searches and recruitment of candidates for assistant 3634
superintendent, principal, assistant principal, and other 3635
administrator positions authorized under this section. 3636

Sec. 3319.08. The board of education of each city, exempted 3637
village, local, and joint vocational school district and the 3638
governing board of each educational service center shall enter 3639
into written contracts for the employment and reemployment of all 3640

teachers. Teachers employed by the board of education of a school 3641
district shall be employed under limited contracts. Teachers 3642
employed by the governing board of an educational service center 3643
shall be employed under limited contracts or continuing contracts. 3644
The board of each ~~such~~ school district or service center that 3645
authorizes compensation in addition to the ~~base~~ salary stated in 3646
the teachers' salary schedule for the performance of duties by a 3647
teacher that are in addition to the teacher's regular teaching 3648
duties, shall enter into a supplemental written contract with each 3649
teacher who is to perform additional duties. Such supplemental 3650
written contracts shall be limited contracts. Such written 3651
contracts and supplemental written contracts shall set forth the 3652
teacher's duties and shall specify the salaries and compensation 3653
to be paid for regular teaching duties and additional teaching 3654
duties, respectively, either or both of which may be increased but 3655
not diminished during the term for which the contract is made, 3656
except as provided in section 3319.12 of the Revised Code. 3657

If a board adopts a motion or resolution to employ a teacher 3658
under a limited or continuing contract and the teacher accepts 3659
such employment, the failure of such parties to execute a written 3660
contract shall not void such employment contract. 3661

Teachers must be paid for all time lost when the schools in 3662
which they are employed are closed due to an epidemic or other 3663
public calamity, and for time lost due to illness or otherwise for 3664
not less than five days annually as authorized by regulations 3665
which each board shall adopt. 3666

~~Contracts for the employment of teachers shall be of two~~ 3667
~~types, limited contracts and continuing contracts.~~ 3668

(A) A limited contract is: 3669

(1) For a superintendent, a contract for such term as 3670
authorized by section 3319.01 of the Revised Code; 3671

(2) For an assistant superintendent, principal, assistant principal, or other administrator, a contract for such term as authorized by section 3319.02 of the Revised Code; 3672
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(3) For classroom teachers employed by a school district board of education, a contract for a term specified in the collective bargaining agreement entered into by the board under Chapter 4117. of the Revised Code, which term shall not exceed five years; 3675
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(4) For all other teachers, a contract for a term not to exceed five years. 3680
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(B) A continuing contract is a contract that remains in effect until the teacher resigns, elects to retire, or is retired pursuant to former section 3307.37 of the Revised Code, or until it is terminated or suspended and shall be granted only to the following: 3682
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(1) ~~Any~~ A teacher holding a professional, permanent, or life teacher's certificate; 3687
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(2) ~~Any~~ A teacher holding a professional educator license who has completed the applicable one of the following: 3689
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(a) If the teacher did not hold a masters degree at the time of initially receiving a teacher's certificate under former law or an educator license, thirty semester hours of coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as specified in rules which the state board of education shall adopt; 3691
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(b) If the teacher held a masters degree at the time of initially receiving a teacher's certificate under former law or an educator license, six semester hours of graduate coursework in the area of licensure or in an area related to the teaching field since the initial issuance of such certificate or license, as 3697
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specified in rules which the state board of education shall adopt. 3702

This section applies only to contracts entered into after 3703
August 18, 1969. 3704

Sec. 3319.081. Except as otherwise provided in division (G) 3705
of this section, in all school districts wherein the provisions of 3706
Chapter 124. of the Revised Code do not apply, the following 3707
employment contract system shall control for employees whose 3708
contracts of employment are not otherwise provided by law: 3709

(A) Newly hired regular nonteaching school employees, 3710
including regular hourly rate and per diem employees, shall enter 3711
into written contracts for their employment which shall be for a 3712
period of not more than one year. If such employees are rehired, 3713
their subsequent contract shall be for a period of two years. 3714

(B) After the termination of the two-year contract provided 3715
in division (A) of this section, ~~if:~~ 3716

(1) If the contract of a nonteaching employee who is paid in 3717
accordance with section 3317.142 of the Revised Code is renewed, 3718
the contract shall be for a term specified in the collective 3719
bargaining agreement entered into by the employing board of 3720
education under Chapter 4117. of the Revised Code, which term 3721
shall not exceed five years, and the salary provided in the 3722
contract may be increased but not reduced, except as provided in 3723
section 3319.082 of the Revised Code. 3724

(2) If the contract of a any other nonteaching employee is 3725
renewed, the employee shall be continued in employment, and the 3726
salary provided in the contract may be increased but not reduced 3727
unless such reduction is a part of a uniform plan affecting the 3728
nonteaching employees of the entire district. 3729

(C) The contracts as provided for in this section may be 3730
terminated by a majority vote of the board of education. Except as 3731

provided in sections 3319.0810 and 3319.172 of the Revised Code, 3732
the contracts may be terminated only for violation of written 3733
rules and regulations as set forth by the board of education or 3734
for incompetency, inefficiency, dishonesty, drunkenness, immoral 3735
conduct, insubordination, discourteous treatment of the public, 3736
neglect of duty, or any other acts of misfeasance, malfeasance, or 3737
nonfeasance. In addition to the right of the board of education to 3738
terminate the contract of an employee, the board may suspend an 3739
employee for a definite period of time or demote the employee for 3740
the reasons set forth in this division. The action of the board of 3741
education terminating the contract of an employee or suspending or 3742
demoting the employee shall be served upon the employee by 3743
certified mail. Within ten days following the receipt of such 3744
notice by the employee, the employee may file an appeal, in 3745
writing, with the court of common pleas of the county in which 3746
such school board is situated. After hearing the appeal the common 3747
pleas court may affirm, disaffirm, or modify the action of the 3748
school board. 3749

A violation of division (A)(7) of section 2907.03 of the 3750
Revised Code is grounds for termination of employment of a 3751
nonteaching employee under this division. 3752

(D) All employees who have been employed by a school district 3753
where the provisions of Chapter 124. of the Revised Code do not 3754
apply, for a period of at least three years on November 24, 1967, 3755
shall hold continuing contracts of employment pursuant to this 3756
section. 3757

(E) Any nonteaching school employee may terminate the 3758
nonteaching school employee's contract of employment thirty days 3759
subsequent to the filing of a written notice of such termination 3760
with the treasurer of the board. 3761

(F) A person hired exclusively for the purpose of replacing a 3762

nonteaching school employee while such employee is on leave of 3763
absence granted under section 3319.13 of the Revised Code is not a 3764
regular nonteaching school employee under this section. 3765

(G) All nonteaching employees employed pursuant to this 3766
section and Chapter 124. of the Revised Code shall be paid for all 3767
time lost when the schools in which they are employed are closed 3768
owing to an epidemic or other public calamity. Nothing in this 3769
division shall be construed as requiring payment in excess of an 3770
employee's regular wage rate or salary for any time worked while 3771
the school in which the employee is employed is officially closed 3772
for the reasons set forth in this division. 3773

Sec. 3319.082. In all school districts wherein the provisions 3774
of Chapter 124. of the Revised Code do not apply, each board of 3775
education shall cause notice to be given annually not later than 3776
the first day of July to each nonteaching school employee, who 3777
holds a contract valid for the succeeding school year, as to the 3778
salary to be paid such school employee during such year. Such 3779
salary shall not be lower than the salary paid during the 3780
preceding school year unless such reduction is a part of a uniform 3781
plan affecting the nonteaching employees of the entire district or 3782
the nonteaching employee's primary responsibility is to provide 3783
instructional support and such reduction is based on the 3784
employee's performance in accordance with section 3317.142 of the 3785
Revised Code. This section does not prevent increases of salary 3786
after the board's annual notice has been given. 3787

Sec. 3319.088. As used in this section, "educational 3788
assistant" means any nonteaching employee in a school district who 3789
directly assists a teacher as defined in section 3319.09 of the 3790
Revised Code, by performing duties for which a license issued 3791
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 3792

required. 3793

(A) The state board of education shall issue educational aide 3794
permits and educational paraprofessional licenses for educational 3795
assistants and shall adopt rules for the issuance and renewal of 3796
such permits and licenses which shall be consistent with the 3797
provisions of this section. Educational aide permits and 3798
educational paraprofessional licenses may be of several types and 3799
the rules shall prescribe the minimum qualifications of education, 3800
health, and character for the service to be authorized under each 3801
type. The prescribed minimum qualifications may require special 3802
training or educational courses designed to qualify a person to 3803
perform effectively the duties authorized under an educational 3804
aide permit or educational paraprofessional license. 3805

(B)(1) Any application for a permit or license, or a renewal 3806
or duplicate of a permit or license, under this section shall be 3807
accompanied by the payment of a fee in the amount established 3808
under division (A) of section 3319.51 of the Revised Code. Any 3809
fees received under this division shall be paid into the state 3810
treasury to the credit of the state board of education licensure 3811
fund established under division (B) of section 3319.51 of the 3812
Revised Code. 3813

(2) Any person applying for or holding a permit or license 3814
pursuant to this section is subject to sections 3123.41 to 3123.50 3815
of the Revised Code and any applicable rules adopted under section 3816
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 3817
the Revised Code. 3818

(C) Educational assistants shall at all times while in the 3819
performance of their duties be under the supervision and direction 3820
of a teacher as defined in section 3319.09 of the Revised Code. 3821
Educational assistants may assist a teacher to whom assigned in 3822
the supervision of pupils, in assisting with instructional tasks, 3823

and in the performance of duties which, in the judgment of the
teacher to whom the assistant is assigned, may be performed by a
person not licensed pursuant to sections 3319.22 to 3319.30 of the
Revised Code and for which a teaching license, issued pursuant to
sections 3319.22 to 3319.30 of the Revised Code is not required.
The duties of an educational assistant shall not include the
assignment of grades to pupils. The duties of an educational
~~assistants~~ assistant need not be performed in the physical
presence of the teacher to whom assigned, but the activity of an
educational assistant shall at all times be under the direction of
the teacher to whom assigned. The assignment of an educational
assistant need not be limited to assisting a single teacher. In
the event an educational assistant is assigned to assist more than
one teacher the assignments shall be clearly delineated and so
arranged that the educational assistant shall never be subject to
simultaneous supervision or direction by more than one teacher.

Educational assistants assigned to supervise children shall,
when the teacher to whom assigned is not physically present,
maintain the degree of control and discipline which would be
maintained by the teacher, but an educational assistant may not
render corporal punishment.

Except when expressly permitted solely for the purposes of
section 3317.029 of the Revised Code, educational assistants may
not be used in place of classroom teachers or other employees and
any payment of compensation by boards of education to educational
assistants for such services is prohibited. The ratio between the
number of licensed teachers and the pupils in a school district
may not be decreased by utilization of educational assistants and
no grouping, or other organization of pupils, for utilization of
educational assistants shall be established which is inconsistent
with sound educational practices and procedures. A school district
may employ up to one full time equivalent educational assistant

for each six full time equivalent licensed employees of the 3856
district. Educational assistants shall not be counted as licensed 3857
employees for purposes of state support in the school foundation 3858
program and no grouping or regrouping of pupils with educational 3859
assistants may be counted as a class or unit for school foundation 3860
program purposes. Neither special courses required by the 3861
regulations of the state board of education, prescribing minimum 3862
qualifications of education for an educational assistant, nor 3863
years of service as an educational assistant shall be counted in 3864
any way toward qualifying for a teacher license, ~~for a teacher~~ 3865
~~contract of any type, or for determining placement on a salary~~ 3866
~~schedule in a school district as a teacher.~~ 3867

(D) Educational assistants employed by a board of education 3868
shall have all rights, benefits, and legal protection available to 3869
other nonteaching employees in the school district, except that 3870
provisions of Chapter 124. of the Revised Code shall not apply to 3871
any person employed as an educational assistant, and shall be 3872
members of the school employees retirement system. Educational 3873
assistants whose duties primarily involve instructional support 3874
shall be compensated according to the salary schedule adopted 3875
under section 3317.142 of the Revised Code. Other educational 3876
assistants shall be compensated according to a salary plan adopted 3877
annually by the board. 3878

Except as provided in this section nonteaching employees 3879
shall not serve as educational assistants without first obtaining 3880
an appropriate educational aide permit or educational 3881
paraprofessional license from the state board of education. A 3882
nonteaching employee who is the holder of a valid educational aide 3883
permit or educational paraprofessional license shall neither 3884
render nor be required to render services inconsistent with the 3885
type of services authorized by the permit or license held. No 3886
person shall receive compensation from a board of education for 3887

services rendered as an educational assistant in violation of this 3888
provision. 3889

Nonteaching employees whose functions are solely 3890
secretarial-clerical and who do not perform any other duties as 3891
educational assistants, even though they assist a teacher and work 3892
under the direction of a teacher shall not be required to hold a 3893
permit or license issued pursuant to this section. Students 3894
preparing to become licensed teachers or educational assistants 3895
shall not be required to hold an educational aide permit or 3896
paraprofessional license for such periods of time as such students 3897
are assigned, as part of their training program, to work with a 3898
teacher in a school district. Such students shall not be 3899
compensated for such services. 3900

Following the determination of the assignment and general job 3901
description of an educational assistant and subject to supervision 3902
by the teacher's immediate administrative officer, a teacher to 3903
whom an educational assistant is assigned shall make all final 3904
determinations of the duties to be assigned to such assistant. 3905
Teachers shall not be required to hold a license designated for 3906
being a supervisor or administrator in order to perform the 3907
necessary supervision of educational assistants. 3908

(E) No person who is, or who has been employed as an 3909
educational assistant shall divulge, except to the teacher to whom 3910
assigned, or the administrator of the school in the absence of the 3911
teacher to whom assigned, or when required to testify in a court 3912
or proceedings, any personal information concerning any pupil in 3913
the school district which was obtained or obtainable by the 3914
educational assistant while so employed. Violation of this 3915
provision is grounds for disciplinary action or dismissal, or 3916
both. 3917

Sec. 3319.10. Teachers may be employed as substitute teachers 3918

for terms not to exceed one year for assignment as services are 3919
needed to take the place of regular teachers absent on account of 3920
illness or on leaves of absence or to fill temporarily positions 3921
created by emergencies; such assignment to be subject to 3922
termination when such services no longer are needed. 3923

A teacher employed as a substitute with an assignment to one 3924
specific teaching position shall after sixty days of service be 3925
granted sick leave, visiting days, and other local privileges 3926
granted to regular teachers including a salary not less than the 3927
minimum base salary amount applicable to teachers who provide 3928
instruction in the same subject area or grade level as the teacher 3929
as set forth on the ~~current adopted~~ salary schedule adopted under 3930
section 3317.141 of the Revised Code. 3931

A teacher employed as a substitute for one hundred twenty 3932
days or more during a school year and re-employed for or assigned 3933
to a specific teaching position for the succeeding year shall 3934
receive a contract as a regular teacher if the substitute meets 3935
the local educational requirements for the employment of regular 3936
teachers. 3937

Teachers employed as substitutes on a casual or day-to-day 3938
basis shall not be entitled to the notice of nonre-employment 3939
prescribed in section 3319.11 of the Revised Code, but boards of 3940
education may grant such teachers sick leave and other local 3941
privileges ~~and cumulate such service in determining seniority.~~ 3942

For purposes of determining in any school year the days of 3943
service of a substitute teacher under this section, any teacher's 3944
days of service in that school year while conditionally employed 3945
as a substitute teacher under section 3319.101 of the Revised Code 3946
shall count as days of service as a substitute teacher under this 3947
section. 3948

Sec. 3319.11. (A) As used in this section: 3949

(1) "Evaluation procedures" means the procedures adopted pursuant to division (B) of section 3319.111 of the Revised Code.

(2) "Limited contract" means a limited contract, as described in section 3319.08 of the Revised Code, that a school district board of education or governing board of an educational service center enters into with a teacher who is not eligible for continuing service status.

(3) "Extended limited contract" means a limited contract, as described in section 3319.08 of the Revised Code, that a ~~board of education or~~ governing board enters into with a teacher who is eligible for continuing service status.

(B) Teachers Divisions (B), (C), and (D) of this section apply to teachers employed by an educational service center governing board and do not apply to teachers employed by a school district board of education.

Teachers eligible for continuing service status in any ~~city, exempted village, local, or joint vocational school district or~~ educational service center shall be those teachers qualified as described in division (B)(1) or (2) of section 3319.08 of the Revised Code, who within the last five years have taught for at least three years in the ~~district or~~ center, and those teachers who, having attained continuing contract status elsewhere, have served two years in the ~~district or~~ center, but the board, upon the recommendation of the superintendent, may at the time of employment or at any time within such two-year period, declare any of the latter teachers eligible.

(1) Upon the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed, a continuing contract shall be entered into between the board and the teacher unless the board by a three-fourths vote of its full membership rejects the recommendation of the superintendent. If

the board rejects by a three-fourths vote of its full membership 3981
the recommendation of the superintendent that a teacher eligible 3982
for continuing service status be reemployed and the superintendent 3983
makes no recommendation to the board pursuant to division (C) of 3984
this section, the board may declare its intention not to reemploy 3985
the teacher by giving the teacher written notice on or before the 3986
thirtieth day of April of its intention not to reemploy the 3987
teacher. If evaluation procedures have not been complied with 3988
pursuant to division (A) of section 3319.111 of the Revised Code 3989
or the board does not give the teacher written notice on or before 3990
the thirtieth day of April of its intention not to reemploy the 3991
teacher, the teacher is deemed reemployed under an extended 3992
limited contract for a term not to exceed one year at the same 3993
salary plus any increment provided by the salary schedule. The 3994
teacher is presumed to have accepted employment under the extended 3995
limited contract for a term not to exceed one year unless such 3996
teacher notifies the board in writing to the contrary on or before 3997
the first day of June, and an extended limited contract for a term 3998
not to exceed one year shall be executed accordingly. Upon any 3999
subsequent reemployment of the teacher only a continuing contract 4000
may be entered into. 4001

(2) If the superintendent recommends that a teacher eligible 4002
for continuing service status not be reemployed, the board may 4003
declare its intention not to reemploy the teacher by giving the 4004
teacher written notice on or before the thirtieth day of April of 4005
its intention not to reemploy the teacher. If evaluation 4006
procedures have not been complied with pursuant to division (A) of 4007
section 3319.111 of the Revised Code or the board does not give 4008
the teacher written notice on or before the thirtieth day of April 4009
of its intention not to reemploy the teacher, the teacher is 4010
deemed reemployed under an extended limited contract for a term 4011
not to exceed one year at the same salary plus any increment 4012

provided by the salary schedule. The teacher is presumed to have
accepted employment under the extended limited contract for a term
not to exceed one year unless such teacher notifies the board in
writing to the contrary on or before the first day of June, and an
extended limited contract for a term not to exceed one year shall
be executed accordingly. Upon any subsequent reemployment of a
teacher only a continuing contract may be entered into.

(3) Any teacher receiving written notice of the intention of
a board not to reemploy such teacher pursuant to this division is
entitled to the hearing provisions of division (G) of this
section.

(C)(1) If a board rejects the recommendation of the
superintendent for reemployment of a teacher pursuant to division
(B)(1) of this section, the superintendent may recommend
reemployment of the teacher, if continuing service status has not
previously been attained elsewhere, under an extended limited
contract for a term not to exceed two years, provided that written
notice of the superintendent's intention to make such
recommendation has been given to the teacher with reasons directed
at the professional improvement of the teacher on or before the
thirtieth day of April. Upon subsequent reemployment of the
teacher only a continuing contract may be entered into.

(2) If a board ~~of education~~ takes affirmative action on a
superintendent's recommendation, made pursuant to division (C)(1)
of this section, of an extended limited contract for a term not to
exceed two years but the board does not give the teacher written
notice of its affirmative action on the superintendent's
recommendation of an extended limited contract on or before the
thirtieth day of April, the teacher is deemed reemployed under a
continuing contract at the same salary plus any increment provided
by the salary schedule. The teacher is presumed to have accepted
employment under such continuing contract unless such teacher

notifies the board in writing to the contrary on or before the 4045
first day of June, and a continuing contract shall be executed 4046
accordingly. 4047

(3) A board shall not reject a superintendent's 4048
recommendation, made pursuant to division (C)(1) of this section, 4049
of an extended limited contract for a term not to exceed two years 4050
except by a three-fourths vote of its full membership. If a board 4051
rejects by a three-fourths vote of its full membership the 4052
recommendation of the superintendent of an extended limited 4053
contract for a term not to exceed two years, the board may declare 4054
its intention not to reemploy the teacher by giving the teacher 4055
written notice on or before the thirtieth day of April of its 4056
intention not to reemploy the teacher. If evaluation procedures 4057
have not been complied with pursuant to division (A) of section 4058
3319.111 of the Revised Code or if the board does not give the 4059
teacher written notice on or before the thirtieth day of April of 4060
its intention not to reemploy the teacher, the teacher is deemed 4061
reemployed under an extended limited contract for a term not to 4062
exceed one year at the same salary plus any increment provided by 4063
the salary schedule. The teacher is presumed to have accepted 4064
employment under the extended limited contract for a term not to 4065
exceed one year unless such teacher notifies the board in writing 4066
to the contrary on or before the first day of June, and an 4067
extended limited contract for a term not to exceed one year shall 4068
be executed accordingly. Upon any subsequent reemployment of the 4069
teacher only a continuing contract may be entered into. 4070

Any teacher receiving written notice of the intention of a 4071
board not to reemploy such teacher pursuant to this division is 4072
entitled to the hearing provisions of division (G) of this 4073
section. 4074

(D) A teacher eligible for continuing contract status 4075
employed under an extended limited contract pursuant to division 4076

(B) or (C) of this section, is, at the expiration of such extended
limited contract, deemed reemployed under a continuing contract at
the same salary plus any increment granted by the salary schedule,
unless evaluation procedures have been complied with pursuant to
division (A) of section 3319.111 of the Revised Code and the
employing board, acting on the superintendent's recommendation
that the teacher not be reemployed, gives the teacher written
notice on or before the thirtieth day of April of its intention
not to reemploy such teacher. A teacher who does not have
evaluation procedures applied in compliance with division (A) of
section 3319.111 of the Revised Code or who does not receive
notice on or before the thirtieth day of April of the intention of
the board not to reemploy such teacher is presumed to have
accepted employment under a continuing contract unless such
teacher notifies the board in writing to the contrary on or before
the first day of June, and a continuing contract shall be executed
accordingly.

Any teacher receiving a written notice of the intention of a
board not to reemploy such teacher pursuant to this division is
entitled to the hearing provisions of division (G) of this
section.

(E) A limited contract may be entered into by each
educational service center governing board with each teacher who
has not been in the employ of the board for at least three years
and shall be entered into, regardless of length of previous
employment, with each teacher employed by the board who holds a
provisional, temporary, or associate license, or who holds a
professional license and is not eligible to be considered for a
continuing contract. A limited contract shall be entered into by
each school district board of education with each teacher employed
by the board.

Any teacher employed under a limited contract, and not

eligible to be considered for a continuing contract, is, at the
expiration of such limited contract, considered reemployed under
the provisions of this division ~~at the same salary plus any
increment provided by the salary schedule~~ unless evaluation
procedures have been complied with pursuant to division (A) of
section 3319.111 of the Revised Code and the employing board,
acting upon the superintendent's written recommendation that the
teacher not be reemployed, gives such teacher written notice of
its intention not to reemploy such teacher on or before the
thirtieth day of April. Such reemployment by an educational
service center governing board shall be at the same salary plus
any increment provided by the salary schedule. Such reemployment
by a school district board of education shall be at the salary set
forth in the salary schedule adopted by the board pursuant to
section 3317.141 of the Revised Code. A teacher who does not have
evaluation procedures applied in compliance with division (A) of
section 3319.111 of the Revised Code or who does not receive
notice of the intention of the board not to reemploy such teacher
on or before the thirtieth day of April is presumed to have
accepted such employment unless such teacher notifies the board in
writing to the contrary on or before the first day of June, and a
written contract for the succeeding school year shall be executed
accordingly.

Any teacher receiving a written notice of the intention of a
board not to reemploy such teacher pursuant to this division is
entitled to the hearing provisions of division (G) of this
section.

(F) The failure of a superintendent to make a recommendation
to the governing board or board of education under any of the
conditions set forth in divisions (B) to (E) of this section, or
the failure of the board to give such teacher a written notice
pursuant to divisions (C) to (E) of this section shall not

prejudice or prevent a teacher from being deemed reemployed under 4141
either a limited or continuing contract as the case may be under 4142
the provisions of this section. A failure of the parties to 4143
execute a written contract shall not void any automatic 4144
reemployment provisions of this section. 4145

(G)(1) Any teacher receiving written notice of the intention 4146
of a board ~~of education~~ not to reemploy such teacher pursuant to 4147
division (B), (C)(3), (D), or (E) of this section may, within ten 4148
days of the date of receipt of the notice, file with the treasurer 4149
of the board a written demand for a written statement describing 4150
the circumstances that led to the board's intention not to 4151
reemploy the teacher. 4152

(2) The treasurer of a board, on behalf of the board, shall, 4153
within ten days of the date of receipt of a written demand for a 4154
written statement pursuant to division (G)(1) of this section, 4155
provide to the teacher a written statement describing the 4156
circumstances that led to the board's intention not to reemploy 4157
the teacher. 4158

(3) Any teacher receiving a written statement describing the 4159
circumstances that led to the board's intention not to reemploy 4160
the teacher pursuant to division (G)(2) of this section may, 4161
within five days of the date of receipt of the statement, file 4162
with the treasurer of the board a written demand for a hearing 4163
before the board pursuant to divisions (G)(4) to (6) of this 4164
section. 4165

(4) The treasurer of a board, on behalf of the board, shall, 4166
within ten days of the date of receipt of a written demand for a 4167
hearing pursuant to division (G)(3) of this section, provide to 4168
the teacher a written notice setting forth the time, date, and 4169
place of the hearing. The board shall schedule and conclude the 4170
hearing within forty days of the date on which the treasurer of 4171
the board receives a written demand for a hearing pursuant to 4172

division (G)(3) of this section.

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(5) Any hearing conducted pursuant to this division shall be conducted by a majority of the members of the board. The hearing shall be held in executive session of the board unless the board and the teacher agree to hold the hearing in public. The superintendent, assistant superintendent, the teacher, and any person designated by either party to take a record of the hearing may be present at the hearing. The board may be represented by counsel and the teacher may be represented by counsel or a designee. A record of the hearing may be taken by either party at the expense of the party taking the record.

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(6) Within ten days of the conclusion of a hearing conducted pursuant to this division, the board shall issue to the teacher a written decision containing an order affirming the intention of the board not to reemploy the teacher reported in the notice given to the teacher pursuant to division (B), (C)(3), (D), or (E) of this section or an order vacating the intention not to reemploy and expunging any record of the intention, notice of the intention, and the hearing conducted pursuant to this division.

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(7) A teacher may appeal an order affirming the intention of the board not to reemploy the teacher to the court of common pleas of the county in which the largest portion of the territory of the school district or service center is located, within thirty days of the date on which the teacher receives the written decision, on the grounds that the board has not complied with this section ~~3319.11~~ or section 3319.111 of the Revised Code.

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Notwithstanding section 2506.04 of the Revised Code, the court in an appeal under this division is limited to the determination of procedural errors and to ordering the correction of procedural errors and shall have no jurisdiction to order a board to reemploy a teacher, except that the court may order a

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board to reemploy a teacher in compliance with the requirements of 4204
division (B), (C)(3), (D), or (E) of this section when the court 4205
determines that evaluation procedures have not been complied with 4206
pursuant to division (A) of section 3319.111 of the Revised Code 4207
or the board has not given the teacher written notice on or before 4208
the thirtieth day of April of its intention not to reemploy the 4209
teacher pursuant to division (B), (C)(3), (D), or (E) of this 4210
section. Otherwise, the determination whether to reemploy or not 4211
reemploy a teacher is solely a board's determination and not a 4212
proper subject of judicial review and, except as provided in this 4213
division, no decision of a board whether to reemploy or not 4214
reemploy a teacher shall be invalidated by the court on any basis, 4215
including that the decision was not warranted by the results of 4216
any evaluation or was not warranted by any statement given 4217
pursuant to division (G)(2) of this section. 4218

No appeal of an order of a board may be made except as 4219
specified in this division. 4220

(H)(1) In giving a teacher any notice required by division 4221
(B), (C), (D), or (E) of this section, the board or the 4222
superintendent shall do either of the following: 4223

(a) Deliver the notice by personal service upon the teacher; 4224

(b) Deliver the notice by certified mail, return receipt 4225
requested, addressed to the teacher at the teacher's place of 4226
employment and deliver a copy of the notice by certified mail, 4227
return receipt requested, addressed to the teacher at the 4228
teacher's place of residence. 4229

(2) In giving a board any notice required by division (B), 4230
(C), (D), or (E) of this section, the teacher shall do either of 4231
the following: 4232

(a) Deliver the notice by personal delivery to the office of 4233
the superintendent during regular business hours; 4234

(b) Deliver the notice by certified mail, return receipt 4235
requested, addressed to the office of the superintendent and 4236
deliver a copy of the notice by certified mail, return receipt 4237
requested, addressed to the president of the board at the 4238
president's place of residence. 4239

(3) When any notice and copy of the notice are mailed 4240
pursuant to division (H)(1)(b) or (2)(b) of this section, the 4241
notice or copy of the notice with the earlier date of receipt 4242
shall constitute the notice for the purposes of division (B), (C), 4243
(D), or (E) of this section. 4244

(I) The provisions of this section shall not apply to any 4245
supplemental written contracts entered into pursuant to section 4246
3319.08 of the Revised Code. 4247

Sec. 3319.111. (A) Any board of education or educational 4248
service center governing board that has entered into any limited 4249
contract or extended limited contract with a teacher pursuant to 4250
section 3319.11 of the Revised Code shall evaluate such a teacher 4251
in compliance with the requirements of this section in any school 4252
year in which the board may wish to declare its intention not to 4253
re-employ the teacher pursuant to division (B), (C)(3), (D), or 4254
(E) of section 3319.11 of the Revised Code. 4255

This evaluation shall be conducted at least twice in the 4256
school year in which the board may wish to declare its intention 4257
not to re-employ the teacher. One evaluation shall be conducted 4258
and completed not later than the fifteenth day of January and the 4259
teacher being evaluated shall receive a written report of the 4260
results of this evaluation not later than the twenty-fifth day of 4261
January. One evaluation shall be conducted and completed between 4262
the tenth day of February and the first day of April and the 4263
teacher being evaluated shall receive a written report of the 4264
results of this evaluation not later than the tenth day of April. 4265

Any evaluation conducted pursuant to this section shall be 4266
conducted by one or more of the following: 4267

(1) A person who is under contract with a the board of 4268
~~education~~ pursuant to section 3319.01 or 3319.02 of the Revised 4269
Code and holds a license designated for being a superintendent, 4270
assistant superintendent, or principal issued under section 4271
3319.22 of the Revised Code; 4272

(2) A person who is under contract with a the board of 4273
~~education~~ pursuant to section 3319.02 of the Revised Code and 4274
holds a license designated for being a vocational director or a 4275
supervisor in any educational area issued under section 3319.22 of 4276
the Revised Code; 4277

(3) A person designated to conduct evaluations under an 4278
agreement providing for peer review entered into by a the board of 4279
~~education~~ and representatives of teachers employed by that board. 4280

(B) Any board of ~~education~~ evaluating a teacher pursuant to 4281
this section shall adopt evaluation procedures that shall be 4282
applied each time a teacher is evaluated pursuant to this section. 4283
These evaluation procedures shall include, but not be limited to: 4284

(1) Criteria of expected job performance in the areas of 4285
responsibility assigned to the teacher being evaluated; 4286

(2) Observation of the teacher being evaluated by the person 4287
conducting the evaluation on at least two occasions for not less 4288
than thirty minutes on each occasion; 4289

(3) A written report of the results of the evaluation that 4290
includes specific recommendations regarding any improvements 4291
needed in the performance of the teacher being evaluated and 4292
regarding the means by which the teacher may obtain assistance in 4293
making such improvements. 4294

(C) This section does not apply to teachers subject to 4295

evaluation procedures under sections 3319.01 and 3319.02 of the Revised Code or to any teacher employed as a substitute for less than one hundred twenty days during a school year pursuant to section 3319.10 of the Revised Code.

Sec. 3319.12. Each board of education shall cause notice to be given annually not later than the first day of July to each teacher who holds a contract valid for the succeeding school year, as to the salary to be paid such teacher during such year. Such salary shall not be lower than the salary paid during the preceding school year unless such reduction is a part of a uniform plan affecting the entire district or the teacher is a classroom teacher and such reduction is based on the teacher's performance in accordance with section 3317.141 of the Revised Code. This section does not prevent increases of salary after the board's annual notice has been given.

Except by mutual agreement of the parties thereto a teacher employed under a contract of employment in an administrative, or supervisory position in a school district, or in any position provided for by section 3319.01 or 3319.02 of the Revised Code, shall not be transferred during the life of ~~his~~ the teacher's contract to a position of lesser responsibility. No contract or supplemental contract for the employment of a teacher, whether for an administrative or supervisory position, a position provided for by sections 3319.01 and 3319.02 of the Revised Code, regular teaching duties, or additional duties, may be terminated or suspended by a board of education except pursuant to section 3319.02 or 3319.16 of the Revised Code, and the salaries and compensations prescribed by such contracts shall not be reduced by a board of education unless such reduction is a part of a uniform plan affecting the entire district or the teacher is a classroom teacher and such reduction is based on the teacher's performance

in accordance with section 3317.141 of the Revised Code. This 4327
section shall apply only to contracts entered into after August 4328
18, 1969. 4329

Sec. 3319.17. (A) As used in this section, "interdistrict 4330
contract" means any contract or agreement entered into by an 4331
educational service center governing board and another board or 4332
other public entity pursuant to section 3313.17, 3313.841, 4333
3313.842, 3313.843, 3313.91, or 3323.08 of the Revised Code, 4334
including any such contract or agreement for the provision of 4335
services funded under division (L) of section 3317.024 of the 4336
Revised Code or provided in any unit approved under section 4337
3317.05 of the Revised Code. 4338

(B) When, for any of the following reasons that apply to any 4339
city, exempted village, local, or joint vocational school district 4340
or any educational service center, the board decides that it will 4341
be necessary to reduce the number of teachers it employs, it may 4342
make a reasonable reduction: 4343

(1) In the case of any district or service center, return to 4344
duty of regular teachers after leaves of absence including leaves 4345
provided pursuant to division (B) of section 3314.10 of the 4346
Revised Code, suspension of schools, territorial changes affecting 4347
the district or center, or financial reasons; 4348

(2) In the case of any city, exempted village, local, or 4349
joint vocational school district, decreased enrollment of pupils 4350
in the district; 4351

(3) In the case of any governing board of a service center 4352
providing any particular service directly to pupils pursuant to 4353
one or more interdistrict contracts requiring such service, 4354
reduction in the total number of pupils the governing board is 4355
required to provide with the service under all interdistrict 4356
contracts as a result of the termination or nonrenewal of one or 4357

more of these interdistrict contracts; 4358

(4) In the case of any governing board providing any 4359
particular service that it does not provide directly to pupils 4360
pursuant to one or more interdistrict contracts requiring such 4361
service, reduction in the total level of the service the governing 4362
board is required to provide under all interdistrict contracts as 4363
a result of the termination or nonrenewal of one or more of these 4364
interdistrict contracts. 4365

(C) In making any ~~such~~ reduction in classroom teachers under 4366
this section, any city, exempted village, local, or joint 4367
vocational school district board shall proceed to suspend 4368
contracts in accordance with the recommendation of the 4369
superintendent of schools. In making any other reduction under 4370
this section, the school district board shall proceed to suspend 4371
contracts in accordance with the recommendation of the 4372
superintendent of schools who shall, within each teaching field 4373
affected, give preference ~~first to teachers on continuing~~ 4374
~~contracts and then~~ to teachers who have greater seniority. In 4375
making any ~~such~~ reduction under this section, any governing board 4376
of a service center shall proceed to suspend contracts in 4377
accordance with the recommendation of the superintendent who 4378
shall, within each teaching field or service area affected, give 4379
preference first to teachers on continuing contracts and then to 4380
teachers who have greater seniority. 4381

On a case-by-case basis, in lieu of suspending a contract in 4382
whole, a board may suspend a contract in part, so that an 4383
individual is required to work a percentage of the time the 4384
employee otherwise is required to work under the contract and 4385
receives a commensurate percentage of the full compensation the 4386
employee otherwise would receive under the contract. 4387

The teachers whose continuing contracts are suspended by ~~any~~ 4388

an educational service center governing board pursuant to this 4389
section shall have the right of restoration to continuing service 4390
status by that board in the order of seniority of service in the 4391
~~district or~~ service center if and when teaching positions become 4392
vacant or are created for which any of such teachers are or become 4393
qualified. No teacher whose continuing contract has been suspended 4394
pursuant to this section shall lose that right of restoration to 4395
continuing service status by reason of having declined recall to a 4396
position that is less than full-time or, if the teacher was not 4397
employed full-time just prior to suspension of the teacher's 4398
continuing contract, to a position requiring a lesser percentage 4399
of full-time employment than the position the teacher last held 4400
while employed in the ~~district or~~ service center. 4401

(D) Notwithstanding any provision to the contrary in Chapter 4402
4117. of the Revised Code, the requirements of this section 4403
prevail over any conflicting provisions of agreements between 4404
employee organizations and public employers entered into after ~~the~~ 4405
~~effective date of this amendment~~ September 29, 2005. 4406

Sec. 3319.172. The board of education of each school district 4407
wherein the provisions of Chapter 124. of the Revised Code do not 4408
apply and the governing board of each educational service center 4409
may adopt a resolution ordering reasonable reductions in the 4410
number of nonteaching employees for any of the reasons for which 4411
the board of education or governing board may make reductions in 4412
teaching employees, as set forth in division (B) of section 4413
3319.17 of the Revised Code. 4414

In making a reduction in nonteaching employees paid in 4415
accordance with section 3317.142 of the Revised Code, the board of 4416
education of a school district shall proceed to suspend contracts 4417
in accordance with the recommendation of the superintendent of the 4418
district. In making any other reduction under this section, the 4419

board of education of a school district or governing board of a 4420
service center shall proceed to suspend contracts in accordance 4421
with the recommendation of the superintendent of the district or 4422
service center who shall, within each pay classification affected, 4423
give preference first to employees under continuing contracts and 4424
then to employees on the basis of seniority. On a case-by-case 4425
basis, in lieu of suspending a contract in whole, a board may 4426
suspend a contract in part, so that an individual is required to 4427
work a percentage of the time the employee otherwise is required 4428
to work under the contract and receives a commensurate percentage 4429
of the full compensation the employee otherwise would receive 4430
under the contract. 4431

Any nonteaching employee whose continuing contract is 4432
suspended under this section shall have the right of restoration 4433
to continuing service status by the board of education or 4434
governing board that suspended that contract in order of seniority 4435
of service in the district or service center, if and when a 4436
nonteaching position for which the employee is qualified becomes 4437
vacant or is created. No nonteaching employee whose continuing 4438
contract has been suspended under this section shall lose that 4439
right of restoration to continuing service status by reason of 4440
having declined recall to a position requiring fewer regularly 4441
scheduled hours of work than required by the position the employee 4442
last held while employed in the district or service center. 4443

Notwithstanding any provision to the contrary in Chapter 4444
4117. of the Revised Code, the requirements of this section 4445
prevail over any conflicting provisions of agreements between 4446
employee organizations and public employers entered into after ~~the~~ 4447
~~effective date of this section~~ September 29, 2005. 4448

Sec. 3319.18. If an entire school district or that part of a 4449
school district which comprises the territory in which a school is 4450

situated is transferred to any other district, or if a new school 4451
district is created, the ~~teachers in such districts or schools~~ 4452
~~employed on continuing contracts immediately prior to such~~ 4453
~~transfer, or creation shall, subject to section 3319.17 or~~ 4454
~~3319.171 of the Revised Code, have continuing service status in~~ 4455
~~the newly created district, or in the district to which the~~ 4456
~~territory is transferred.~~ 4457

The limited contracts of the teachers employed in such 4458
districts or schools immediately prior to such transfer, or 4459
creation, shall become the legal obligations of the board of 4460
education in the newly created district, or in the district to 4461
which the territory is transferred, subject to section 3319.17 or 4462
3319.171 of the Revised Code. ~~The teaching experience of such~~ 4463
~~teachers in such prior districts or schools shall be included in~~ 4464
~~the three years of service required under section 3319.11 of the~~ 4465
~~Revised Code for a teacher to become eligible for continuing~~ 4466
~~service status.~~ 4467

Teachers employed ~~on limited or continuing contracts~~ in an 4468
entire school district or that part of a school district which 4469
comprises the territory in which a school is situated which is 4470
transferred to any other district or which is merged with other 4471
school territory to create a new school district, shall be placed, 4472
on the effective date of such transfer or merger, on the salary 4473
schedule of the district to which the territory is transferred or 4474
the newly created district, ~~according to their training and~~ 4475
~~experience. Such experience shall be the total sum of the years~~ 4476
~~taught in the district whose territory was transferred or merged~~ 4477
~~to create a new district, plus the total number of years of~~ 4478
~~teaching experience recognized by such previous district upon its~~ 4479
~~first employment of such teachers. For classroom teachers, such~~ 4480
~~placement shall be in accordance with the salary schedule adopted~~ 4481
~~under section 3317.141 of the Revised Code by the district to~~ 4482

which the territory is transferred or the newly created district. 4483

The placement of the teachers on the salary schedule, 4484
pursuant to this section, shall not result, however, in the salary 4485
of any teacher being less than the teacher's current annual salary 4486
for regular duties, in existence immediately prior to the merger 4487
or transfer. 4488

In making any reduction in the number of non-classroom 4489
teachers under section 3319.17 of the Revised Code by reason of 4490
the transfer or consolidation of school territory, the years of 4491
teaching service of the teachers employed in the district or 4492
schools transferred to any other district or merged with any 4493
school territory to create a new district, shall be included as a 4494
part of the seniority on which the recommendation of the 4495
superintendent of schools shall be based, under section 3319.17 of 4496
the Revised Code. Such service shall have been continuous and 4497
shall include years of service in the previous district as well as 4498
the years of continuous service in any district which had been 4499
previously transferred to or consolidated to form such district. 4500
When suspending contracts in accordance with an administrative 4501
personnel suspension policy adopted under section 3319.171 of the 4502
Revised Code, a board may consider years of teaching service in 4503
its decision if it is a part of the suspension policy. 4504

Sec. 3319.22. (A)(1) The state board of education shall adopt 4505
rules establishing the standards and requirements for obtaining 4506
temporary, associate, provisional, and professional educator 4507
licenses of any categories, types, and levels the board elects to 4508
provide. However, no educator license shall be required for 4509
teaching children two years old or younger. The rules shall not 4510
require a person to hold a degree higher than a bachelor's degree 4511
or to complete continuing education requirements to obtain or 4512
renew an educator license for being a classroom teacher. 4513

(2) If the state board requires any examinations for educator 4514
licensure, the department of education shall provide the results 4515
of such examinations received by the department to the Ohio board 4516
of regents, in the manner and to the extent permitted by state and 4517
federal law. 4518

(B) Any rules the state board of education adopts, amends, or 4519
rescinds for educator licenses under this section, division (D) of 4520
section 3301.07 of the Revised Code, or any other law shall be 4521
adopted, amended, or rescinded under Chapter 119. of the Revised 4522
Code except as follows: 4523

(1) Notwithstanding division (D) of section 119.03 and 4524
division (A)(1) of section 119.04 of the Revised Code, in the case 4525
of the adoption of any rule or the amendment or rescission of any 4526
rule that necessitates institutions' offering teacher preparation 4527
programs that are approved by the state board of education under 4528
section 3319.23 of the Revised Code to revise the curriculum of 4529
those programs, the effective date shall not be as prescribed in 4530
division (D) of section 119.03 and division (A)(1) of section 4531
119.04 of the Revised Code. Instead, the effective date of such 4532
rules, or the amendment or rescission of such rules, shall be the 4533
date prescribed by section 3319.23 of the Revised Code. 4534

(2) Notwithstanding the authority to adopt, amend, or rescind 4535
emergency rules in division (F) of section 119.03 of the Revised 4536
Code, this authority shall not apply to the state board of 4537
education with regard to rules for educator licenses. 4538

(C)(1) The rules adopted under this section ~~establishing~~ 4539
~~standards requiring additional coursework for the renewal of any~~ 4540
~~educator license~~ shall require a school district ~~and a chartered~~ 4541
~~nonpublic school~~ to establish local professional development 4542
committees. ~~In a nonpublic school, the chief administrative~~ 4543
~~officer shall establish the committees in any manner acceptable to~~ 4544

~~such officer.~~ The committees established under this division shall 4545
~~determine whether coursework that a district or chartered~~ 4546
~~nonpublic school teacher proposes to complete meets the~~ 4547
~~requirement of the rules~~ approve teachers' individual professional 4548
development programs as required by section 3319.074 of the 4549
Revised Code. The department of education shall provide technical 4550
assistance and support to committees as the committees incorporate 4551
the professional development standards adopted by the state board 4552
of education pursuant to section 3319.61 of the Revised Code into 4553
their ~~review of coursework that is appropriate for license renewal~~ 4554
approval process. The rules shall establish a procedure by which a 4555
teacher may appeal the decision of a local professional 4556
development committee. 4557

(2) In any school district in which there is no exclusive 4558
representative established under Chapter 4117. of the Revised 4559
Code, the professional development committees shall be established 4560
as described in division (C)(2) of this section. 4561

Not later than the effective date of the rules adopted under 4562
this section, the board of education of each school district shall 4563
establish the structure for one or more local professional 4564
development committees to be operated by such school district. The 4565
committee structure so established by a district board shall 4566
remain in effect unless within thirty days prior to an anniversary 4567
of the date upon which the current committee structure was 4568
established, the board provides notice to all affected district 4569
employees that the committee structure is to be modified. 4570
Professional development committees may have a district-level or 4571
building-level scope of operations, and may be established with 4572
regard to particular grade or age levels ~~for which an educator~~ 4573
~~license is designated.~~ 4574

Each professional development committee shall consist of at 4575
least three classroom teachers employed by the district, one 4576

principal employed by the district, and one other employee of the 4577
district appointed by the district superintendent. For committees 4578
with a building-level scope, the teacher and principal members 4579
shall be assigned to that building, and the teacher members shall 4580
be elected by majority vote of the classroom teachers assigned to 4581
that building. For committees with a district-level scope, the 4582
teacher members shall be elected by majority vote of the classroom 4583
teachers of the district, and the principal member shall be 4584
elected by a majority vote of the principals of the district, 4585
unless there are two or fewer principals employed by the district, 4586
in which case the one or two principals employed shall serve on 4587
the committee. If a committee has a particular grade or age level 4588
scope, the teacher members shall be licensed to teach such grade 4589
or age levels, and shall be elected by majority vote of the 4590
classroom teachers holding such a license and the principal shall 4591
be elected by all principals serving in buildings where any such 4592
teachers serve. The district superintendent shall appoint a 4593
replacement to fill any vacancy that occurs on a professional 4594
development committee, except in the case of vacancies among the 4595
elected classroom teacher members, which shall be filled by vote 4596
of the remaining members of the committee so selected. 4597

Terms of office on professional development committees shall 4598
be prescribed by the district board establishing the committees. 4599
The conduct of elections for members of professional development 4600
committees shall be prescribed by the district board establishing 4601
the committees. A professional development committee may include 4602
additional members, except that the majority of members on each 4603
such committee shall be classroom teachers employed by the 4604
district. Any member appointed to fill a vacancy occurring prior 4605
to the expiration date of the term for which a predecessor was 4606
appointed shall hold office as a member for the remainder of that 4607
term. 4608

The initial meeting of any professional development 4609
committee, upon election and appointment of all committee members, 4610
shall be called by a member designated by the district 4611
superintendent. At this initial meeting, the committee shall 4612
select a chairperson and such other officers the committee deems 4613
necessary, and shall adopt rules for the conduct of its meetings. 4614
Thereafter, the committee shall meet at the call of the 4615
chairperson or upon the filing of a petition with the district 4616
superintendent signed by a majority of the committee members 4617
calling for the committee to meet. 4618

(3) In the case of a school district in which an exclusive 4619
representative has been established pursuant to Chapter 4117. of 4620
the Revised Code, professional development committees shall be 4621
established in accordance with any collective bargaining agreement 4622
in effect in the district that includes provisions for such 4623
committees. 4624

If the collective bargaining agreement does not specify a 4625
different method for the selection of teacher members of the 4626
committees, the exclusive representative of the district's 4627
teachers shall select the teacher members. 4628

If the collective bargaining agreement does not specify a 4629
different structure for the committees, the board of education of 4630
the school district shall establish the structure, including the 4631
number of committees and the number of teacher and administrative 4632
members on each committee; the specific administrative members to 4633
be part of each committee; whether the scope of the committees 4634
will be district levels, building levels, or by type of grade or 4635
age levels ~~for which educator licenses are designated~~; the lengths 4636
of terms for members; the manner of filling vacancies on the 4637
committees; and the frequency and time and place of meetings. 4638
However, in all cases, ~~except as provided in division (C)(4) of~~ 4639
~~this section~~, there shall be a majority of teacher members of any 4640

professional development committee, there shall be at least five 4641
total members of any professional development committee, and the 4642
exclusive representative shall designate replacement members in 4643
the case of vacancies among teacher members, unless the collective 4644
bargaining agreement specifies a different method of selecting 4645
such replacements. 4646

~~(4) Whenever an administrator's coursework plan is being 4647
discussed or voted upon, the local professional development 4648
committee shall, at the request of one of its administrative 4649
members, cause a majority of the committee to consist of 4650
administrative members by reducing the number of teacher members 4651
voting on the plan. 4652~~

~~(D)(1) The department of education, educational service 4653
centers, county boards of mental retardation and developmental 4654
disabilities, regional professional development centers, special 4655
education regional resource centers, college and university 4656
departments of education, head start programs, the eTech Ohio 4657
commission, and the Ohio education computer network may establish 4658
local professional development committees to determine whether the 4659
coursework proposed by their employees who are licensed or 4660
certificated under this section or section 3319.222 of the Revised 4661
Code meet the requirements of the rules adopted under this 4662
section. They may establish local professional development 4663
committees on their own or in collaboration with a school district 4664
or other agency having authority to establish them. 4665~~

~~Local professional development committees established by 4666
county boards of mental retardation and developmental disabilities 4667
shall be structured in a manner comparable to the structures 4668
prescribed for school districts in divisions (C)(2) and (3) of 4669
this section, as shall the committees established by any other 4670
entity specified in division (D)(1) of this section that provides 4671
educational services by employing or contracting for services of 4672~~

~~classroom teachers licensed or certificated under this section or
section 3319.222 of the Revised Code. All other entities specified
in division (D)(1) of this section shall structure their
committees in accordance with guidelines which shall be issued by
the state board.~~

~~(2) Any public agency that is not specified in division
(D)(1) of this section but provides educational services and
employs or contracts for services of classroom teachers licensed
or certificated under this section or section 3319.222 of the
Revised Code may establish a local professional development
committee, subject to the approval of the department of education.
The committee shall be structured in accordance with guidelines
issued by the state board.~~

Sec. 3319.283. (A) The board of education of any school
district may employ an individual who is not certificated or
licensed as required by Chapter 3319. of the Revised Code, but who
meets the following qualifications, as a teacher in the schools of
the district:

(1) The individual is a veteran of the armed forces of the
United States and was honorably discharged within three years of
June 30, 1997;

(2) While in the armed forces the individual had meaningful
teaching or other instructional experience;

(3) The individual holds at least a baccalaureate degree.

(B) An individual employed under this section shall be deemed
to hold a teaching certificate or educator license for the
purposes of state and federal law and rules and regulations and
school district policies, rules, and regulations. However, an
individual employed under this section is not a highly qualified
teacher for purposes of the school district's compliance with

section 3319.074 of the Revised Code. Each individual employed 4703
under this section shall ~~meet the requirement to~~ successfully 4704
complete fifteen hours, or the equivalent, of coursework every 4705
five years that is approved by the local professional development 4706
committee ~~as is required of other teachers licensed in accordance~~ 4707
~~with Chapter 3319. of the Revised Code.~~ 4708

(C) The superintendent of public instruction may revoke the 4709
right of an individual employed under division (A) of this section 4710
to teach if, after an investigation and an adjudication conducted 4711
pursuant to Chapter 119. of the Revised Code, the superintendent 4712
finds that the person is not competent to teach the subject the 4713
person has been employed to teach or did not fulfill the 4714
requirements of division (A) of this section. No individual whose 4715
right to teach has been revoked under this division shall teach in 4716
a public school, and no board of education may engage such an 4717
individual to teach in the schools of its district. 4718

Notwithstanding division (B) of this section, a board of 4719
education is not required to comply with the provisions of 4720
sections 3319.11 and 3319.16 of the Revised Code with regard to 4721
termination of employment if the superintendent, after an 4722
investigation and an adjudication, has revoked the individual's 4723
right to teach. 4724

Sec. 3323.14. This section does not apply to any handicapped 4725
preschool child except if included in a unit approved under 4726
division (B) of section 3317.05 of the Revised Code. 4727

(A) Where a child who is a school resident of one school 4728
district receives special education from another district and the 4729
per capita cost to the educating district for that child exceeds 4730
the sum of the amount received by the educating district for that 4731
child under division (A) of section 3317.08 of the Revised Code 4732
and the amount received by the district from the state board of 4733

education for that child, then the board of education of the 4734
district of residence shall pay to the board of the school 4735
district that is providing the special education such excess cost 4736
as is determined by using a formula approved by the department of 4737
education and agreed upon in contracts entered into by the boards 4738
of the ~~district~~ districts concerned at the time the district 4739
providing such special education accepts the child for enrollment. 4740
The department of education shall certify the amount of the 4741
payments under Chapter 3317. of the Revised Code for such 4742
handicapped pupils for each school year ending on the thirtieth 4743
day of July. 4744

(B) In the case of a child described in division (A) of this 4745
section who has been placed in a home, as defined in section 4746
3313.64 of the Revised Code, pursuant to the order of a court and 4747
who is not subject to section 3323.141 of the Revised Code, the 4748
district providing the child with special education and related 4749
services may charge to the child's district of residence the 4750
excess cost determined by formula approved by the department, 4751
regardless of whether the district of residence has entered into a 4752
contract with the district providing the services. If the district 4753
providing the services chooses to charge excess costs, the 4754
district may report the amount calculated under this division to 4755
the department. 4756

(C) If a district providing special education for a child 4757
reports an amount for the excess cost of those services, as 4758
authorized and calculated under division (A) or (B) of this 4759
section, the department shall pay that amount of excess cost to 4760
the district providing the services and shall deduct that amount 4761
from the child's district of residence in accordance with division 4762
~~(N)~~(M) of section 3317.023 of the Revised Code. 4763

Sec. 4117.09. (A) The parties to any collective bargaining 4764

agreement shall reduce the agreement to writing and both execute 4765
it. 4766

(B) The agreement shall contain a provision that: 4767

(1) Provides for a grievance procedure which may culminate 4768
with final and binding arbitration of unresolved grievances, and 4769
disputed interpretations of agreements, and which is valid and 4770
enforceable under its terms when entered into in accordance with 4771
this chapter. No publication thereof is required to make it 4772
effective. A party to the agreement may bring suits for violation 4773
of agreements or the enforcement of an award by an arbitrator in 4774
the court of common pleas of any county wherein a party resides or 4775
transacts business. 4776

(2) Authorizes the public employer to deduct the periodic 4777
dues, initiation fees, and assessments of members of the exclusive 4778
representative upon presentation of a written deduction 4779
authorization by the employee. 4780

(C) The agreement may contain a provision that requires as a 4781
condition of employment, on or after a mutually agreed upon 4782
probationary period or sixty days following the beginning of 4783
employment, whichever is less, or the effective date of a 4784
collective bargaining agreement, whichever is later, that the 4785
employees in the unit who are not members of the employee 4786
organization pay to the employee organization a fair share fee. 4787
The arrangement does not require any employee to become a member 4788
of the employee organization, nor shall fair share fees exceed 4789
dues paid by members of the employee organization who are in the 4790
same bargaining unit. Any public employee organization 4791
representing public employees pursuant to this chapter shall 4792
prescribe an internal procedure to determine a rebate, if any, for 4793
nonmembers which conforms to federal law, provided a nonmember 4794
makes a timely demand on the employee organization. Absent 4795
arbitrary and capricious action, such determination is conclusive 4796

on the parties except that a challenge to the determination may be
filed with the state employment relations board within thirty days
of the determination date specifying the arbitrary or capricious
nature of the determination, and the board shall review the rebate
determination and decide whether it was arbitrary or capricious.
The deduction of a fair share fee by the public employer from the
payroll check of the employee and its payment to the employee
organization is automatic and does not require the written
authorization of the employee.

The internal rebate procedure shall provide for a rebate of
expenditures in support of partisan politics or ideological causes
not ~~germaine~~ germane to the work of employee organizations in the
realm of collective bargaining.

Any public employee who is a member of and adheres to
established and traditional tenets or teachings of a bona fide
religion or religious body which has historically held
conscientious objections to joining or financially supporting an
employee organization and which is exempt from taxation under the
provisions of the Internal Revenue Code shall not be required to
join or financially support any employee organization as a
condition of employment. Upon submission of proper proof of
religious conviction to the board, the board shall declare the
employee exempt from becoming a member of or financially
supporting an employee organization. The employee shall be
required, in lieu of the fair share fee, to pay an amount of money
equal to the fair share fee to a nonreligious charitable fund
exempt from taxation under section 501(c)(3) of the Internal
Revenue Code mutually agreed upon by the employee and the
representative of the employee organization to which the employee
would otherwise be required to pay the fair share fee. The
employee shall furnish to the employee organization written
receipts evidencing such payment, and failure to make the payment

or furnish the receipts shall subject the employee to the same 4829
sanctions as would nonpayment of dues under the applicable 4830
collective bargaining agreement. 4831

No public employer shall agree to a provision requiring that 4832
a public employee become a member of an employee organization as a 4833
condition for securing or retaining employment. 4834

(D) As used in this division, "teacher" means any employee of 4835
a school district certified to teach in the public schools of this 4836
state. 4837

The agreement may contain a provision that provides for a 4838
peer review plan under which teachers in a bargaining unit or 4839
representatives of an employee organization representing teachers 4840
may, for other teachers of the same bargaining unit or teachers 4841
whom the employee organization represents, participate in 4842
assisting, instructing, reviewing, evaluating, or appraising and 4843
make recommendations or participate in decisions with respect to 4844
the retention, discharge, renewal, ~~or nonrenewal~~, or salary of, 4845
the teachers covered by a peer review plan. 4846

The participation of teachers or their employee organization 4847
representative in a peer review plan permitted under this division 4848
shall not be construed as an unfair labor practice under this 4849
chapter or as a violation of any other provision of law or rule 4850
adopted pursuant thereto. 4851

(E) No agreement shall contain an expiration date that is 4852
later than three years from the date of execution. The parties may 4853
extend any agreement, but the extensions do not affect the 4854
expiration date of the original agreement. 4855

Sec. 5126.24. (A) As used in this section: 4856

(1) "License" means an educator license issued by the state 4857
board of education under section 3319.22 of the Revised Code or a 4858

certificate issued by the department of mental retardation and
developmental disabilities. 4859
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(2) "Teacher" means a person employed by a county board of
mental retardation and developmental disabilities in a position
that requires a license. 4861
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(3) "Nonteaching employee" means a person employed by a
county board of mental retardation and developmental disabilities
in a position that does not require a license. 4864
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(4) "Years of service" includes all service described in
division (A) of section 3317.13 of the Revised Code. 4867
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(B) Subject to rules established by the director of mental
retardation and developmental disabilities pursuant to Chapter
119. of the Revised Code, each county board of mental retardation
and developmental disabilities shall annually adopt separate
salary schedules for teachers and nonteaching employees. 4869
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(C) The teachers' salary schedule shall provide for
increments based on training and years of service. The board may
establish its own service requirements provided no teacher
receives less than the salary the teacher would be paid under
section 3317.13 of the Revised Code if the teacher were employed
by ~~a school district~~ an educational service center governing board
~~of education~~ and provided full credit for a minimum of five years
of actual teaching and military experience as defined in division
(A) of such section is given to each teacher. 4874
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Each teacher who has completed training that would qualify
the teacher for a higher salary bracket pursuant to this section
shall file by the fifteenth day of September with the fiscal
officer of the board, satisfactory evidence of the completion of
such additional training. The fiscal officer shall then
immediately place the teacher, pursuant to this section, in the
proper salary bracket in accordance with training and years of 4883
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service. No teacher shall be paid less than the salary to which 4890
the teacher would be entitled under section 3317.13 of the Revised 4891
Code if the teacher were employed by ~~a school district~~ an 4892
educational service center governing board of education. 4893

The superintendent of each county board, on or before the 4894
fifteenth day of October of each year, shall certify to the state 4895
board of education the name of each teacher employed, on an annual 4896
salary, in each special education program operated pursuant to 4897
section 3323.09 of the Revised Code during the first full school 4898
week of October. The superintendent further shall certify, for 4899
each teacher, the number of years of training completed at a 4900
recognized college, the degrees earned from a college recognized 4901
by the state board, the type of license held, the number of months 4902
employed by the board, the annual salary, and other information 4903
that the state board may request. 4904

(D) The nonteaching employees' salary schedule established by 4905
the board shall be based on training, experience, and 4906
qualifications with initial salaries no less than salaries in 4907
effect on July 1, 1985. Each board shall prepare and may amend 4908
from time to time, specifications descriptive of duties, 4909
responsibilities, requirements, and desirable qualifications of 4910
the classifications of employees required to perform the duties 4911
specified in the salary schedule. All nonteaching employees shall 4912
be notified of the position classification to which they are 4913
assigned and the salary for the classification. The compensation 4914
of all nonteaching employees working for a particular board shall 4915
be uniform for like positions except as compensation would be 4916
affected by salary increments based upon length of service. 4917

On the fifteenth day of October of each year the nonteaching 4918
employees' salary schedule and list of job classifications and 4919
salaries in effect on that date shall be filed by each board with 4920
the superintendent of public instruction. If such salary schedule 4921

and classification plan is not filed, the superintendent of public 4922
instruction shall order the board to file such schedule and list 4923
forthwith. If this condition is not corrected within ten days 4924
after receipt of the order from the superintendent, no money shall 4925
be distributed to the district under Chapter 3317. of the Revised 4926
Code until the superintendent has satisfactory evidence of the 4927
board's full compliance with such order. 4928

Sec. 5705.412. (A) As used in this section, "qualifying 4929
contract" means any agreement for the expenditure of money under 4930
which aggregate payments from the funds included in the school 4931
district's five-year forecast under section 5705.391 of the 4932
Revised Code will exceed the lesser of the following amounts: 4933

(1) Five hundred thousand dollars; 4934

(2) One per cent of the total revenue to be credited in the 4935
current fiscal year to the district's general fund, as specified 4936
in the district's most recent certificate of estimated resources 4937
certified under section 5705.36 of the Revised Code. 4938

(B) Notwithstanding section 5705.41 of the Revised Code, no 4939
school district shall adopt any appropriation measure, make any 4940
qualifying contract, or increase during any school year any wage 4941
or salary schedule unless there is attached thereto a certificate, 4942
signed as required by this section, that the school district has 4943
in effect the authorization to levy taxes including the renewal or 4944
replacement of existing levies which, when combined with the 4945
estimated revenue from all other sources available to the district 4946
at the time of certification, are sufficient to provide the 4947
operating revenues necessary to enable the district to maintain 4948
all personnel and programs for all the days set forth in its 4949
adopted school calendars for the current fiscal year and for a 4950
number of days in succeeding fiscal years equal to the number of 4951
days instruction was held or is scheduled for the current fiscal 4952

year, as follows:

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(1) A certificate attached to an appropriation measure under this section shall cover only the fiscal year in which the appropriation measure is effective and shall not consider the renewal or replacement of an existing levy as the authority to levy taxes that are subject to appropriation in the current fiscal year unless the renewal or replacement levy has been approved by the electors and is subject to appropriation in the current fiscal year.

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(2) A certificate attached, in accordance with this section, to any qualifying contract shall cover the term of the contract.

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(3) A certificate attached under this section to a wage or salary schedule shall cover the term of the schedule.

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If the board of education has not adopted a school calendar for the school year beginning on the first day of the fiscal year in which a certificate is required, the certificate attached to an appropriation measure shall include the number of days on which instruction was held in the preceding fiscal year and other certificates required under this section shall include that number of days for the fiscal year in which the certificate is required and any succeeding fiscal years that the certificate must cover.

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The certificate shall be signed by the treasurer and president of the board of education and the superintendent of the school district, unless the district is in a state of fiscal emergency declared under Chapter 3316. of the Revised Code. In that case, the certificate shall be signed by a member of the district's financial planning and supervision commission who is designated by the commission for this purpose.

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(C) Every qualifying contract made or wage or salary schedule adopted or put into effect without such a certificate shall be void, and no payment of any amount due thereon shall be made.

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(D) The department of education and the auditor of state 4984
jointly shall adopt rules governing the methods by which 4985
treasurers, presidents of boards of education, superintendents, 4986
and members of financial planning and supervision commissions 4987
shall estimate revenue and determine whether such revenue is 4988
sufficient to provide necessary operating revenue for the purpose 4989
of making certifications required by this section. 4990

(E) The auditor of state shall be responsible for determining 4991
whether school districts are in compliance with this section. At 4992
the time a school district is audited pursuant to section 117.11 4993
of the Revised Code, the auditor of state shall review each 4994
certificate issued under this section since the district's last 4995
audit, and the appropriation measure, contract, or wage and salary 4996
schedule to which such certificate was attached. If the auditor of 4997
state determines that a school district has not complied with this 4998
section with respect to any qualifying contract or wage or salary 4999
schedule, the auditor of state shall notify the prosecuting 5000
attorney for the county, the city director of law, or other chief 5001
law officer of the school district. That officer may file a civil 5002
action in any court of appropriate jurisdiction to seek a 5003
declaration that the contract or wage or salary schedule is void, 5004
to recover for the school district from the payee the amount of 5005
payments already made under it, or both, except that the officer 5006
shall not seek to recover payments made under any collective 5007
bargaining agreement entered into under Chapter 4117. of the 5008
Revised Code. If the officer does not file such an action within 5009
one hundred twenty days after receiving notice of noncompliance 5010
from the auditor of state, any taxpayer may institute the action 5011
in the taxpayer's own name on behalf of the school district. 5012

(F) This section does not apply to any contract or increase 5013
in any wage or salary schedule that is necessary in order to 5014
enable a board of education to comply with the minimum base salary 5015

amount prescribed in division (B) of section ~~3317.13~~ 3317.141 of 5016
the Revised Code, provided the contract or increase does not 5017
exceed the amount required to be paid to be in compliance with 5018
such division. 5019

(G) Any officer, employee, or other person who expends or 5020
authorizes the expenditure of any public funds or authorizes or 5021
executes any contract or schedule contrary to this section, 5022
expends or authorizes the expenditure of any public funds on the 5023
void contract or schedule, or issues a certificate under this 5024
section which contains any false statements is liable to the 5025
school district for the full amount paid from the district's funds 5026
on the contract or schedule. The officer, employee, or other 5027
person is jointly and severally liable in person and upon any 5028
official bond that the officer, employee, or other person has 5029
given to the school district to the extent of any payments on the 5030
void claim, not to exceed ten thousand dollars. However, no 5031
officer, employee, or other person shall be liable for a mistaken 5032
estimate of available resources made in good faith and based upon 5033
reasonable grounds. If an officer, employee, or other person is 5034
found to have complied with rules jointly adopted by the 5035
department of education and the auditor of state under this 5036
section governing methods by which revenue shall be estimated and 5037
determined sufficient to provide necessary operating revenue for 5038
the purpose of making certifications required by this section, the 5039
officer, employee, or other person shall not be liable under this 5040
section if the estimates and determinations made according to 5041
those rules do not, in fact, conform with actual revenue. The 5042
prosecuting attorney of the county, the city director of law, or 5043
other chief law officer of the district shall enforce this 5044
liability by civil action brought in any court of appropriate 5045
jurisdiction in the name of and on behalf of the school district. 5046
If the prosecuting attorney, city director of law, or other chief 5047
law officer of the district fails, upon the written request of any 5048

taxpayer, to institute action for the enforcement of the 5049
liability, the attorney general, or the taxpayer in the taxpayer's 5050
own name, may institute the action on behalf of the subdivision. 5051

(H) This section does not require the attachment of an 5052
additional certificate beyond that required by section 5705.41 of 5053
the Revised Code for current payrolls of, or contracts of 5054
employment with, any employees or officers of the school district. 5055

This section does not require the attachment of a certificate 5056
to a temporary appropriation measure if all of the following 5057
apply: 5058

(1) The amount appropriated does not exceed twenty-five per 5059
cent of the total amount from all sources available for 5060
expenditure from any fund during the preceding fiscal year; 5061

(2) The measure will not be in effect on or after the 5062
thirtieth day following the earliest date on which the district 5063
may pass an annual appropriation measure; 5064

(3) An amended official certificate of estimated resources 5065
for the current year, if required, has not been certified to the 5066
board of education under division (B) of section 5705.36 of the 5067
Revised Code. 5068

Section 2. That existing sections 3313.42, 3313.64, 3314.08, 5069
3314.10, 3316.07, 3317.01, 3317.02, 3317.022, 3317.023, 3317.08, 5070
3317.082, 3317.11, 3317.12, 3317.13, 3317.14, 3317.16, 3317.19, 5071
3319.02, 3319.08, 3319.081, 3319.082, 3319.088, 3319.10, 3319.11, 5072
3319.111, 3319.12, 3319.17, 3319.172, 3319.18, 3319.22, 3319.283, 5073
3323.14, 4117.09, 5126.24, and 5705.412 of the Revised Code are 5074
hereby repealed. 5075

Section 3. The changes to the salary schedules of classroom 5076
teachers and educational assistants employed by school district 5077

boards of education provided for in sections 3317.141 and 3317.142 5078
of the Revised Code, as enacted by this act, and to the terms of 5079
contracts for teachers and educational assistants provided for in 5080
sections 3319.08 and 3319.081 of the Revised Code, as amended by 5081
this act, do not apply to any collective bargaining agreement 5082
executed under Chapter 4117. of the Revised Code prior to the 5083
effective date of this section. Any collective bargaining 5084
agreement or renewal of such agreement executed after that date 5085
shall comply with the changes provided for in this act. 5086

Section 4. That section 206.09.39 of Am. Sub. H.B. 66 of the 5087
126th General Assembly be amended to read as follows: 5088

Sec. 206.09.39. TRANSITIONAL AID FOR CITY, LOCAL, AND 5089
EXEMPTED VILLAGE SCHOOL DISTRICTS 5090

(A) The Department of Education shall distribute funds within 5091
appropriation item 200-550, Foundation Funding, for transitional 5092
aid in each fiscal year to each qualifying city, local, and 5093
exempted village school district. 5094

In fiscal years 2006 and 2007, the Department shall pay 5095
transitional aid to each city, local, or exempted village school 5096
district that experiences any decrease in its SF-3 funding plus 5097
charge-off supplement for the current fiscal year from its SF-3 5098
funding plus charge-off supplement for the previous fiscal year. 5099
The amount of the transitional aid payment shall equal the 5100
difference between the district's SF-3 funding plus charge-off 5101
supplement for the current fiscal year and its SF-3 funding plus 5102
charge-off supplement for the previous fiscal year. 5103

(B)(1) Subject to divisions (B)(2) and (3) of this section, 5104
the "SF-3 funding plus charge-off supplement" for each city, 5105
local, and exempted village school district in fiscal years 2006 5106
and 2007 equals the sum of the following: 5107

(a) Base-cost funding under division (A) of section 3317.022 of the Revised Code;	5108 5109
(b) Special education and related services additional weighted funding under division (C)(1) of section 3317.022 of the Revised Code;	5110 5111 5112
(c) Speech services funding under division (C)(4) of section 3317.022 of the Revised Code;	5113 5114
(d) Vocational education additional weighted funding under division (E) of section 3317.022 of the Revised Code;	5115 5116
(e) GRADS funding under division (R) of section 3317.024 of the Revised Code;	5117 5118
(f) Adjustments for classroom teachers and educational service personnel under divisions (B), <u>and</u> (C), and (D) of section 3317.023 of the Revised Code;	5119 5120 5121
(g) Poverty-Based Assistance under section 3317.029 of the Revised Code;	5122 5123
(h) Gifted education units under section 3317.05 of the Revised Code;	5124 5125
(i) Transportation under the section of this act entitled "PUPIL TRANSPORTATION";	5126 5127
(j) The excess cost supplement under division (F) of section 3317.022 of the Revised Code;	5128 5129
(k) Parity aid under section 3317.0217 of the Revised Code;	5130
(l) The reappraisal guarantee under division (C) of section 3317.04 of the Revised Code;	5131 5132
(m) The charge-off supplement under section 3317.0216 of the Revised Code.	5133 5134
(2) For purposes of calculating transitional aid in fiscal year 2006, a district's fiscal year 2005 SF-3 funding plus	5135 5136

charge-off supplement is the difference of (a) the sum of the
amounts described in divisions (A) to (O) of Section 41.37 of Am.
Sub. H.B. 95 of the 125th General Assembly, as amended, plus any
transitional aid paid to the district under that section, that the
district actually received in fiscal year 2005 minus (b) the
amount of parity aid and the amount of disadvantaged pupil impact
aid deducted that year under division (C)(6) of section 3314.08 of
the Revised Code, as that section existed that year, and Section
16 of Am. Sub. S.B. 2 of the 125th General Assembly on behalf of
students entitled to attend school in the district who were
enrolled in Internet- and computer-based community schools. For
purposes of calculating transitional aid in fiscal year 2007, a
district's fiscal year 2006 SF-3 funding plus charge-off
supplement is the sum of the amounts described in divisions
(B)(1)(a) to (n) of this section, plus any transitional aid paid
to the district under this section, that the district actually
received in fiscal year 2006.

(3) The SF-3 funding plus charge-off supplement in each
fiscal year for each district is the sum of the amounts specified
in divisions (B)(1)(a) to (n) and (B)(2) of this section less any
general revenue fund spending reductions ordered by the Governor
under section 126.05 of the Revised Code.

(C)(1) When calculating the reappraisal guarantee under
division (C) or (D) of section 3317.04 of the Revised Code in
fiscal year 2006, the Department shall:

(a) Include in a school district's fiscal year 2005 payments
any transitional aid paid to the district in fiscal year 2005
under Section 41.37 of Am. Sub. H.B. 95 of the 125th General
Assembly, as amended;

(b) Subtract from a school district's fiscal year 2005
payments the amount of parity aid and the amount of disadvantaged

pupil impact aid deducted that year under division (C)(6) of 5168
section 3314.08 of the Revised Code, as that section existed that 5169
year, and Section 16 of Am. Sub. S.B. 2 of the 125th General 5170
Assembly on behalf of students entitled to attend school in the 5171
district who were enrolled in Internet- and computer-based 5172
community schools. 5173

(2) When calculating the reappraisal guarantee under division 5174
(C) or (D) of section 3317.04 of the Revised Code in fiscal year 5175
2007, the Department shall include in a school district's fiscal 5176
year 2006 payments any transitional aid paid to the district in 5177
fiscal year 2006 under this section. 5178

(3) When calculating the reappraisal guarantee under division 5179
(C) or (D) of section 3317.04 of the Revised Code in fiscal year 5180
2008, the Department shall include in a school district's fiscal 5181
year 2007 payments any transitional aid paid to the district in 5182
fiscal year 2007 under this section. 5183

Section 5. That existing Section 206.09.39 of Am. Sub. H.B. 5184
66 of the 126th General Assembly is hereby repealed. 5185