

As Introduced

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H. B. No. 66

Representatives Collier, Setzer, Peterson, McGregor, J., Daniels, Evans,
Seitz, McGregor, R., Flowers, Hottinger, Stebelton, Aslanides, Webster

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A B I L L

To amend sections 2151.011, 3313.48, 3313.533, 1
3313.62, 3317.01, and 3317.029; to enact new 2
section 3313.481; and to repeal sections 3313.481 3
and 3313.482 of the Revised Code to establish a 4
minimum school year for school districts and 5
chartered nonpublic schools based on hours, rather 6
than days, of instruction. 7

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

Section 1. That sections 2151.011, 3313.48, 3313.533, 8
3313.62, 3317.01, and 3317.029 be amended and new section 3313.481 9
of the Revised Code be enacted to read as follows: 10

Sec. 2151.011. (A) As used in the Revised Code: 11

(1) "Juvenile court" means whichever of the following is 12
applicable that has jurisdiction under this chapter and Chapter 13
2152. of the Revised Code: 14

(a) The division of the court of common pleas specified in 15
section 2101.022 or 2301.03 of the Revised Code as having 16
jurisdiction under this chapter and Chapter 2152. of the Revised 17
Code or as being the juvenile division or the juvenile division 18
combined with one or more other divisions; 19

(b) The juvenile court of Cuyahoga county or Hamilton county 20
that is separately and independently created by section 2151.08 or 21
Chapter 2153. of the Revised Code and that has jurisdiction under 22
this chapter and Chapter 2152. of the Revised Code; 23

(c) If division (A)(1)(a) or (b) of this section does not 24
apply, the probate division of the court of common pleas. 25

(2) "Juvenile judge" means a judge of a court having 26
jurisdiction under this chapter. 27

(3) "Private child placing agency" means any association, as 28
defined in section 5103.02 of the Revised Code, that is certified 29
under section 5103.03 of the Revised Code to accept temporary, 30
permanent, or legal custody of children and place the children for 31
either foster care or adoption. 32

(4) "Private noncustodial agency" means any person, 33
organization, association, or society certified by the department 34
of job and family services that does not accept temporary or 35
permanent legal custody of children, that is privately operated in 36
this state, and that does one or more of the following: 37

(a) Receives and cares for children for two or more 38
consecutive weeks; 39

(b) Participates in the placement of children in certified 40
foster homes; 41

(c) Provides adoption services in conjunction with a public 42
children services agency or private child placing agency. 43

(B) As used in this chapter: 44

(1) "Adequate parental care" means the provision by a child's 45
parent or parents, guardian, or custodian of adequate food, 46
clothing, and shelter to ensure the child's health and physical 47
safety and the provision by a child's parent or parents of 48
specialized services warranted by the child's physical or mental 49

needs.	50
(2) "Adult" means an individual who is eighteen years of age or older.	51 52
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	53 54 55 56
(4) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	57 58 59
(5) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.	60 61 62 63 64 65 66 67
(6) "Child day camp," "child care," "child day-care center," "part-time child day-care center," "type A family day-care home," "certified type B family day-care home," "type B home," "administrator of a child day-care center," "administrator of a type A family day-care home," "in-home aide," and "authorized provider" have the same meanings as in section 5104.01 of the Revised Code.	68 69 70 71 72 73 74
(7) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family	75 76 77 78 79 80

services, department of mental retardation and developmental	81
disabilities, or the early childhood programs of the department of	82
education.	83
(8) "Chronic truant" has the same meaning as in section	84
2152.02 of the Revised Code.	85
(9) "Commit" means to vest custody as ordered by the court.	86
(10) "Counseling" includes both of the following:	87
(a) General counseling services performed by a public	88
children services agency or shelter for victims of domestic	89
violence to assist a child, a child's parents, and a child's	90
siblings in alleviating identified problems that may cause or have	91
caused the child to be an abused, neglected, or dependent child.	92
(b) Psychiatric or psychological therapeutic counseling	93
services provided to correct or alleviate any mental or emotional	94
illness or disorder and performed by a licensed psychiatrist,	95
licensed psychologist, or a person licensed under Chapter 4757. of	96
the Revised Code to engage in social work or professional	97
counseling.	98
(11) "Custodian" means a person who has legal custody of a	99
child or a public children services agency or private child	100
placing agency that has permanent, temporary, or legal custody of	101
a child.	102
(12) "Delinquent child" has the same meaning as in section	103
2152.02 of the Revised Code.	104
(13) "Detention" means the temporary care of children pending	105
court adjudication or disposition, or execution of a court order,	106
in a public or private facility designed to physically restrict	107
the movement and activities of children.	108
(14) "Developmental disability" has the same meaning as in	109
section 5123.01 of the Revised Code.	110

(15) "Foster caregiver" has the same meaning as in section 111
5103.02 of the Revised Code. 112

(16) "Guardian" means a person, association, or corporation 113
that is granted authority by a probate court pursuant to Chapter 114
2111. of the Revised Code to exercise parental rights over a child 115
to the extent provided in the court's order and subject to the 116
residual parental rights of the child's parents. 117

(17) "Habitual truant" means any child of compulsory school 118
age who is absent without legitimate excuse for absence from the 119
public school the child is supposed to attend for five or more 120
consecutive school days, seven or more school days in one school 121
month, or twelve or more school days in a school year. 122

(18) "Juvenile traffic offender" has the same meaning as in 123
section 2152.02 of the Revised Code. 124

(19) "Legal custody" means a legal status that vests in the 125
custodian the right to have physical care and control of the child 126
and to determine where and with whom the child shall live, and the 127
right and duty to protect, train, and discipline the child and to 128
provide the child with food, shelter, education, and medical care, 129
all subject to any residual parental rights, privileges, and 130
responsibilities. An individual granted legal custody shall 131
exercise the rights and responsibilities personally unless 132
otherwise authorized by any section of the Revised Code or by the 133
court. 134

(20) A "legitimate excuse for absence from the public school 135
the child is supposed to attend" includes, but is not limited to, 136
any of the following: 137

(a) The fact that the child in question has enrolled in and 138
is attending another public or nonpublic school in this or another 139
state; 140

(b) The fact that the child in question is excused from 141

attendance at school for any of the reasons specified in section	142
3321.04 of the Revised Code;	143
(c) The fact that the child in question has received an age	144
and schooling certificate in accordance with section 3331.01 of	145
the Revised Code.	146
(21) "Mental illness" and "mentally ill person subject to	147
hospitalization by court order" have the same meanings as in	148
section 5122.01 of the Revised Code.	149
(22) "Mental injury" means any behavioral, cognitive,	150
emotional, or mental disorder in a child caused by an act or	151
omission that is described in section 2919.22 of the Revised Code	152
and is committed by the parent or other person responsible for the	153
child's care.	154
(23) "Mentally retarded person" has the same meaning as in	155
section 5123.01 of the Revised Code.	156
(24) "Nonsecure care, supervision, or training" means care,	157
supervision, or training of a child in a facility that does not	158
confine or prevent movement of the child within the facility or	159
from the facility.	160
(25) "Of compulsory school age" has the same meaning as in	161
section 3321.01 of the Revised Code.	162
(26) "Organization" means any institution, public,	163
semipublic, or private, and any private association, society, or	164
agency located or operating in the state, incorporated or	165
unincorporated, having among its functions the furnishing of	166
protective services or care for children, or the placement of	167
children in certified foster homes or elsewhere.	168
(27) "Out-of-home care" means detention facilities, shelter	169
facilities, certified children's crisis care facilities, certified	170
foster homes, placement in a prospective adoptive home prior to	171

the issuance of a final decree of adoption, organizations, 172
certified organizations, child day-care centers, type A family 173
day-care homes, child care provided by type B family day-care home 174
providers and by in-home aides, group home providers, group homes, 175
institutions, state institutions, residential facilities, 176
residential care facilities, residential camps, day camps, public 177
schools, chartered nonpublic schools, educational service centers, 178
hospitals, and medical clinics that are responsible for the care, 179
physical custody, or control of children. 180

(28) "Out-of-home care child abuse" means any of the 181
following when committed by a person responsible for the care of a 182
child in out-of-home care: 183

(a) Engaging in sexual activity with a child in the person's 184
care; 185

(b) Denial to a child, as a means of punishment, of proper or 186
necessary subsistence, education, medical care, or other care 187
necessary for a child's health; 188

(c) Use of restraint procedures on a child that cause injury 189
or pain; 190

(d) Administration of prescription drugs or psychotropic 191
medication to the child without the written approval and ongoing 192
supervision of a licensed physician; 193

(e) Commission of any act, other than by accidental means, 194
that results in any injury to or death of the child in out-of-home 195
care or commission of any act by accidental means that results in 196
an injury to or death of a child in out-of-home care and that is 197
at variance with the history given of the injury or death. 198

(29) "Out-of-home care child neglect" means any of the 199
following when committed by a person responsible for the care of a 200
child in out-of-home care: 201

(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;	202 203 204
(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	205 206 207 208
(c) Failure to develop a process for all of the following:	209
(i) Administration of prescription drugs or psychotropic drugs for the child;	210 211
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	212 213
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	214 215 216
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	217 218 219
(e) Confinement of the child to a locked room without monitoring by staff;	220 221
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	222 223
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	224 225 226
(30) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and	227 228 229 230 231

obligations, including all residual rights and obligations.	232
(31) "Permanent surrender" means the act of the parents or,	233
if a child has only one parent, of the parent of a child, by a	234
voluntary agreement authorized by section 5103.15 of the Revised	235
Code, to transfer the permanent custody of the child to a public	236
children services agency or a private child placing agency.	237
(32) "Person" means an individual, association, corporation,	238
or partnership and the state or any of its political subdivisions,	239
departments, or agencies.	240
(33) "Person responsible for a child's care in out-of-home	241
care" means any of the following:	242
(a) Any foster caregiver, in-home aide, or provider;	243
(b) Any administrator, employee, or agent of any of the	244
following: a public or private detention facility; shelter	245
facility; certified children's crisis care facility; organization;	246
certified organization; child day-care center; type A family	247
day-care home; certified type B family day-care home; group home;	248
institution; state institution; residential facility; residential	249
care facility; residential camp; day camp; school district;	250
community school; chartered nonpublic school; educational service	251
center; hospital; or medical clinic;	252
(c) Any person who supervises or coaches children as part of	253
an extracurricular activity sponsored by a school district, public	254
school, or chartered nonpublic school;	255
(d) Any other person who performs a similar function with	256
respect to, or has a similar relationship to, children.	257
(34) "Physically impaired" means having one or more of the	258
following conditions that substantially limit one or more of an	259
individual's major life activities, including self-care, receptive	260
and expressive language, learning, mobility, and self-direction:	261

(a) A substantial impairment of vision, speech, or hearing;	262
(b) A congenital orthopedic impairment;	263
(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.	264 265 266
(35) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.	267 268 269 270
(36) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.	271 272 273 274
(37) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:	275 276
(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	277 278 279
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	280 281 282 283
(38) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	284 285 286
(39) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.	287 288 289 290
(40) "Protective supervision" means an order of disposition	291

pursuant to which the court permits an abused, neglected, 292
dependent, or unruly child to remain in the custody of the child's 293
parents, guardian, or custodian and stay in the child's home, 294
subject to any conditions and limitations upon the child, the 295
child's parents, guardian, or custodian, or any other person that 296
the court prescribes, including supervision as directed by the 297
court for the protection of the child. 298

(41) "Psychiatrist" has the same meaning as in section 299
5122.01 of the Revised Code. 300

(42) "Psychologist" has the same meaning as in section 301
4732.01 of the Revised Code. 302

(43) "Residential camp" means a program in which the care, 303
physical custody, or control of children is accepted overnight for 304
recreational or recreational and educational purposes. 305

(44) "Residential care facility" means an institution, 306
residence, or facility that is licensed by the department of 307
mental health under section 5119.22 of the Revised Code and that 308
provides care for a child. 309

(45) "Residential facility" means a home or facility that is 310
licensed by the department of mental retardation and developmental 311
disabilities under section 5123.19 of the Revised Code and in 312
which a child with a developmental disability resides. 313

(46) "Residual parental rights, privileges, and 314
responsibilities" means those rights, privileges, and 315
responsibilities remaining with the natural parent after the 316
transfer of legal custody of the child, including, but not 317
necessarily limited to, the privilege of reasonable visitation, 318
consent to adoption, the privilege to determine the child's 319
religious affiliation, and the responsibility for support. 320

(47) "School day" means the school day established by the 321
state board of education of the applicable school district 322

pursuant to section ~~3313.48~~ 3313.481 of the Revised Code. 323

(48) "School ~~month~~ and "school year" ~~have~~ has the same 324
~~meanings~~ meaning as in section 3313.62 of the Revised Code. 325

(49) "Secure correctional facility" means a facility under 326
the direction of the department of youth services that is designed 327
to physically restrict the movement and activities of children and 328
used for the placement of children after adjudication and 329
disposition. 330

(50) "Sexual activity" has the same meaning as in section 331
2907.01 of the Revised Code. 332

(51) "Shelter" means the temporary care of children in 333
physically unrestricted facilities pending court adjudication or 334
disposition. 335

(52) "Shelter for victims of domestic violence" has the same 336
meaning as in section 3113.33 of the Revised Code. 337

(53) "Temporary custody" means legal custody of a child who 338
is removed from the child's home, which custody may be terminated 339
at any time at the discretion of the court or, if the legal 340
custody is granted in an agreement for temporary custody, by the 341
person who executed the agreement. 342

(C) For the purposes of this chapter, a child shall be 343
presumed abandoned when the parents of the child have failed to 344
visit or maintain contact with the child for more than ninety 345
days, regardless of whether the parents resume contact with the 346
child after that period of ninety days. 347

Sec. 3313.48. (A) The board of education of each city, 348
exempted village, local, and joint vocational school district 349
shall provide for the free education of the youth of school age 350
within the district under its jurisdiction, at such places as will 351
be most convenient for the attendance of the largest number 352

thereof. ~~Except as provided in section 3313.481 of the Revised~~ 353
~~Code, each~~ Each school so provided ~~and each chartered nonpublic~~ 354
school shall be open for instruction with pupils in attendance, 355
including scheduled classes, supervised activities, and approved 356
education options but excluding lunch and breakfast periods and 357
extracurricular activities, for not less than ~~one hundred~~ 358
~~eighty two days~~ four hundred fifty-five hours in the case of 359
pupils in kindergarten unless such pupils are provided all-day 360
kindergarten, as defined in section 3317.029 of the Revised Code, 361
in which case the pupils shall be in attendance for nine hundred 362
ten hours; nine hundred ten hours in the case of pupils in grades 363
one through six; and one thousand one hours in the case of pupils 364
in grades seven through twelve in each school year, which may 365
include all of the following: 366

~~(A)(1) Up to four school days ten hours per year in which~~ 367
~~classes are dismissed one half day early or the equivalent amount~~ 368
~~of time during a different number of days in grades kindergarten~~ 369
~~through six and up to eleven hours per year in grades seven~~ 370
~~through twelve during which pupils would otherwise be in~~ 371
~~attendance but are not required to attend for the purpose of~~ 372
individualized parent-teacher conferences and reporting periods; 373

~~(B)(2) Up to two days ten hours per year during which pupils~~ 374
~~would otherwise be in attendance but are not required to attend~~ 375
~~for professional meetings of teachers when such days occur during~~ 376
~~a regular school week and schools are not in session of grades~~ 377
~~kindergarten through six, and up to eleven hours per year for such~~ 378
~~meetings of teachers of grades seven through twelve;~~ 379

~~(C) The number of days the school is closed as a result of~~ 380
~~public calamity, as provided in section 3317.01 of the Revised~~ 381
~~Code~~ (3) Morning and afternoon recess periods of not more than 382
fifteen minutes duration per period for pupils in grades 383
kindergarten through six. 384

~~The state board of education shall adopt standards for 385
defining "school day" as used in sections 3313.48 and 3317.01 of 386
the Revised Code. 387~~

~~Except as otherwise provided in this section, each day for 388
grades seven through twelve shall consist of not less than five 389
clock hours with pupils in attendance, except in such emergency 390
situations, including lack of classroom space, as are approved by 391
the state board of education. Except as otherwise provided in this 392
section, each day for grades one through six shall consist of not 393
less than five clock hours with pupils in attendance which may 394
include fifteen minute morning and afternoon recess periods, 395
except in such emergency situations, including lack of classroom 396
space, as are approved by the state board of education. 397~~

(B) In addition to meeting the applicable minimum hours of 398
instruction in a school year specified in division (A) of this 399
section, each school operated by a city, exempted village, local, 400
or joint vocational school district shall comply with the 401
following: 402

(1) The school shall be open for instruction for not less 403
than thirty-six weeks in a school year; 404

(2) The school shall be open for instruction for not less 405
than the number of hours the school was open for instruction 406
during the school year that ended June 30, 2007; 407

(3) The school shall not be closed for more than ninety 408
consecutive calendar days. 409

(C) No school operated by a city, exempted village, local, or 410
joint vocational school district shall reduce the number of hours 411
in each school year or the number of days in each school week that 412
the school is scheduled to be open for instruction from the number 413
of hours per year or the number of days per week the school was 414
open for instruction during the previous school year unless the 415

reduction is approved by a resolution adopted by the district 416
board of education. Any reduction so approved shall not result in 417
fewer hours of instruction per school year than the applicable 418
number of hours required under divisions (A) and (B) of this 419
section. 420

(D) Prior to making any change in the hours or days in which 421
a high school under its jurisdiction is open for instruction, the 422
board of education of each city, exempted village, and local 423
school district shall consider the compatibility of the proposed 424
change with the scheduling needs of any joint vocational school 425
district in which any of the high school's students are also 426
enrolled. The board shall consider the impact of the proposed 427
change on student access to the instructional programs offered by 428
the joint vocational school district, incentives for students to 429
participate in vocational education, transportation, and the 430
timing of graduation. The board shall provide the joint vocational 431
school district board with advance notice of the proposed change 432
and the two boards shall enter into a written agreement 433
prescribing reasonable accommodations to meet the scheduling needs 434
of the joint vocational school district prior to implementation of 435
the change. 436

(E) Prior to making any change in the hours or days in which 437
the schools under its jurisdiction are open for instruction, the 438
board of education of each city, exempted village, and local 439
school district shall consult with the chartered nonpublic schools 440
and community schools, established under Chapter 3314. of the 441
Revised Code, to which the district is required to transport 442
students under section 3314.09 or 3327.01 of the Revised Code and 443
shall consider the effect of the proposed change on the schedule 444
for transportation of those students to their nonpublic or 445
community schools. 446

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 447
the term "school day" is used, unless otherwise specified, that 448
term shall be construed to mean the time during a calendar day 449
other than Saturday or Sunday that a school is open for 450
instruction pursuant to the schedule adopted by the board of 451
education of the school district or the governing authority of the 452
chartered nonpublic school in accordance with section 3313.48 of 453
the Revised Code. 454

Sec. 3313.533. (A) The board of education of a city, exempted 455
village, or local school district may adopt a resolution to 456
establish and maintain an alternative school in accordance with 457
this section. The resolution shall specify, but not necessarily be 458
limited to, all of the following: 459

(1) The purpose of the school, which purpose shall be to 460
serve students who are on suspension, who are having truancy 461
problems, who are experiencing academic failure, who have a 462
history of class disruption, who are exhibiting other academic or 463
behavioral problems specified in the resolution, or who have been 464
discharged or released from the custody of the department of youth 465
services under section 5139.51 of the Revised Code; 466

(2) The grades served by the school, which may include any of 467
grades kindergarten through twelve; 468

(3) A requirement that the school be operated in accordance 469
with this section. The board of education adopting the resolution 470
under division (A) of this section shall be the governing board of 471
the alternative school. The board shall develop and implement a 472
plan for the school in accordance with the resolution establishing 473
the school and in accordance with this section. Each plan shall 474
include, but not necessarily be limited to, all of the following: 475

(a) Specification of the reasons for which students will be 476

accepted for assignment to the school and any criteria for 477
admission that are to be used by the board to approve or 478
disapprove the assignment of students to the school; 479

(b) Specification of the criteria and procedures that will be 480
used for returning students who have been assigned to the school 481
back to the regular education program of the district; 482

(c) An evaluation plan for assessing the effectiveness of the 483
school and its educational program and reporting the results of 484
the evaluation to the public. 485

(B) Notwithstanding any provision of Title XXXIII of the 486
Revised Code to the contrary, the alternative school plan may 487
include any of the following: 488

(1) A requirement that on each school day students must 489
attend school or participate in other programs specified in the 490
plan or by the chief administrative officer of the school for a 491
period equal to the minimum school day set by the ~~state~~ board of 492
education under section 3313.48 of the Revised Code plus any 493
additional time required in the plan or by the chief 494
administrative officer; 495

(2) Restrictions on student participation in extracurricular 496
or interscholastic activities; 497

(3) A requirement that students wear uniforms prescribed by 498
the district board of education. 499

(C) In accordance with the alternative school plan, the 500
district board of education may employ teachers and nonteaching 501
employees necessary to carry out its duties and fulfill its 502
responsibilities or may contract with a nonprofit or for profit 503
entity to operate the alternative school, including the provision 504
of personnel, supplies, equipment, or facilities. 505

(D) An alternative school may be established in all or part 506

of a school building. 507

(E) If a district board of education elects under this 508
section, or is required by section 3313.534 of the Revised Code, 509
to establish an alternative school, the district board may join 510
with the board of education of one or more other districts to form 511
a joint alternative school by forming a cooperative education 512
school district under section 3311.52 or 3311.521 of the Revised 513
Code, or a joint educational program under section 3313.842 of the 514
Revised Code. The authority to employ personnel or to contract 515
with a nonprofit or for profit entity under division (C) of this 516
section applies to any alternative school program established 517
under this division. 518

(F) Any individual employed as a teacher at an alternative 519
school operated by a nonprofit or for profit entity under this 520
section shall be licensed and shall be subject to background 521
checks, as described in section 3319.39 of the Revised Code, in 522
the same manner as an individual employed by a school district. 523

(G) Division (G) of this section applies only to any 524
alternative school that is operated by a nonprofit or for profit 525
entity under contract with the school district. 526

(1) In addition to the specifications authorized under 527
division (B) of this section, any plan adopted under that division 528
for an alternative school to which division (G) of this section 529
also applies shall include the following: 530

(a) A description of the educational program provided at the 531
alternative school, which shall include: 532

(i) Provisions for the school to be configured in clusters or 533
small learning communities; 534

(ii) Provisions for the incorporation of education technology 535
into the curriculum; 536

(iii) Provisions for accelerated learning programs in reading and mathematics.	537 538
(b) A method to determine the reading and mathematics level of each student assigned to the alternative school and a method to continuously monitor each student's progress in those areas. The methods employed under this division shall be aligned with the curriculum adopted by the school district board of education under section 3313.60 of the Revised Code.	539 540 541 542 543 544
(c) A plan for social services to be provided at the alternative school, such as, but not limited to, counseling services, psychological support services, and enrichment programs;	545 546 547
(d) A plan for a student's transition from the alternative school back to a school operated by the school district;	548 549
(e) A requirement that the alternative school maintain financial records in a manner that is compatible with the form prescribed for school districts by the auditor of state to enable the district to comply with any rules adopted by the auditor of state.	550 551 552 553 554
(2) Notwithstanding division (A)(2) of this section, any alternative school to which division (G) of this section applies shall include only grades six through twelve.	555 556 557
(3) Notwithstanding anything in division (A)(3)(a) of this section to the contrary, the characteristics of students who may be assigned to an alternative school to which division (G) of this section applies shall include only disruptive and low-performing students.	558 559 560 561 562
(H) When any district board of education determines to contract with a nonprofit or for profit entity to operate an alternative school under this section, the board shall use the procedure set forth in this division.	563 564 565 566

(1) The board shall publish notice of a request for proposals 567
in a newspaper of general circulation in the district once each 568
week for a period of at least two consecutive weeks prior to the 569
date specified by the board for receiving proposals. Notices of 570
requests for proposals shall contain a general description of the 571
subject of the proposed contract and the location where the 572
request for proposals may be obtained. The request for proposals 573
shall include all of the following information: 574

(a) Instructions and information to respondents concerning 575
the submission of proposals, including the name and address of the 576
office where proposals are to be submitted; 577

(b) Instructions regarding communications, including at least 578
the names, titles, and telephone numbers of persons to whom 579
questions concerning a proposal may be directed; 580

(c) A description of the performance criteria that will be 581
used to evaluate whether a respondent to which a contract is 582
awarded is meeting the district's educational standards or the 583
method by which such performance criteria will be determined; 584

(d) Factors and criteria to be considered in evaluating 585
proposals, the relative importance of each factor or criterion, 586
and a description of the evaluation procedures to be followed; 587

(e) Any terms or conditions of the proposed contract, 588
including any requirement for a bond and the amount of such bond; 589

(f) Documents that may be incorporated by reference into the 590
request for proposals, provided that the request for proposals 591
specifies where such documents may be obtained and that such 592
documents are readily available to all interested parties. 593

(2) After the date specified for receiving proposals, the 594
board shall evaluate the submitted proposals and may hold 595
discussions with any respondent to ensure a complete understanding 596
of the proposal and the qualifications of such respondent to 597

execute the proposed contract. Such qualifications shall include, 598
but are not limited to, all of the following: 599

(a) Demonstrated competence in performance of the required 600
services as indicated by effective implementation of educational 601
programs in reading and mathematics and at least three years of 602
experience successfully serving a student population similar to 603
the student population assigned to the alternative school; 604

(b) Demonstrated performance in the areas of cost 605
containment, the provision of educational services of a high 606
quality, and any other areas determined by the board; 607

(c) Whether the respondent has the resources to undertake the 608
operation of the alternative school and to provide qualified 609
personnel to staff the school; 610

(d) Financial responsibility. 611

(3) The board shall select for further review at least three 612
proposals from respondents the board considers qualified to 613
operate the alternative school in the best interests of the 614
students and the district. If fewer than three proposals are 615
submitted, the board shall select each proposal submitted. The 616
board may cancel a request for proposals or reject all proposals 617
at any time prior to the execution of a contract. 618

The board may hold discussions with any of the three selected 619
respondents to clarify or revise the provisions of a proposal or 620
the proposed contract to ensure complete understanding between the 621
board and the respondent of the terms under which a contract will 622
be entered. Respondents shall be accorded fair and equal treatment 623
with respect to any opportunity for discussion regarding 624
clarifications or revisions. The board may terminate or 625
discontinue any further discussion with a respondent upon written 626
notice. 627

(4) Upon further review of the three proposals selected by 628

the board, the board shall award a contract to the respondent the 629
board considers to have the most merit, taking into consideration 630
the scope, complexity, and nature of the services to be performed 631
by the respondent under the contract. 632

(5) Except as provided in division (H)(6) of this section, 633
the request for proposals, submitted proposals, and related 634
documents shall become public records under section 149.43 of the 635
Revised Code after the award of the contract. 636

(6) Any respondent may request in writing that the board not 637
disclose confidential or proprietary information or trade secrets 638
contained in the proposal submitted by the respondent to the 639
board. Any such request shall be accompanied by an offer of 640
indemnification from the respondent to the board. The board shall 641
determine whether to agree to the request and shall inform the 642
respondent in writing of its decision. If the board agrees to 643
nondisclosure of specified information in a proposal, such 644
information shall not become a public record under section 149.43 645
of the Revised Code. If the respondent withdraws its proposal at 646
any time prior to the execution of a contract, the proposal shall 647
not be a public record under section 149.43 of the Revised Code. 648

(I) Upon a recommendation from the department and in 649
accordance with section 3301.16 of the Revised Code, the state 650
board of education may revoke the charter of any alternative 651
school operated by a school district that violates this section. 652

Sec. 3313.62. The school year shall begin on the first day of 653
July of each calendar year and close on the thirtieth day of June 654
of the succeeding calendar year. A school week shall consist of up 655
to five days, and a school month of four school weeks shall not 656
include Saturday or Sunday, except that a school week may on 657
occasion consist of more than five days and may include Saturday 658
or Sunday only if necessary to make up hours of instruction a 659

school was scheduled to be open but was closed due to hazardous 660
weather or other emergency conditions. 661

Sec. 3317.01. As used in this section and section 3317.011 of 662
the Revised Code, "school district," unless otherwise specified, 663
means any city, local, exempted village, joint vocational, or 664
cooperative education school district and any educational service 665
center. 666

This chapter shall be administered by the state board of 667
education. The superintendent of public instruction shall 668
calculate the amounts payable to each school district and shall 669
certify the amounts payable to each eligible district to the 670
treasurer of the district as provided by this chapter. As soon as 671
possible after such amounts are calculated, the superintendent 672
shall certify to the treasurer of each school district the 673
district's adjusted charge-off increase, as defined in section 674
5705.211 of the Revised Code. No moneys shall be distributed 675
pursuant to this chapter without the approval of the controlling 676
board. 677

The state board of education shall, in accordance with 678
appropriations made by the general assembly, meet the financial 679
obligations of this chapter. 680

Annually, the department of education shall calculate and 681
report to each school district the district's total state and 682
local funds for providing an adequate basic education to the 683
district's nonhandicapped students, utilizing the determination in 684
section 3317.012 of the Revised Code. In addition, the department 685
shall calculate and report separately for each school district the 686
district's total state and local funds for providing an adequate 687
education for its handicapped students, utilizing the 688
determinations in both sections 3317.012 and 3317.013 of the 689
Revised Code. 690

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 2007, 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. 723

Beginning in fiscal year 2007, payments shall be calculated 724
to reflect the biannual reporting of average daily membership. In 725
fiscal year 2007 and in each fiscal year thereafter, annualized 726
periodic payments for each school district shall be based on the 727
district's student counts certified pursuant to section 3317.03 of 728
the Revised Code as follows: 729

the sum of one-half of the number of students reported 730
for the first full week in October plus one-half of the 731
average of the numbers reported for the first full week 732
in October and for the first full week in February 733

Except as otherwise provided, payments under this chapter 734
shall be made only to those school districts in which: 735

(A) The school district, except for any educational service 736
center and any joint vocational or cooperative education school 737
district, levies for current operating expenses at least twenty 738
mills. Levies for joint vocational or cooperative education school 739
districts or county school financing districts, limited to or to 740
the extent apportioned to current expenses, shall be included in 741
this qualification requirement. School district income tax levies 742
under Chapter 5748. of the Revised Code, limited to or to the 743
extent apportioned to current operating expenses, shall be 744
included in this qualification requirement to the extent 745
determined by the tax commissioner under division (D) of section 746
3317.021 of the Revised Code. 747

(B) The school year next preceding the fiscal year for which 748
such payments are authorized meets the requirement of section 749
3313.48 ~~or 3313.481~~ of the Revised Code, with regard to the 750
minimum number of ~~days or~~ hours school must be open for 751
instruction with pupils in attendance, for individualized 752
parent-teacher conference and reporting periods, and for 753
professional meetings of teachers. ~~This requirement shall be~~ 754

~~waived by the superintendent of public instruction if it had been 755
necessary for a school to be closed because of disease epidemic, 756
hazardous weather conditions, inoperability of school buses or 757
other equipment necessary to the school's operation, damage to a 758
school building, or other temporary circumstances due to utility 759
failure rendering the school building unfit for school use, 760
provided that for those school districts operating pursuant to 761
section 3313.48 of the Revised Code the number of days the school 762
was actually open for instruction with pupils in attendance and 763
for individualized parent teacher conference and reporting periods 764
is not less than one hundred seventy five, or for those school 765
districts operating on a trimester plan the number of days the 766
school was actually open for instruction with pupils in attendance 767
not less than seventy nine days in any trimester, for those school 768
districts operating on a quarterly plan the number of days the 769
school was actually open for instruction with pupils in attendance 770
not less than fifty nine days in any quarter, or for those school 771
districts operating on a pentamester plan the number of days the 772
school was actually open for instruction with pupils in attendance 773
not less than forty four days in any pentamester. 774~~

A school district shall not be considered to have failed to 775
comply with this division ~~or section 3313.481~~ of the Revised Code 776
because schools were open for instruction but either twelfth grade 777
students were excused from attendance for up to ~~three days~~ sixteen 778
and one-half hours or only a portion of the kindergarten students 779
were in attendance for up to ~~three days~~ fifteen hours, in the case 780
of students attending all-day kindergarten, and seven and one-half 781
hours, in the case of students attending half-day kindergarten, in 782
order to allow for the gradual orientation to school of such 783
students. 784

~~The superintendent of public instruction shall waive the 785
requirements of this section with reference to the minimum number 786~~

~~of days or hours school must be in session with pupils in 787
attendance for the school year succeeding the school year in which 788
a board of education initiates a plan of operation pursuant to 789
section 3313.481 of the Revised Code. The minimum requirements of 790
this section shall again be applicable to such a district 791
beginning with the school year commencing the second July 792
succeeding the initiation of one such plan, and for each school 793
year thereafter. 794~~

~~A school district shall not be considered to have failed to 795
comply with this division or section 3313.48 or 3313.481 of the 796
Revised Code because schools were open for instruction but the 797
length of the regularly scheduled school day, for any number of 798
days during the school year, was reduced by not more than two 799
hours due to hazardous weather conditions. 800~~

(C) The school district has on file, and is paying in 801
accordance with, a teachers' salary schedule which complies with 802
section 3317.13 of the Revised Code. 803

A board of education or governing board of an educational 804
service center which has not conformed with other law and the 805
rules pursuant thereto, shall not participate in the distribution 806
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 807
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 808
and sufficient reason established to the satisfaction of the state 809
board of education and the state controlling board. 810

All funds allocated to school districts under this chapter, 811
except those specifically allocated for other purposes, shall be 812
used to pay current operating expenses only. 813

Sec. 3317.029. (A) As used in this section: 814

(1) "Poverty percentage" means the quotient obtained by 815
dividing the five-year average number of children ages five to 816

seventeen residing in the school district and living in a family 817
receiving assistance under the Ohio works first program or an 818
antecedent program known as TANF or ADC, as certified or adjusted 819
under section 3317.10 of the Revised Code, by the district's 820
three-year average formula ADM. 821

(2) "Statewide poverty percentage" means the five-year 822
average of the total number of children ages five to seventeen 823
years residing in the state and receiving assistance under the 824
Ohio works first program or an antecedent program known as TANF or 825
ADC, divided by the sum of the three-year average formula ADMs for 826
all school districts in the state. 827

(3) "Poverty index" means the quotient obtained by dividing 828
the school district's poverty percentage by the statewide poverty 829
percentage. 830

(4) "Poverty student count" means the five-year average 831
number of children ages five to seventeen residing in the school 832
district and living in a family receiving assistance under the 833
Ohio works first program or an antecedent program known as TANF or 834
ADC, as certified under section 3317.10 of the Revised Code. 835

(5) "Kindergarten ADM" means the number of students reported 836
under section 3317.03 of the Revised Code as enrolled in 837
kindergarten, excluding any kindergarten students reported under 838
division (B)(3)(e), (f), or (g) of section 3317.03 of the Revised 839
Code. 840

(6) "Kindergarten through third grade ADM" means the amount 841
calculated as follows: 842

(a) Multiply the kindergarten ADM by the sum of one plus the 843
all-day kindergarten percentage; 844

(b) Add the number of students in grades one through three; 845

(c) Subtract from the sum calculated under division (A)(6)(b) 846

of this section the number of special education students in grades 847
kindergarten through three. 848

"Kindergarten through third grade ADM" shall not include any 849
students reported under division (B)(3)(e), (f), or (g) of section 850
3317.03 of the Revised Code. 851

(7) "All-day kindergarten" means a kindergarten class that is 852
in session ~~five days per week~~ for not less than the same number of 853
clock hours each ~~day~~ week as for pupils in grades one through six. 854

(8) "All-day kindergarten percentage" means the percentage of 855
a district's actual total number of students enrolled in 856
kindergarten who are enrolled in all-day kindergarten. 857

(9) "Buildings with the highest concentration of need" means 858
the school buildings in a district with percentages of students in 859
grades kindergarten through three receiving assistance under Ohio 860
works first at least as high as the district-wide percentage of 861
students receiving such assistance. 862

If, in any fiscal year, the information provided by the 863
department of job and family services under section 3317.10 of the 864
Revised Code is insufficient to determine the Ohio works first 865
percentage in each building, "buildings with the highest 866
concentration of need" has the meaning given in rules that the 867
department of education shall adopt. The rules shall base the 868
definition of "buildings with the highest concentration of need" 869
on family income of students in grades kindergarten through three 870
in a manner that, to the extent possible with available data, 871
approximates the intent of this division and division (K) of this 872
section to designate buildings where the Ohio works first 873
percentage in those grades equals or exceeds the district-wide 874
Ohio works first percentage. 875

(B) In addition to the amounts required to be paid to a 876
school district under section 3317.022 of the Revised Code, the 877

department of education shall compute and distribute to each 878
school district for poverty-based assistance the greater of the 879
following: 880

(1) The amount the district received in fiscal year 2005 for 881
disadvantaged pupil impact aid pursuant to Section 41.10 of Am. 882
Sub. H.B. 95 of the 125th general assembly, as amended, minus the 883
amount deducted from the district under Section 16 of Am. Sub. 884
S.B. 2 of the 125th general assembly that year for payments to 885
internet- and computer-based community schools; 886

(2) The sum of the computations made under divisions (C) to 887
(I) of this section. 888

(C) A payment for academic intervention programs, if the 889
district's poverty index is greater than or equal to 0.25, 890
calculated as follows: 891

(1) If the district's poverty index is greater than or equal 892
to 0.25, calculate the district's level one amount for large-group 893
academic intervention for all students as follows: 894

(a) If the district's poverty index is greater than or equal 895
to 0.25 but less than 0.75: 896

large-group intervention units X hourly rate X 897
level one hours X [(poverty index - 0.25)/0.5] 898
X phase-in percentage 899

Where: 900

(i) "Large-group intervention units" equals the district's 901
formula ADM divided by 20; 902

(ii) "Hourly rate" equals \$20.00 in fiscal year 2006 and 903
\$20.40 in fiscal year 2007; 904

(iii) "Level one hours" equals 25 hours; 905

(iv) "Phase-in percentage" equals 0.60 in fiscal year 2006 906
and 1.00 in fiscal year 2007. 907

(b) If the district's poverty index is greater than or equal to 0.75:

large-group intervention units X hourly rate X
level one hours X phase-in percentage

Where "large-group intervention units," "hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section.

(2) If the district's poverty index is greater than or equal to 0.75, calculate the district's level two amount for medium-group academic intervention for all students as follows:

(a) If the district's poverty index is greater than or equal to 0.75 but less than 1.50:

medium-group intervention units X hourly rate
X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]}
X phase-in percentage

Where:

(i) "Medium group intervention units" equals the district's formula ADM divided by 15;

(ii) "Hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section.

(b) If the district's poverty index is greater than or equal to 1.50:

medium-group intervention units X hourly rate X
level two hours X phase-in percentage

Where:

(i) "Medium group intervention units" has the same meaning as in division (C)(2)(a)(i) of this section;

(ii) "Hourly rate" and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;

(iii) "Level two hours" equals 50 hours.	938
(3) If the district's poverty index is greater than or equal to 1.50, calculate the district's level three amount for small-group academic intervention for impoverished students as follows:	939 940 941 942
(a) If the district's poverty index is greater than or equal to 1.50 but less than 2.50:	943 944
small group intervention units X hourly rate X {level one hours + [level three hours X (poverty index - 1.50)]} X phase-in percentage	945 946 947
Where:	948
(i) "Small group intervention units" equals the quotient of (the district's poverty student count times 3) divided by 10;	949 950
(ii) "Hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;	951 952 953
(iii) "Level three hours" equals 135 hours.	954
(b) If the district's poverty index is greater than or equal to 2.50:	955 956
small group intervention units X hourly rate X level three hours X phase-in percentage	957 958
Where:	959
(i) "Small group intervention units" has the same meaning as in division (C)(3)(a)(i) of this section;	960 961
(ii) "Hourly rate" and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;	962 963
(iii) "Level three hours" equals 160 hours.	964
Any district that receives funds under division (C)(2) or (3) of this section annually shall submit to the department of	965 966

education by a date established by the department a plan 967
describing how the district will deploy those funds. The 968
deployment measures described in that plan shall comply with any 969
applicable spending requirements prescribed in division (J)(6) of 970
this section or with any order issued by the superintendent of 971
public instruction under section 3317.017 of the Revised Code. 972

(D) A payment for all-day kindergarten if the poverty index 973
of the school district is greater than or equal to 1.0 or if the 974
district's three-year average formula ADM exceeded seventeen 975
thousand five hundred. In addition, the department shall make a 976
payment under this division to any school district that, in a 977
prior fiscal year, qualified for this payment and provided all-day 978
kindergarten, regardless of changes to the district's poverty 979
index. The department shall calculate the payment under this 980
division by multiplying the all-day kindergarten percentage by the 981
kindergarten ADM and multiplying that product by the formula 982
amount. 983

(E) A class-size reduction payment based on calculating the 984
number of new teachers necessary to achieve a lower 985
student-teacher ratio, as follows: 986

(1) Determine or calculate a formula number of teachers per 987
one thousand students based on the poverty index of the school 988
district as follows: 989

(a) If the poverty index of the school district is less than 990
1.0, the formula number of teachers is 50.0, which is the number 991
of teachers per one thousand students at a student-teacher ratio 992
of twenty to one; 993

(b) If the poverty index of the school district is greater 994
than or equal to 1.0, but less than 1.5, the formula number of 995
teachers is calculated as follows: 996

$$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\} \quad 997$$

Where 50.0 is the number of teachers per one thousand 998
students at a student-teacher ratio of twenty to one; 0.5 is the 999
interval from a poverty index of 1.0 to a poverty index of 1.5; 1000
and 16.667 is the difference in the number of teachers per one 1001
thousand students at a student-teacher ratio of fifteen to one and 1002
the number of teachers per one thousand students at a 1003
student-teacher ratio of twenty to one. 1004

(c) If the poverty index of the school district is greater 1005
than or equal to 1.5, the formula number of teachers is 66.667, 1006
which is the number of teachers per one thousand students at a 1007
student-teacher ratio of fifteen to one. 1008

(2) Multiply the formula number of teachers determined or 1009
calculated in division (E)(1) of this section by the kindergarten 1010
through third grade ADM for the district and divide that product 1011
by one thousand; 1012

(3) Calculate the number of new teachers as follows: 1013

(a) Multiply the kindergarten through third grade ADM by 1014
50.0, which is the number of teachers per one thousand students at 1015
a student-teacher ratio of twenty to one, and divide that product 1016
by one thousand; 1017

(b) Subtract the quotient obtained in division (E)(3)(a) of 1018
this section from the product in division (E)(2) of this section. 1019

(4) Multiply the greater of the difference obtained under 1020
division (E)(3) of this section or zero by the statewide average 1021
teachers compensation. For this purpose, the "statewide average 1022
teacher compensation" is \$53,680 in fiscal year 2006 and \$54,941 1023
in fiscal year 2007, which includes an amount for the value of 1024
fringe benefits. 1025

(F) A payment for services to limited English proficient 1026
students, if the district's poverty index is greater than or equal 1027
to 1.0 and the proportion of its students who are limited English 1028

proficient, as reported in 2003 on its school district report 1029
issued under section 3302.03 of the Revised Code for the 2002-2003 1030
school year, is greater than or equal to 2.0%, calculated as 1031
follows: 1032

(1) If the district's poverty index is greater than or equal 1033
to 1.0, but less than 1.75, determine the amount per limited 1034
English proficient student as follows: 1035

$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0)/0.75)]\}$ 1036
X formula amount 1037

(2) If the district's poverty index is greater than or equal 1038
to 1.75, the amount per limited English proficient student equals: 1039
0.25 X formula amount 1040

(3) Multiply the per student amount determined for the 1041
district under division (F)(1) or (2) of this section by the 1042
number of the district's limited English proficient students, 1043
times a phase-in percentage of 0.40 in fiscal year 2006 and 0.70 1044
in fiscal year 2007. For purposes of this calculation, the number 1045
of limited English proficient students for each district shall be 1046
the number determined by the department when it calculated the 1047
district's percentage of limited English proficient students for 1048
its school district report card issued in 2003 for the 2002-2003 1049
school year. 1050

Not later than December 31, 2006, the department of education 1051
shall recommend to the general assembly and the director of budget 1052
and management a method of identifying the number of limited 1053
English proficient students for purposes of calculating payments 1054
under this division after fiscal year 2007. 1055

(G) A payment for professional development of teachers, if 1056
the district's poverty index is greater than or equal to 1.0, 1057
calculated as follows: 1058

(1) If the district's poverty index is greater than or equal 1059

to 1.0, but less than 1.75, determine the amount per teacher as 1060
follows: 1061

[(poverty index - 1.0)/0.75] X 0.045 X formula amount 1062

(2) If the district's poverty index is greater than or equal 1063
to 1.75, the amount per teacher equals: 1064

0.045 X formula amount 1065

(3) Determine the number of teachers, as follows: 1066

(formula ADM/17) 1067

(4) Multiply the per teacher amount determined for the 1068
district under division (G)(1) or (2) of this section by the 1069
number of teachers determined under division (G)(3) of this 1070
section, times a phase-in percentage of 0.40 in fiscal year 2006 1071
and 0.70 in fiscal year 2007. 1072

(H) A payment for dropout prevention, if the district is a 1073
big eight school district as defined in section 3314.02 of the 1074
Revised Code, calculated as follows: 1075

0.005 X formula amount X poverty index 1076
X formula ADM X phase-in percentage 1077

Where "phase-in percentage" equals 0.40 in fiscal year 2006 1078
and 0.70 in fiscal year 2007. 1079

(I) An amount for community outreach, if the district is an 1080
urban school district as defined in section 3314.02 of the Revised 1081
Code, calculated as follows: 1082

0.005 X formula amount X poverty index X 1083
formula ADM X phase-in percentage 1084

Where "phase-in percentage" equals 0.40 in fiscal year 2006 1085
and 0.70 in fiscal year 2007. 1086

(J) This division applies only to school districts whose 1087
poverty index is 1.0 or greater. 1088

(1) Each school district subject to this division shall first 1089

utilize funds received under this section so that, when combined 1090
with other funds of the district, sufficient funds exist to 1091
provide all-day kindergarten to at least the number of children in 1092
the district's all-day kindergarten percentage. To satisfy this 1093
requirement, a district may use funds paid under division (C), 1094
(F), (G), (H), or (I) of this section to provide all-day 1095
kindergarten in addition to the all-day kindergarten payment under 1096
division (D) of this section. 1097

(2) Except as permitted under division (J)(1) of this 1098
section, each school district shall use its payment under division 1099
(F) of this section for one or more of the following purposes: 1100

(a) To hire teachers for limited English proficient students 1101
or other personnel to provide intervention services for those 1102
students; 1103

(b) To contract for intervention services for those students; 1104

(c) To provide other services to assist those students in 1105
passing the third-grade reading achievement test, and to provide 1106
for those students the intervention services required by section 1107
3313.608 of the Revised Code. 1108

(3) Except as permitted under division (J)(1) of this 1109
section, each school district shall use its payment under division 1110
(G) of this section for professional development of teachers or 1111
other licensed personnel providing educational services to 1112
students only in one or more of the following areas: 1113

(a) Data-based decision making; 1114

(b) Standards-based curriculum models; 1115

(c) Job-embedded professional development activities that are 1116
research-based, as defined in federal law. 1117

In addition, each district shall use the payment only to 1118
implement programs identified on a list of eligible professional 1119

development programs provided by the department of education. The 1120
department annually shall provide the list to each district 1121
receiving a payment under division (G) of this section. However, a 1122
district may apply to the department for a waiver to implement an 1123
alternative professional development program in one or more of the 1124
areas specified in divisions (J)(3)(a) to (c) of this section. If 1125
the department grants the waiver, the district may use its payment 1126
under division (G) of this section to implement the alternative 1127
program. 1128

(4) Except as permitted under division (J)(1) of this 1129
section, each big eight school district shall use its payment 1130
under division (H) of this section either for preventing at-risk 1131
students from dropping out of school, for safety and security 1132
measures described in division (J)(5)(b) of this section, for 1133
academic intervention services described in division (J)(6) of 1134
this section, or for a combination of those purposes. Not later 1135
than September 1, 2005, the department of education shall provide 1136
each big eight school district with a list of dropout prevention 1137
programs that it has determined are successful. The department 1138
subsequently may update the list. Each district that elects to use 1139
its payment under division (H) of this section for dropout 1140
prevention shall use the payment only to implement a dropout 1141
prevention program specified on the department's list. However, a 1142
district may apply to the department for a waiver to implement an 1143
alternative dropout prevention program. If the department grants 1144
the waiver, the district may use its payment under division (H) of 1145
this section to implement the alternative program. 1146

(5) Except as permitted under division (J)(1) of this 1147
section, each urban school district that has a poverty index 1148
greater than or equal to 1.0 shall use its payment under division 1149
(I) of this section for one or a combination of the following 1150
purposes: 1151

(a) To hire or contract for community liaison officers, 1152
attendance or truant officers, or safety and security personnel; 1153

(b) To implement programs designed to ensure that schools are 1154
free of drugs and violence and have a disciplined environment 1155
conducive to learning; 1156

(c) To implement academic intervention services described in 1157
division (J)(6) of this section. 1158

(6) Except as permitted under division (J)(1) of this 1159
section, each school district with a poverty index greater than or 1160
equal to 1.0 shall use the amount of its payment under division 1161
(C) of this section, and may use any amount of its payment under 1162
division (H) or (I) of this section, for academic intervention 1163
services for students who have failed or are in danger of failing 1164
any of the tests administered pursuant to section 3301.0710 of the 1165
Revised Code, including intervention services required by section 1166
3313.608 of the Revised Code. Except as permitted under division 1167
(J)(1) of this section, no district shall spend any portion of its 1168
payment under division (C) of this section for any other purpose. 1169
Notwithstanding any provision to the contrary in Chapter 4117. of 1170
the Revised Code, no collective bargaining agreement entered into 1171
after June 30, 2005, shall require use of the payment for any 1172
other purpose. 1173

(7) Except as otherwise required by division (K) or permitted 1174
under division (O) of this section, all remaining funds 1175
distributed under this section to districts with a poverty index 1176
greater than or equal to 1.0 shall be utilized for the purpose of 1177
the third grade guarantee. The third grade guarantee consists of 1178
increasing the amount of instructional attention received per 1179
pupil in kindergarten through third grade, either by reducing the 1180
ratio of students to instructional personnel or by increasing the 1181
amount of instruction and curriculum-related activities by 1182
extending the length of the school day or the school year. 1183

School districts may implement a reduction of the ratio of students to instructional personnel through any or all of the following methods:

(a) Reducing the number of students in a classroom taught by a single teacher;

(b) Employing full-time educational aides or educational paraprofessionals issued a permit or license under section 3319.088 of the Revised Code;

(c) Instituting a team-teaching method that will result in a lower student-teacher ratio in a classroom.

Districts may extend the school day either by increasing the amount of time allocated for each class, increasing the number of classes provided per day, offering optional academic-related after-school programs, providing curriculum-related extra curricular activities, or establishing tutoring or remedial services for students who have demonstrated an educational need. In accordance with section 3319.089 of the Revised Code, a district extending the school day pursuant to this division may utilize a participant of the work experience program who has a child enrolled in a public school in that district and who is fulfilling the work requirements of that program by volunteering or working in that public school. If the work experience program participant is compensated, the school district may use the funds distributed under this section for all or part of the compensation.

Districts may extend the school year either through adding regular days of instruction to the school calendar or by providing summer programs.

(K) Each district shall not expend any funds received under division (E) of this section in any school buildings that are not buildings with the highest concentration of need, unless there is

a ratio of instructional personnel to students of no more than 1215
fifteen to one in each kindergarten and first grade class in all 1216
buildings with the highest concentration of need. This division 1217
does not require that the funds used in buildings with the highest 1218
concentration of need be spent solely to reduce the ratio of 1219
instructional personnel to students in kindergarten and first 1220
grade. A school district may spend the funds in those buildings in 1221
any manner permitted by division (J)(7) of this section, but may 1222
not spend the money in other buildings unless the fifteen-to-one 1223
ratio required by this division is attained. 1224

(L)(1) By the first day of August of each fiscal year, each 1225
school district wishing to receive any funds under division (D) of 1226
this section shall submit to the department of education an 1227
estimate of its all-day kindergarten percentage. Each district 1228
shall update its estimate throughout the fiscal year in the form 1229
and manner required by the department, and the department shall 1230
adjust payments under this section to reflect the updates. 1231

(2) Annually by the end of December, the department of 1232
education, utilizing data from the information system established 1233
under section 3301.0714 of the Revised Code, shall determine for 1234
each school district subject to division (J) of this section 1235
whether in the preceding fiscal year the district's ratio of 1236
instructional personnel to students and its number of kindergarten 1237
students receiving all-day kindergarten appear reasonable, given 1238
the amounts of money the district received for that fiscal year 1239
pursuant to divisions (D) and (E) of this section. If the 1240
department is unable to verify from the data available that 1241
students are receiving reasonable amounts of instructional 1242
attention and all-day kindergarten, given the funds the district 1243
has received under this section and that class-size reduction 1244
funds are being used in school buildings with the highest 1245
concentration of need as required by division (K) of this section, 1246

the department shall conduct a more intensive investigation to 1247
ensure that funds have been expended as required by this section. 1248
The department shall file an annual report of its findings under 1249
this division with the chairpersons of the committees in each 1250
house of the general assembly dealing with finance and education. 1251

(M)(1) Each school district with a poverty index less than 1252
1.0 that receives a payment under division (D) of this section 1253
shall first utilize funds received under this section so that, 1254
when combined with other funds of the district, sufficient funds 1255
exist to provide all-day kindergarten to at least the number of 1256
children in the district's all-day kindergarten percentage. To 1257
satisfy this requirement, a district may use funds paid under 1258
division (C) or (I) of this section to provide all-day 1259
kindergarten in addition to the all-day kindergarten payment under 1260
division (D) of this section. 1261

(2) Except as permitted under division (M)(1) of this 1262
section, each school district with a poverty index less than 1.0 1263
that receives a payment under division (C) of this section shall 1264
use its payment under that division in accordance with all 1265
requirements of division (J)(6) of this section. 1266

(3) Except as permitted under division (M)(1) of this 1267
section, each school district with a poverty index less than 1.0 1268
that receives a payment under division (I) of this section shall 1269
use its payment under that division for one or a combination of 1270
the following purposes: 1271

(a) To hire or contract for community liaison officers, 1272
attendance or truant officers, or safety and security personnel; 1273

(b) To implement programs designed to ensure that schools are 1274
free of drugs and violence and have a disciplined environment 1275
conducive to learning; 1276

(c) To implement academic intervention services described in 1277

division (J)(6) of this section.	1278
(4) Each school district to which division (M)(1), (2), or	1279
(3) of this section applies shall expend the remaining funds	1280
received under this section, and any other district with a poverty	1281
index less than 1.0 shall expend all funds received under this	1282
section, for any of the following purposes:	1283
(a) The purchase of technology for instructional purposes for	1284
remediation;	1285
(b) All-day kindergarten;	1286
(c) Reduction of class sizes in grades kindergarten through	1287
three, as described in division (J)(7) of this section;	1288
(d) Summer school remediation;	1289
(e) Dropout prevention programs approved by the department of	1290
education under division (J)(4) of this section;	1291
(f) Guaranteeing that all third graders are ready to progress	1292
to more advanced work;	1293
(g) Summer education and work programs;	1294
(h) Adolescent pregnancy programs;	1295
(i) Head start, preschool, early childhood education, or	1296
early learning programs;	1297
(j) Reading improvement and remediation programs described by	1298
the department of education;	1299
(k) Programs designed to ensure that schools are free of	1300
drugs and violence and have a disciplined environment conducive to	1301
learning;	1302
(l) Furnishing, free of charge, materials used in courses of	1303
instruction, except for the necessary textbooks or electronic	1304
textbooks required to be furnished without charge pursuant to	1305
section 3329.06 of the Revised Code, to pupils living in families	1306

participating in Ohio works first in accordance with section 1307
3313.642 of the Revised Code; 1308

(m) School breakfasts provided pursuant to section 3313.813 1309
of the Revised Code. 1310

(N) If at any time the superintendent of public instruction 1311
determines that a school district receiving funds under division 1312
(D) of this section has enrolled less than the all-day 1313
kindergarten percentage reported for that fiscal year, the 1314
superintendent shall withhold from the funds otherwise due the 1315
district under this section a proportional amount as determined by 1316
the difference in the certified all-day kindergarten percentage 1317
and the percentage actually enrolled in all-day kindergarten. 1318

The superintendent shall also withhold an appropriate amount 1319
of funds otherwise due a district for any other misuse of funds 1320
not in accordance with this section. 1321

(O)(1) A district may use a portion of the funds calculated 1322
for it under division (D) of this section to modify or purchase 1323
classroom space to provide all-day kindergarten, if both of the 1324
following conditions are met: 1325

(a) The district certifies to the department, in a manner 1326
acceptable to the department, that it has a shortage of space for 1327
providing all-day kindergarten. 1328

(b) The district provides all-day kindergarten to the number 1329
of children in the all-day kindergarten percentage it certified 1330
under this section. 1331

(2) A district may use a portion of the funds described in 1332
division (J)(7) of this section to modify or purchase classroom 1333
space to enable it to further reduce class size in grades 1334
kindergarten through two with a goal of attaining class sizes of 1335
fifteen students per licensed teacher. To do so, the district must 1336
certify its need for additional space to the department, in a 1337

manner satisfactory to the department. 1338

Section 2. That existing sections 2151.011, 3313.48, 1339
3313.533, 3313.62, 3317.01, and 3317.029 and sections 3313.481 and 1340
3313.482 of the Revised Code are hereby repealed. 1341

Section 3. Sections 1 and 2 of this act shall take effect 1342
July 1, 2007. However, to determine whether a school district 1343
satisfied the minimum school year in the 2006-2007 school year in 1344
order to qualify for state funding under Chapter 3317. of the 1345
Revised Code for fiscal year 2008, the Department of Education 1346
shall apply the criteria prescribed in the version of division (B) 1347
of section 3317.01 of the Revised Code in effect prior to July 1, 1348
2007. 1349

Section 4. The amendments to sections 3313.48, 3313.533, 1350
3313.62, 3317.01, and 3317.029; the repeal and reenactment of 1351
section 3313.481; and the repeal of section 3313.482 of the 1352
Revised Code made by this act do not apply to any collective 1353
bargaining agreement executed under Chapter 4117. of the Revised 1354
Code prior to the effective date of this section. Any collective 1355
bargaining agreement or renewal executed after that date shall 1356
comply with the changes provided for in this act. 1357