

As Reported by the House Education Committee

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Sub. H. B. No. 66

Representative Collier

**Cosponsors: Representatives Setzer, Peterson, McGregor, J., Daniels,
Evans, Seitz, McGregor, R., Flowers, Hottinger, Stebelton, Aslanides,
Webster, Reinhard, Schlichter, Patton, Widowfield, Adams**

A BILL

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 51
or older. 52

(3) "Agreement for temporary custody" means a voluntary 53
agreement authorized by section 5103.15 of the Revised Code that 54
transfers the temporary custody of a child to a public children 55
services agency or a private child placing agency. 56

(4) "Certified foster home" means a foster home, as defined 57
in section 5103.02 of the Revised Code, certified under section 58
5103.03 of the Revised Code. 59

(5) "Child" means a person who is under eighteen years of 60
age, except that the juvenile court has jurisdiction over any 61
person who is adjudicated an unruly child prior to attaining 62
eighteen years of age until the person attains twenty-one years of 63
age, and, for purposes of that jurisdiction related to that 64
adjudication, a person who is so adjudicated an unruly child shall 65
be deemed a "child" until the person attains twenty-one years of 66
age. 67

(6) "Child day camp," "child care," "child day-care center," 68
"part-time child day-care center," "type A family day-care home," 69
"certified type B family day-care home," "type B home," 70
"administrator of a child day-care center," "administrator of a 71
type A family day-care home," "in-home aide," and "authorized 72
provider" have the same meanings as in section 5104.01 of the 73
Revised Code. 74

(7) "Child care provider" means an individual who is a 75
child-care staff member or administrator of a child day-care 76
center, a type A family day-care home, or a type B family day-care 77

home, or an in-home aide or an individual who is licensed, is 78
regulated, is approved, operates under the direction of, or 79
otherwise is certified by the department of job and family 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 section 5123.01 of the Revised Code.	109 110
(15) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.	111 112
(16) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.	113 114 115 116 117
(17) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for five or more consecutive school days, seven or more school days in one school month, or twelve or more school days in a school year.	118 119 120 121 122
(18) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.	123 124
(19) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.	125 126 127 128 129 130 131 132 133 134
(20) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:	135 136 137

(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 following when committed by a person responsible for the care of a child in out-of-home care:	199 200 201
(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,	227 228

all parental rights, duties, and obligations, including the right 229
to consent to adoption, and divests the natural parents or 230
adoptive parents of all parental rights, privileges, and 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	264
fever or any other similar chronic or acute health problem, or	265
amputation or another similar cause.	266
(35) "Placement for adoption" means the arrangement by a	267
public children services agency or a private child placing agency	268
with a person for the care and adoption by that person of a child	269
of whom the agency has permanent custody.	270
(36) "Placement in foster care" means the arrangement by a	271
public children services agency or a private child placing agency	272
for the out-of-home care of a child of whom the agency has	273
temporary custody or permanent custody.	274
(37) "Planned permanent living arrangement" means an order of	275
a juvenile court pursuant to which both of the following apply:	276
(a) The court gives legal custody of a child to a public	277
children services agency or a private child placing agency without	278
the termination of parental rights.	279
(b) The order permits the agency to make an appropriate	280
placement of the child and to enter into a written agreement with	281
a foster care provider or with another person or agency with whom	282
the child is placed.	283
(38) "Practice of social work" and "practice of professional	284
counseling" have the same meanings as in section 4757.01 of the	285
Revised Code.	286
(39) "Sanction, service, or condition" means a sanction,	287
service, or condition created by court order following an	288

adjudication that a child is an unruly child that is described in 289
division (A)(4) of section 2152.19 of the Revised Code. 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 one hundred 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 that the school is scheduled to be open for 412

instruction from the number of hours per year the school was open 413
for instruction during the previous school year unless the 414
reduction is approved by a resolution adopted by the district 415
board of education. Any reduction so approved shall not result in 416
fewer hours of instruction per school year than the applicable 417
number of hours required under divisions (A) and (B) of this 418
section. 419

(D) Prior to making any change in the hours or days in which 420
a high school under its jurisdiction is open for instruction, the 421
board of education of each city, exempted village, and local 422
school district shall consider the compatibility of the proposed 423
change with the scheduling needs of any joint vocational school 424
district in which any of the high school's students are also 425
enrolled. The board shall consider the impact of the proposed 426
change on student access to the instructional programs offered by 427
the joint vocational school district, incentives for students to 428
participate in vocational education, transportation, and the 429
timing of graduation. The board shall provide the joint vocational 430
school district board with advance notice of the proposed change 431
and the two boards shall enter into a written agreement 432
prescribing reasonable accommodations to meet the scheduling needs 433
of the joint vocational school district prior to implementation of 434
the change. 435

(E) Prior to making any change in the hours or days in which 436
the schools under its jurisdiction are open for instruction, the 437
board of education of each city, exempted village, and local 438
school district shall consult with the chartered nonpublic schools 439
and community schools, established under Chapter 3314. of the 440
Revised Code, to which the district is required to transport 441
students under section 3314.09 or 3327.01 of the Revised Code and 442
shall consider the effect of the proposed change on the schedule 443
for transportation of those students to their nonpublic or 444

community schools. 445

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 446
the term "school day" is used, unless otherwise specified, that 447
term shall be construed to mean the time during a calendar day 448
that a school is open for instruction pursuant to the schedule 449
adopted by the board of education of the school district or the 450
governing authority of the chartered nonpublic school in 451
accordance with section 3313.48 of the Revised Code. 452

Sec. 3313.533. (A) The board of education of a city, exempted 453
village, or local school district may adopt a resolution to 454
establish and maintain an alternative school in accordance with 455
this section. The resolution shall specify, but not necessarily be 456
limited to, all of the following: 457

(1) The purpose of the school, which purpose shall be to 458
serve students who are on suspension, who are having truancy 459
problems, who are experiencing academic failure, who have a 460
history of class disruption, who are exhibiting other academic or 461
behavioral problems specified in the resolution, or who have been 462
discharged or released from the custody of the department of youth 463
services under section 5139.51 of the Revised Code; 464

(2) The grades served by the school, which may include any of 465
grades kindergarten through twelve; 466

(3) A requirement that the school be operated in accordance 467
with this section. The board of education adopting the resolution 468
under division (A) of this section shall be the governing board of 469
the alternative school. The board shall develop and implement a 470
plan for the school in accordance with the resolution establishing 471
the school and in accordance with this section. Each plan shall 472
include, but not necessarily be limited to, all of the following: 473

(a) Specification of the reasons for which students will be 474

accepted for assignment to the school and any criteria for 475
admission that are to be used by the board to approve or 476
disapprove the assignment of students to the school; 477

(b) Specification of the criteria and procedures that will be 478
used for returning students who have been assigned to the school 479
back to the regular education program of the district; 480

(c) An evaluation plan for assessing the effectiveness of the 481
school and its educational program and reporting the results of 482
the evaluation to the public. 483

(B) Notwithstanding any provision of Title XXXIII of the 484
Revised Code to the contrary, the alternative school plan may 485
include any of the following: 486

(1) A requirement that on each school day students must 487
attend school or participate in other programs specified in the 488
plan or by the chief administrative officer of the school for a 489
period equal to the minimum school day set by the ~~state~~ board of 490
education under section 3313.48 of the Revised Code plus any 491
additional time required in the plan or by the chief 492
administrative officer; 493

(2) Restrictions on student participation in extracurricular 494
or interscholastic activities; 495

(3) A requirement that students wear uniforms prescribed by 496
the district board of education. 497

(C) In accordance with the alternative school plan, the 498
district board of education may employ teachers and nonteaching 499
employees necessary to carry out its duties and fulfill its 500
responsibilities or may contract with a nonprofit or for profit 501
entity to operate the alternative school, including the provision 502
of personnel, supplies, equipment, or facilities. 503

(D) An alternative school may be established in all or part 504

of a school building. 505

(E) If a district board of education elects under this 506
section, or is required by section 3313.534 of the Revised Code, 507
to establish an alternative school, the district board may join 508
with the board of education of one or more other districts to form 509
a joint alternative school by forming a cooperative education 510
school district under section 3311.52 or 3311.521 of the Revised 511
Code, or a joint educational program under section 3313.842 of the 512
Revised Code. The authority to employ personnel or to contract 513
with a nonprofit or for profit entity under division (C) of this 514
section applies to any alternative school program established 515
under this division. 516

(F) Any individual employed as a teacher at an alternative 517
school operated by a nonprofit or for profit entity under this 518
section shall be licensed and shall be subject to background 519
checks, as described in section 3319.39 of the Revised Code, in 520
the same manner as an individual employed by a school district. 521

(G) Division (G) of this section applies only to any 522
alternative school that is operated by a nonprofit or for profit 523
entity under contract with the school district. 524

(1) In addition to the specifications authorized under 525
division (B) of this section, any plan adopted under that division 526
for an alternative school to which division (G) of this section 527
also applies shall include the following: 528

(a) A description of the educational program provided at the 529
alternative school, which shall include: 530

(i) Provisions for the school to be configured in clusters or 531
small learning communities; 532

(ii) Provisions for the incorporation of education technology 533
into the curriculum; 534

(iii) Provisions for accelerated learning programs in reading and mathematics.	535 536
(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.	537 538 539 540 541 542
(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;	543 544 545
(d) A plan for a student's transition from the alternative school back to a school operated by the school district;	546 547
(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.	548 549 550 551 552
(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.	553 554 555
(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.	556 557 558 559 560
(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.	561 562 563 564

(1) The board shall publish notice of a request for proposals 565
in a newspaper of general circulation in the district once each 566
week for a period of at least two consecutive weeks prior to the 567
date specified by the board for receiving proposals. Notices of 568
requests for proposals shall contain a general description of the 569
subject of the proposed contract and the location where the 570
request for proposals may be obtained. The request for proposals 571
shall include all of the following information: 572

(a) Instructions and information to respondents concerning 573
the submission of proposals, including the name and address of the 574
office where proposals are to be submitted; 575

(b) Instructions regarding communications, including at least 576
the names, titles, and telephone numbers of persons to whom 577
questions concerning a proposal may be directed; 578

(c) A description of the performance criteria that will be 579
used to evaluate whether a respondent to which a contract is 580
awarded is meeting the district's educational standards or the 581
method by which such performance criteria will be determined; 582

(d) Factors and criteria to be considered in evaluating 583
proposals, the relative importance of each factor or criterion, 584
and a description of the evaluation procedures to be followed; 585

(e) Any terms or conditions of the proposed contract, 586
including any requirement for a bond and the amount of such bond; 587

(f) Documents that may be incorporated by reference into the 588
request for proposals, provided that the request for proposals 589
specifies where such documents may be obtained and that such 590
documents are readily available to all interested parties. 591

(2) After the date specified for receiving proposals, the 592
board shall evaluate the submitted proposals and may hold 593
discussions with any respondent to ensure a complete understanding 594
of the proposal and the qualifications of such respondent to 595

execute the proposed contract. Such qualifications shall include, 596
but are not limited to, all of the following: 597

(a) Demonstrated competence in performance of the required 598
services as indicated by effective implementation of educational 599
programs in reading and mathematics and at least three years of 600
experience successfully serving a student population similar to 601
the student population assigned to the alternative school; 602

(b) Demonstrated performance in the areas of cost 603
containment, the provision of educational services of a high 604
quality, and any other areas determined by the board; 605

(c) Whether the respondent has the resources to undertake the 606
operation of the alternative school and to provide qualified 607
personnel to staff the school; 608

(d) Financial responsibility. 609

(3) The board shall select for further review at least three 610
proposals from respondents the board considers qualified to 611
operate the alternative school in the best interests of the 612
students and the district. If fewer than three proposals are 613
submitted, the board shall select each proposal submitted. The 614
board may cancel a request for proposals or reject all proposals 615
at any time prior to the execution of a contract. 616

The board may hold discussions with any of the three selected 617
respondents to clarify or revise the provisions of a proposal or 618
the proposed contract to ensure complete understanding between the 619
board and the respondent of the terms under which a contract will 620
be entered. Respondents shall be accorded fair and equal treatment 621
with respect to any opportunity for discussion regarding 622
clarifications or revisions. The board may terminate or 623
discontinue any further discussion with a respondent upon written 624
notice. 625

(4) Upon further review of the three proposals selected by 626

the board, the board shall award a contract to the respondent the 627
board considers to have the most merit, taking into consideration 628
the scope, complexity, and nature of the services to be performed 629
by the respondent under the contract. 630

(5) Except as provided in division (H)(6) of this section, 631
the request for proposals, submitted proposals, and related 632
documents shall become public records under section 149.43 of the 633
Revised Code after the award of the contract. 634

(6) Any respondent may request in writing that the board not 635
disclose confidential or proprietary information or trade secrets 636
contained in the proposal submitted by the respondent to the 637
board. Any such request shall be accompanied by an offer of 638
indemnification from the respondent to the board. The board shall 639
determine whether to agree to the request and shall inform the 640
respondent in writing of its decision. If the board agrees to 641
nondisclosure of specified information in a proposal, such 642
information shall not become a public record under section 149.43 643
of the Revised Code. If the respondent withdraws its proposal at 644
any time prior to the execution of a contract, the proposal shall 645
not be a public record under section 149.43 of the Revised Code. 646

(I) Upon a recommendation from the department and in 647
accordance with section 3301.16 of the Revised Code, the state 648
board of education may revoke the charter of any alternative 649
school operated by a school district that violates this section. 650

Sec. 3313.62. The school year shall begin on the first day of 651
July of each calendar year and close on the thirtieth day of June 652
of the succeeding calendar year. A For a school operated by the 653
board of education of a school district, a school week shall 654
consist of five days, and a school month of four school weeks for 655
a chartered nonpublic school, a school week shall consist of up to 656
five days. A school week may on occasion consist of more than five 657

days only if necessary to make up hours of instruction a school 658
was scheduled to be open but was closed due to hazardous weather 659
or other emergency conditions. 660

Sec. 3317.01. As used in this section and section 3317.011 of 661
the Revised Code, "school district," unless otherwise specified, 662
means any city, local, exempted village, joint vocational, or 663
cooperative education school district and any educational service 664
center. 665

This chapter shall be administered by the state board of 666
education. The superintendent of public instruction shall 667
calculate the amounts payable to each school district and shall 668
certify the amounts payable to each eligible district to the 669
treasurer of the district as provided by this chapter. As soon as 670
possible after such amounts are calculated, the superintendent 671
shall certify to the treasurer of each school district the 672
district's adjusted charge-off increase, as defined in section 673
5705.211 of the Revised Code. No moneys shall be distributed 674
pursuant to this chapter without the approval of the controlling 675
board. 676

The state board of education shall, in accordance with 677
appropriations made by the general assembly, meet the financial 678
obligations of this chapter. 679

Annually, the department of education shall calculate and 680
report to each school district the district's total state and 681
local funds for providing an adequate basic education to the 682
district's nonhandicapped students, utilizing the determination in 683
section 3317.012 of the Revised Code. In addition, the department 684
shall calculate and report separately for each school district the 685
district's total state and local funds for providing an adequate 686
education for its handicapped students, utilizing the 687
determinations in both sections 3317.012 and 3317.013 of the 688

Revised Code. 689

Not later than the thirty-first day of August of each fiscal 690
year, the department of education shall provide to each school 691
district and county MR/DD board a preliminary estimate of the 692
amount of funding that the department calculates the district will 693
receive under each of divisions (C)(1) and (4) of section 3317.022 694
of the Revised Code. No later than the first day of December of 695
each fiscal year, the department shall update that preliminary 696
estimate. 697

Moneys distributed pursuant to this chapter shall be 698
calculated and paid on a fiscal year basis, beginning with the 699
first day of July and extending through the thirtieth day of June. 700
The moneys appropriated for each fiscal year shall be distributed 701
at least monthly to each school district unless otherwise provided 702
for. The state board shall submit a yearly distribution plan to 703
the controlling board at its first meeting in July. The state 704
board shall submit any proposed midyear revision of the plan to 705
the controlling board in January. Any year-end revision of the 706
plan shall be submitted to the controlling board in June. If 707
moneys appropriated for each fiscal year are distributed other 708
than monthly, such distribution shall be on the same basis for 709
each school district. 710

The total amounts paid each month shall constitute, as nearly 711
as possible, one-twelfth of the total amount payable for the 712
entire year. 713

Until fiscal year 2007, payments made during the first six 714
months of the fiscal year may be based on an estimate of the 715
amounts payable for the entire year. Payments made in the last six 716
months shall be based on the final calculation of the amounts 717
payable to each school district for that fiscal year. Payments 718
made in the last six months may be adjusted, if necessary, to 719
correct the amounts distributed in the first six months, and to 720

reflect enrollment increases when such are at least three per cent. 721
722

Beginning in fiscal year 2007, payments shall be calculated 723
to reflect the biannual reporting of average daily membership. In 724
fiscal year 2007 and in each fiscal year thereafter, annualized 725
periodic payments for each school district shall be based on the 726
district's student counts certified pursuant to section 3317.03 of 727
the Revised Code as follows: 728

the sum of one-half of the number of students reported 729
for the first full week in October plus one-half of the 730
average of the numbers reported for the first full week 731
in October and for the first full week in February 732

Except as otherwise provided, payments under this chapter 733
shall be made only to those school districts in which: 734

(A) The school district, except for any educational service 735
center and any joint vocational or cooperative education school 736
district, levies for current operating expenses at least twenty 737
mills. Levies for joint vocational or cooperative education school 738
districts or county school financing districts, limited to or to 739
the extent apportioned to current expenses, shall be included in 740
this qualification requirement. School district income tax levies 741
under Chapter 5748. of the Revised Code, limited to or to the 742
extent apportioned to current operating expenses, shall be 743
included in this qualification requirement to the extent 744
determined by the tax commissioner under division (D) of section 745
3317.021 of the Revised Code. 746

(B) The school year next preceding the fiscal year for which 747
such payments are authorized meets the requirement of section 748
3313.48 ~~or 3313.481~~ of the Revised Code, with regard to the 749
minimum number of ~~days~~ ~~or~~ hours school must be open for 750
instruction with pupils in attendance, for individualized 751
parent-teacher conference and reporting periods, and for 752

professional meetings of teachers. This requirement shall be 753
waived by the superintendent of public instruction if it had been 754
necessary for a school to be closed because of disease epidemic, 755
hazardous weather conditions, inoperability of school buses or 756
other equipment necessary to the school's operation, damage to a 757
school building, or other temporary circumstances due to utility 758
failure rendering the school building unfit for school use, 759
provided that for those school districts operating pursuant to 760
section 3313.48 of the Revised Code the number of days the school 761
was actually open for instruction with pupils in attendance and 762
for individualized parent teacher conference and reporting periods 763
is not less than one hundred seventy five, or for those school 764
districts operating on a trimester plan the number of days the 765
school was actually open for instruction with pupils in attendance 766
not less than seventy nine days in any trimester, for those school 767
districts operating on a quarterly plan the number of days the 768
school was actually open for instruction with pupils in attendance 769
not less than fifty nine days in any quarter, or for those school 770
districts operating on a pentamester plan the number of days the 771
school was actually open for instruction with pupils in attendance 772
not less than forty four days in any pentamester. 773

A school district shall not be considered to have failed to 774
comply with this division or section 3313.481 of the Revised Code 775
because schools were open for instruction but either twelfth grade 776
students were excused from attendance for up to ~~three days~~ sixteen 777
and one-half hours or only a portion of the kindergarten students 778
were in attendance for up to ~~three days~~ fifteen hours, in the case 779
of students attending all-day kindergarten, and seven and one-half 780
hours, in the case of students attending half-day kindergarten, in 781
order to allow for the gradual orientation to school of such 782
students. 783

~~The superintendent of public instruction shall waive the~~ 784

~~requirements of this section with reference to the minimum number 785
of days or hours school must be in session with pupils in 786
attendance for the school year succeeding the school year in which 787
a board of education initiates a plan of operation pursuant to 788
section 3313.481 of the Revised Code. The minimum requirements of 789
this section shall again be applicable to such a district 790
beginning with the school year commencing the second July 791
succeeding the initiation of one such plan, and for each school 792
year thereafter. 793~~

~~A school district shall not be considered to have failed to 794
comply with this division or section 3313.48 or 3313.481 of the 795
Revised Code because schools were open for instruction but the 796
length of the regularly scheduled school day, for any number of 797
days during the school year, was reduced by not more than two 798
hours due to hazardous weather conditions. 799~~

(C) The school district has on file, and is paying in 800
accordance with, a teachers' salary schedule which complies with 801
section 3317.13 of the Revised Code. 802

A board of education or governing board of an educational 803
service center which has not conformed with other law and the 804
rules pursuant thereto, shall not participate in the distribution 805
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 806
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 807
and sufficient reason established to the satisfaction of the state 808
board of education and the state controlling board. 809

All funds allocated to school districts under this chapter, 810
except those specifically allocated for other purposes, shall be 811
used to pay current operating expenses only. 812

Sec. 3317.029. (A) As used in this section: 813

(1) "Poverty percentage" means the quotient obtained by 814

dividing the five-year average number of children ages five to 815
seventeen residing in the school district and living in a family 816
receiving assistance under the Ohio works first program or an 817
antecedent program known as TANF or ADC, as certified or adjusted 818
under section 3317.10 of the Revised Code, by the district's 819
three-year average formula ADM. 820

(2) "Statewide poverty percentage" means the five-year 821
average of the total number of children ages five to seventeen 822
years residing in the state and receiving assistance under the 823
Ohio works first program or an antecedent program known as TANF or 824
ADC, divided by the sum of the three-year average formula ADMs for 825
all school districts in the state. 826

(3) "Poverty index" means the quotient obtained by dividing 827
the school district's poverty percentage by the statewide poverty 828
percentage. 829

(4) "Poverty student count" means the five-year average 830
number of children ages five to seventeen residing in the school 831
district and living in a family receiving assistance under the 832
Ohio works first program or an antecedent program known as TANF or 833
ADC, as certified under section 3317.10 of the Revised Code. 834

(5) "Kindergarten ADM" means the number of students reported 835
under section 3317.03 of the Revised Code as enrolled in 836
kindergarten, excluding any kindergarten students reported under 837
division (B)(3)(e), (f), or (g) of section 3317.03 of the Revised 838
Code. 839

(6) "Kindergarten through third grade ADM" means the amount 840
calculated as follows: 841

(a) Multiply the kindergarten ADM by the sum of one plus the 842
all-day kindergarten percentage; 843

(b) Add the number of students in grades one through three; 844

(c) Subtract from the sum calculated under division (A)(6)(b) 845
of this section the number of special education students in grades 846
kindergarten through three. 847

"Kindergarten through third grade ADM" shall not include any 848
students reported under division (B)(3)(e), (f), or (g) of section 849
3317.03 of the Revised Code. 850

(7) "All-day kindergarten" means a kindergarten class that is 851
in session ~~five days per week~~ for not less than the same number of 852
clock hours each ~~day~~ week as for pupils in grades one through six. 853

(8) "All-day kindergarten percentage" means the percentage of 854
a district's actual total number of students enrolled in 855
kindergarten who are enrolled in all-day kindergarten. 856

(9) "Buildings with the highest concentration of need" means 857
the school buildings in a district with percentages of students in 858
grades kindergarten through three receiving assistance under Ohio 859
works first at least as high as the district-wide percentage of 860
students receiving such assistance. 861

If, in any fiscal year, the information provided by the 862
department of job and family services under section 3317.10 of the 863
Revised Code is insufficient to determine the Ohio works first 864
percentage in each building, "buildings with the highest 865
concentration of need" has the meaning given in rules that the 866
department of education shall adopt. The rules shall base the 867
definition of "buildings with the highest concentration of need" 868
on family income of students in grades kindergarten through three 869
in a manner that, to the extent possible with available data, 870
approximates the intent of this division and division (K) of this 871
section to designate buildings where the Ohio works first 872
percentage in those grades equals or exceeds the district-wide 873
Ohio works first percentage. 874

(B) In addition to the amounts required to be paid to a 875

school district under section 3317.022 of the Revised Code, the 876
department of education shall compute and distribute to each 877
school district for poverty-based assistance the greater of the 878
following: 879

(1) The amount the district received in fiscal year 2005 for 880
disadvantaged pupil impact aid pursuant to Section 41.10 of Am. 881
Sub. H.B. 95 of the 125th general assembly, as amended, minus the 882
amount deducted from the district under Section 16 of Am. Sub. 883
S.B. 2 of the 125th general assembly that year for payments to 884
internet- and computer-based community schools; 885

(2) The sum of the computations made under divisions (C) to 886
(I) of this section. 887

(C) A payment for academic intervention programs, if the 888
district's poverty index is greater than or equal to 0.25, 889
calculated as follows: 890

(1) If the district's poverty index is greater than or equal 891
to 0.25, calculate the district's level one amount for large-group 892
academic intervention for all students as follows: 893

(a) If the district's poverty index is greater than or equal 894
to 0.25 but less than 0.75: 895

large-group intervention units X hourly rate X 896

level one hours X [(poverty index - 0.25)/0.5] 897

X phase-in percentage 898

Where: 899

(i) "Large-group intervention units" equals the district's 900
formula ADM divided by 20; 901

(ii) "Hourly rate" equals \$20.00 in fiscal year 2006 and 902
\$20.40 in fiscal year 2007; 903

(iii) "Level one hours" equals 25 hours; 904

(iv) "Phase-in percentage" equals 0.60 in fiscal year 2006 905

and 1.00 in fiscal year 2007. 906

(b) If the district's poverty index is greater than or equal 907
to 0.75: 908

large-group intervention units X hourly rate X 909

level one hours X phase-in percentage 910

Where "large-group intervention units," "hourly rate," "level 911
one hours," and "phase-in percentage" have the same meanings as in 912
division (C)(1)(a) of this section. 913

(2) If the district's poverty index is greater than or equal 914
to 0.75, calculate the district's level two amount for 915
medium-group academic intervention for all students as follows: 916

(a) If the district's poverty index is greater than or equal 917
to 0.75 but less than 1.50: 918

medium-group intervention units X hourly rate 919

X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]} 920

X phase-in percentage 921

Where: 922

(i) "Medium group intervention units" equals the district's 923
formula ADM divided by 15; 924

(ii) "Hourly rate," "level one hours," and "phase-in 925
percentage" have the same meanings as in division (C)(1)(a) of 926
this section. 927

(b) If the district's poverty index is greater than or equal 928
to 1.50: 929

medium-group intervention units X hourly rate X 930

level two hours X phase-in percentage 931

Where: 932

(i) "Medium group intervention units" has the same meaning as 933
in division (C)(2)(a)(i) of this section; 934

(ii) "Hourly rate" and "phase-in percentage" have the same 935

meanings as in division (C)(1)(a) of this section;	936
(iii) "Level two hours" equals 50 hours.	937
(3) If the district's poverty index is greater than or equal	938
to 1.50, calculate the district's level three amount for	939
small-group academic intervention for impoverished students as	940
follows:	941
(a) If the district's poverty index is greater than or equal	942
to 1.50 but less than 2.50:	943
small group intervention units X hourly rate X	944
{level one hours + [level three hours X	945
(poverty index - 1.50)]} X phase-in percentage	946
Where:	947
(i) "Small group intervention units" equals the quotient of	948
(the district's poverty student count times 3) divided by 10;	949
(ii) "Hourly rate," "level one hours," and "phase-in	950
percentage" have the same meanings as in division (C)(1)(a) of	951
this section;	952
(iii) "Level three hours" equals 135 hours.	953
(b) If the district's poverty index is greater than or equal	954
to 2.50:	955
small group intervention units X hourly rate	956
X level three hours X phase-in percentage	957
Where:	958
(i) "Small group intervention units" has the same meaning as	959
in division (C)(3)(a)(i) of this section;	960
(ii) "Hourly rate" and "phase-in percentage" have the same	961
meanings as in division (C)(1)(a) of this section;	962
(iii) "Level three hours" equals 160 hours.	963
Any district that receives funds under division (C)(2) or (3)	964

of this section annually shall submit to the department of 965
education by a date established by the department a plan 966
describing how the district will deploy those funds. The 967
deployment measures described in that plan shall comply with any 968
applicable spending requirements prescribed in division (J)(6) of 969
this section or with any order issued by the superintendent of 970
public instruction under section 3317.017 of the Revised Code. 971

(D) A payment for all-day kindergarten if the poverty index 972
of the school district is greater than or equal to 1.0 or if the 973
district's three-year average formula ADM exceeded seventeen 974
thousand five hundred. In addition, the department shall make a 975
payment under this division to any school district that, in a 976
prior fiscal year, qualified for this payment and provided all-day 977
kindergarten, regardless of changes to the district's poverty 978
index. The department shall calculate the payment under this 979
division by multiplying the all-day kindergarten percentage by the 980
kindergarten ADM and multiplying that product by the formula 981
amount. 982

(E) A class-size reduction payment based on calculating the 983
number of new teachers necessary to achieve a lower 984
student-teacher ratio, as follows: 985

(1) Determine or calculate a formula number of teachers per 986
one thousand students based on the poverty index of the school 987
district as follows: 988

(a) If the poverty index of the school district is less than 989
1.0, the formula number of teachers is 50.0, which is the number 990
of teachers per one thousand students at a student-teacher ratio 991
of twenty to one; 992

(b) If the poverty index of the school district is greater 993
than or equal to 1.0, but less than 1.5, the formula number of 994
teachers is calculated as follows: 995

50.0 + {[(poverty index - 1.0)/0.5] X 16.667} 996

Where 50.0 is the number of teachers per one thousand 997
students at a student-teacher ratio of twenty to one; 0.5 is the 998
interval from a poverty index of 1.0 to a poverty index of 1.5; 999
and 16.667 is the difference in the number of teachers per one 1000
thousand students at a student-teacher ratio of fifteen to one and 1001
the number of teachers per one thousand students at a 1002
student-teacher ratio of twenty to one. 1003

(c) If the poverty index of the school district is greater 1004
than or equal to 1.5, the formula number of teachers is 66.667, 1005
which is the number of teachers per one thousand students at a 1006
student-teacher ratio of fifteen to one. 1007

(2) Multiply the formula number of teachers determined or 1008
calculated in division (E)(1) of this section by the kindergarten 1009
through third grade ADM for the district and divide that product 1010
by one thousand; 1011

(3) Calculate the number of new teachers as follows: 1012

(a) Multiply the kindergarten through third grade ADM by 1013
50.0, which is the number of teachers per one thousand students at 1014
a student-teacher ratio of twenty to one, and divide that product 1015
by one thousand; 1016

(b) Subtract the quotient obtained in division (E)(3)(a) of 1017
this section from the product in division (E)(2) of this section. 1018

(4) Multiply the greater of the difference obtained under 1019
division (E)(3) of this section or zero by the statewide average 1020
teachers compensation. For this purpose, the "statewide average 1021
teacher compensation" is \$53,680 in fiscal year 2006 and \$54,941 1022
in fiscal year 2007, which includes an amount for the value of 1023
fringe benefits. 1024

(F) A payment for services to limited English proficient 1025
students, if the district's poverty index is greater than or equal 1026

to 1.0 and the proportion of its students who are limited English proficient, as reported in 2003 on its school district report issued under section 3302.03 of the Revised Code for the 2002-2003 school year, is greater than or equal to 2.0%, calculated as follows:

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

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

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

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

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

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

(1) If the district's poverty index is greater than or equal to 1.0, but less than 1.75, determine the amount per teacher as follows:	1058 1059 1060
$[(\text{poverty index} - 1.0)/0.75] \times 0.045 \times \text{formula amount}$	1061
(2) If the district's poverty index is greater than or equal to 1.75, the amount per teacher equals:	1062 1063
$0.045 \times \text{formula amount}$	1064
(3) Determine the number of teachers, as follows:	1065
$(\text{formula ADM}/17)$	1066
(4) Multiply the per teacher amount determined for the district under division (G)(1) or (2) of this section by the number of teachers determined under division (G)(3) of this section, times a phase-in percentage of 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.	1067 1068 1069 1070 1071
(H) A payment for dropout prevention, if the district is a big eight school district as defined in section 3314.02 of the Revised Code, calculated as follows:	1072 1073 1074
$0.005 \times \text{formula amount} \times \text{poverty index}$	1075
$\times \text{formula ADM} \times \text{phase-in percentage}$	1076
Where "phase-in percentage" equals 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.	1077 1078
(I) An amount for community outreach, if the district is an urban school district as defined in section 3314.02 of the Revised Code, calculated as follows:	1079 1080 1081
$0.005 \times \text{formula amount} \times \text{poverty index} \times$	1082
$\text{formula ADM} \times \text{phase-in percentage}$	1083
Where "phase-in percentage" equals 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.	1084 1085
(J) This division applies only to school districts whose poverty index is 1.0 or greater.	1086 1087

(1) Each school district subject to this division shall first 1088
utilize funds received under this section so that, when combined 1089
with other funds of the district, sufficient funds exist to 1090
provide all-day kindergarten to at least the number of children in 1091
the district's all-day kindergarten percentage. To satisfy this 1092
requirement, a district may use funds paid under division (C), 1093
(F), (G), (H), or (I) of this section to provide all-day 1094
kindergarten in addition to the all-day kindergarten payment under 1095
division (D) of this section. 1096

(2) Except as permitted under division (J)(1) of this 1097
section, each school district shall use its payment under division 1098
(F) of this section for one or more of the following purposes: 1099

(a) To hire teachers for limited English proficient students 1100
or other personnel to provide intervention services for those 1101
students; 1102

(b) To contract for intervention services for those students; 1103

(c) To provide other services to assist those students in 1104
passing the third-grade reading achievement test, and to provide 1105
for those students the intervention services required by section 1106
3313.608 of the Revised Code. 1107

(3) Except as permitted under division (J)(1) of this 1108
section, each school district shall use its payment under division 1109
(G) of this section for professional development of teachers or 1110
other licensed personnel providing educational services to 1111
students only in one or more of the following areas: 1112

(a) Data-based decision making; 1113

(b) Standards-based curriculum models; 1114

(c) Job-embedded professional development activities that are 1115
research-based, as defined in federal law. 1116

In addition, each district shall use the payment only to 1117

implement programs identified on a list of eligible professional 1118
development programs provided by the department of education. The 1119
department annually shall provide the list to each district 1120
receiving a payment under division (G) of this section. However, a 1121
district may apply to the department for a waiver to implement an 1122
alternative professional development program in one or more of the 1123
areas specified in divisions (J)(3)(a) to (c) of this section. If 1124
the department grants the waiver, the district may use its payment 1125
under division (G) of this section to implement the alternative 1126
program. 1127

(4) Except as permitted under division (J)(1) of this 1128
section, each big eight school district shall use its payment 1129
under division (H) of this section either for preventing at-risk 1130
students from dropping out of school, for safety and security 1131
measures described in division (J)(5)(b) of this section, for 1132
academic intervention services described in division (J)(6) of 1133
this section, or for a combination of those purposes. Not later 1134
than September 1, 2005, the department of education shall provide 1135
each big eight school district with a list of dropout prevention 1136
programs that it has determined are successful. The department 1137
subsequently may update the list. Each district that elects to use 1138
its payment under division (H) of this section for dropout 1139
prevention shall use the payment only to implement a dropout 1140
prevention program specified on the department's list. However, a 1141
district may apply to the department for a waiver to implement an 1142
alternative dropout prevention program. If the department grants 1143
the waiver, the district may use its payment under division (H) of 1144
this section to implement the alternative program. 1145

(5) Except as permitted under division (J)(1) of this 1146
section, each urban school district that has a poverty index 1147
greater than or equal to 1.0 shall use its payment under division 1148
(I) of this section for one or a combination of the following 1149

purposes:	1150
(a) To hire or contract for community liaison officers,	1151
attendance or truant officers, or safety and security personnel;	1152
(b) To implement programs designed to ensure that schools are	1153
free of drugs and violence and have a disciplined environment	1154
conducive to learning;	1155
(c) To implement academic intervention services described in	1156
division (J)(6) of this section.	1157
(6) Except as permitted under division (J)(1) of this	1158
section, each school district with a poverty index greater than or	1159
equal to 1.0 shall use the amount of its payment under division	1160
(C) of this section, and may use any amount of its payment under	1161
division (H) or (I) of this section, for academic intervention	1162
services for students who have failed or are in danger of failing	1163
any of the tests administered pursuant to section 3301.0710 of the	1164
Revised Code, including intervention services required by section	1165
3313.608 of the Revised Code. Except as permitted under division	1166
(J)(1) of this section, no district shall spend any portion of its	1167
payment under division (C) of this section for any other purpose.	1168
Notwithstanding any provision to the contrary in Chapter 4117. of	1169
the Revised Code, no collective bargaining agreement entered into	1170
after June 30, 2005, shall require use of the payment for any	1171
other purpose.	1172
(7) Except as otherwise required by division (K) or permitted	1173
under division (O) of this section, all remaining funds	1174
distributed under this section to districts with a poverty index	1175
greater than or equal to 1.0 shall be utilized for the purpose of	1176
the third grade guarantee. The third grade guarantee consists of	1177
increasing the amount of instructional attention received per	1178
pupil in kindergarten through third grade, either by reducing the	1179
ratio of students to instructional personnel or by increasing the	1180

amount of instruction and curriculum-related activities by 1181
extending the length of the school day or the school year. 1182

School districts may implement a reduction of the ratio of 1183
students to instructional personnel through any or all of the 1184
following methods: 1185

(a) Reducing the number of students in a classroom taught by 1186
a single teacher; 1187

(b) Employing full-time educational aides or educational 1188
paraprofessionals issued a permit or license under section 1189
3319.088 of the Revised Code; 1190

(c) Instituting a team-teaching method that will result in a 1191
lower student-teacher ratio in a classroom. 1192

Districts may extend the school day either by increasing the 1193
amount of time allocated for each class, increasing the number of 1194
classes provided per day, offering optional academic-related 1195
after-school programs, providing curriculum-related extra 1196
curricular activities, or establishing tutoring or remedial 1197
services for students who have demonstrated an educational need. 1198
In accordance with section 3319.089 of the Revised Code, a 1199
district extending the school day pursuant to this division may 1200
utilize a participant of the work experience program who has a 1201
child enrolled in a public school in that district and who is 1202
fulfilling the work requirements of that program by volunteering 1203
or working in that public school. If the work experience program 1204
participant is compensated, the school district may use the funds 1205
distributed under this section for all or part of the 1206
compensation. 1207

Districts may extend the school year either through adding 1208
regular days of instruction to the school calendar or by providing 1209
summer programs. 1210

(K) Each district shall not expend any funds received under 1211

division (E) of this section in any school buildings that are not 1212
buildings with the highest concentration of need, unless there is 1213
a ratio of instructional personnel to students of no more than 1214
fifteen to one in each kindergarten and first grade class in all 1215
buildings with the highest concentration of need. This division 1216
does not require that the funds used in buildings with the highest 1217
concentration of need be spent solely to reduce the ratio of 1218
instructional personnel to students in kindergarten and first 1219
grade. A school district may spend the funds in those buildings in 1220
any manner permitted by division (J)(7) of this section, but may 1221
not spend the money in other buildings unless the fifteen-to-one 1222
ratio required by this division is attained. 1223

(L)(1) By the first day of August of each fiscal year, each 1224
school district wishing to receive any funds under division (D) of 1225
this section shall submit to the department of education an 1226
estimate of its all-day kindergarten percentage. Each district 1227
shall update its estimate throughout the fiscal year in the form 1228
and manner required by the department, and the department shall 1229
adjust payments under this section to reflect the updates. 1230

(2) Annually by the end of December, the department of 1231
education, utilizing data from the information system established 1232
under section 3301.0714 of the Revised Code, shall determine for 1233
each school district subject to division (J) of this section 1234
whether in the preceding fiscal year the district's ratio of 1235
instructional personnel to students and its number of kindergarten 1236
students receiving all-day kindergarten appear reasonable, given 1237
the amounts of money the district received for that fiscal year 1238
pursuant to divisions (D) and (E) of this section. If the 1239
department is unable to verify from the data available that 1240
students are receiving reasonable amounts of instructional 1241
attention and all-day kindergarten, given the funds the district 1242
has received under this section and that class-size reduction 1243

funds are being used in school buildings with the highest 1244
concentration of need as required by division (K) of this section, 1245
the department shall conduct a more intensive investigation to 1246
ensure that funds have been expended as required by this section. 1247
The department shall file an annual report of its findings under 1248
this division with the chairpersons of the committees in each 1249
house of the general assembly dealing with finance and education. 1250

(M)(1) Each school district with a poverty index less than 1251
1.0 that receives a payment under division (D) of this section 1252
shall first utilize funds received under this section so that, 1253
when combined with other funds of the district, sufficient funds 1254
exist to provide all-day kindergarten to at least the number of 1255
children in the district's all-day kindergarten percentage. To 1256
satisfy this requirement, a district may use funds paid under 1257
division (C) or (I) of this section to provide all-day 1258
kindergarten in addition to the all-day kindergarten payment under 1259
division (D) of this section. 1260

(2) Except as permitted under division (M)(1) of this 1261
section, each school district with a poverty index less than 1.0 1262
that receives a payment under division (C) of this section shall 1263
use its payment under that division in accordance with all 1264
requirements of division (J)(6) of this section. 1265

(3) Except as permitted under division (M)(1) of this 1266
section, each school district with a poverty index less than 1.0 1267
that receives a payment under division (I) of this section shall 1268
use its payment under that division for one or a combination of 1269
the following purposes: 1270

(a) To hire or contract for community liaison officers, 1271
attendance or truant officers, or safety and security personnel; 1272

(b) To implement programs designed to ensure that schools are 1273
free of drugs and violence and have a disciplined environment 1274

conducive to learning;	1275
(c) To implement academic intervention services described in division (J)(6) of this section.	1276 1277
(4) Each school district to which division (M)(1), (2), or (3) of this section applies shall expend the remaining funds received under this section, and any other district with a poverty index less than 1.0 shall expend all funds received under this section, for any of the following purposes:	1278 1279 1280 1281 1282
(a) The purchase of technology for instructional purposes for remediation;	1283 1284
(b) All-day kindergarten;	1285
(c) Reduction of class sizes in grades kindergarten through three, as described in division (J)(7) of this section;	1286 1287
(d) Summer school remediation;	1288
(e) Dropout prevention programs approved by the department of education under division (J)(4) of this section;	1289 1290
(f) Guaranteeing that all third graders are ready to progress to more advanced work;	1291 1292
(g) Summer education and work programs;	1293
(h) Adolescent pregnancy programs;	1294
(i) Head start, preschool, early childhood education, or early learning programs;	1295 1296
(j) Reading improvement and remediation programs described by the department of education;	1297 1298
(k) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;	1299 1300 1301
(l) Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic	1302 1303

textbooks required to be furnished without charge pursuant to 1304
section 3329.06 of the Revised Code, to pupils living in families 1305
participating in Ohio works first in accordance with section 1306
3313.642 of the Revised Code; 1307

(m) School breakfasts provided pursuant to section 3313.813 1308
of the Revised Code. 1309

(N) If at any time the superintendent of public instruction 1310
determines that a school district receiving funds under division 1311
(D) of this section has enrolled less than the all-day 1312
kindergarten percentage reported for that fiscal year, the 1313
superintendent shall withhold from the funds otherwise due the 1314
district under this section a proportional amount as determined by 1315
the difference in the certified all-day kindergarten percentage 1316
and the percentage actually enrolled in all-day kindergarten. 1317

The superintendent shall also withhold an appropriate amount 1318
of funds otherwise due a district for any other misuse of funds 1319
not in accordance with this section. 1320

(O)(1) A district may use a portion of the funds calculated 1321
for it under division (D) of this section to modify or purchase 1322
classroom space to provide all-day kindergarten, if both of the 1323
following conditions are met: 1324

(a) The district certifies to the department, in a manner 1325
acceptable to the department, that it has a shortage of space for 1326
providing all-day kindergarten. 1327

(b) The district provides all-day kindergarten to the number 1328
of children in the all-day kindergarten percentage it certified 1329
under this section. 1330

(2) A district may use a portion of the funds described in 1331
division (J)(7) of this section to modify or purchase classroom 1332
space to enable it to further reduce class size in grades 1333
kindergarten through two with a goal of attaining class sizes of 1334

fifteen students per licensed teacher. To do so, the district must 1335
certify its need for additional space to the department, in a 1336
manner satisfactory to the department. 1337

Section 2. That existing sections 2151.011, 3313.48, 1338
3313.533, 3313.62, 3317.01, and 3317.029 and sections 3313.481 and 1339
3313.482 of the Revised Code are hereby repealed. 1340

Section 3. Sections 1 and 2 of this act shall take effect 1341
July 1, 2007. However, to determine whether a school district 1342
satisfied the minimum school year in the 2006-2007 school year in 1343
order to qualify for state funding under Chapter 3317. of the 1344
Revised Code for fiscal year 2008, the Department of Education 1345
shall apply the criteria prescribed in the version of division (B) 1346
of section 3317.01 of the Revised Code in effect prior to July 1, 1347
2007. 1348

Section 4. The amendments to sections 3313.48, 3313.533, 1349
3313.62, 3317.01, and 3317.029; the repeal and reenactment of 1350
section 3313.481; and the repeal of section 3313.482 of the 1351
Revised Code made by this act do not apply to any collective 1352
bargaining agreement executed under Chapter 4117. of the Revised 1353
Code prior to the effective date of this section. Any collective 1354
bargaining agreement or renewal executed after that date shall 1355
comply with the changes provided for in this act. 1356