

**As Introduced**

**127th General Assembly  
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**S. B. No. 389**

**Senator Sawyer**

**Cosponsors: Senators Miller, D., Roberts, Fedor, Smith, Turner, Miller, R.,  
Lehner, Morano**

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**A B I L L**

To amend sections 3314.08, 3314.084, 3314.26, 1  
3317.016, 3317.017, 3317.02, 3317.029, 3317.03, 2  
3321.01, and 5727.84 and to repeal section 3314.13 3  
of the Revised Code to provide formula funding for 4  
all-day kindergarten for all school districts and 5  
community schools that offer it. 6

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

**Section 1.** That sections 3314.08, 3314.084, 3314.26, 7  
3317.016, 3317.017, 3317.02, 3317.029, 3317.03, 3321.01, and 8  
5727.84 of the Revised Code be amended to read as follows: 9

**Sec. 3314.08.** (A) As used in this section: 10

(1) "Base formula amount" means the amount specified as such 11  
in a community school's financial plan for a school year pursuant 12  
to division (A)(15) of section 3314.03 of the Revised Code. 13

(2) "IEP" has the same meaning as in section 3323.01 of the 14  
Revised Code. 15

(3) "Applicable special education weight" means the multiple 16  
specified in section 3317.013 of the Revised Code for a disability 17

described in that section. 18

(4) "Applicable vocational education weight" means: 19

(a) For a student enrolled in vocational education programs 20  
or classes described in division (A) of section 3317.014 of the 21  
Revised Code, the multiple specified in that division; 22

(b) For a student enrolled in vocational education programs 23  
or classes described in division (B) of section 3317.014 of the 24  
Revised Code, the multiple specified in that division. 25

(5) "Entitled to attend school" means entitled to attend 26  
school in a district under section 3313.64 or 3313.65 of the 27  
Revised Code. 28

(6) A community school student is "included in the poverty 29  
student count" of a school district if the student is entitled to 30  
attend school in the district and the student's family receives 31  
assistance under the Ohio works first program. 32

(7) "Poverty-based assistance reduction factor" means the 33  
percentage figure, if any, for reducing the per pupil amount of 34  
poverty-based assistance a community school is entitled to receive 35  
pursuant to divisions (D)(5) to (9) of this section in any year, 36  
as specified in the school's financial plan for the year pursuant 37  
to division (A)(15) of section 3314.03 of the Revised Code. 38

(8) "All-day kindergarten" has the same meaning as in section 39  
~~3317.029~~ 3317.02 of the Revised Code. 40

(9) "State education aid" has the same meaning as in section 41  
5751.20 of the Revised Code. 42

(B) The state board of education shall adopt rules requiring 43  
both of the following: 44

(1) The board of education of each city, exempted village, 45  
and local school district to annually report the number of 46  
students entitled to attend school in the district who are 47

enrolled in grades one through twelve in a community school 48  
established under this chapter, the number of students entitled to 49  
attend school in the district who are enrolled in kindergarten in 50  
a community school, the number of those kindergartners who are 51  
enrolled in all-day kindergarten in their community school, and 52  
for each child, the community school in which the child is 53  
enrolled. 54

(2) The governing authority of each community school 55  
established under this chapter to annually report all of the 56  
following: 57

(a) The number of students enrolled in grades one through 58  
twelve and the number of students enrolled in kindergarten in the 59  
school who are not receiving special education and related 60  
services pursuant to an IEP; 61

(b) The number of enrolled students in grades one through 62  
twelve and the number of enrolled students in kindergarten, who 63  
are receiving special education and related services pursuant to 64  
an IEP; 65

(c) The number of students reported under division (B)(2)(b) 66  
of this section receiving special education and related services 67  
pursuant to an IEP for a disability described in each of divisions 68  
(A) to (F) of section 3317.013 of the Revised Code; 69

(d) The number of students in kindergarten reported under 70  
divisions (B)(2)(a) and (b) of this section who are enrolled in 71  
all-day kindergarten; 72

(e) The full-time equivalent number of students reported 73  
under divisions (B)(2)(a) and (b) of this section who are enrolled 74  
in vocational education programs or classes described in each of 75  
divisions (A) and (B) of section 3317.014 of the Revised Code that 76  
are provided by the community school; 77

~~(e)~~(f) Twenty per cent of the number of students reported 78

under divisions (B)(2)(a) and (b) of this section who are not 79  
reported under division (B)(2)~~(d)~~(e) of this section but who are 80  
enrolled in vocational education programs or classes described in 81  
each of divisions (A) and (B) of section 3317.014 of the Revised 82  
Code at a joint vocational school district under a contract 83  
between the community school and the joint vocational school 84  
district and are entitled to attend school in a city, local, or 85  
exempted village school district whose territory is part of the 86  
territory of the joint vocational district; 87

~~(f)~~(g) The number of enrolled preschool children with 88  
disabilities receiving special education services in a 89  
state-funded unit; 90

~~(g)~~(h) The community school's base formula amount; 91

~~(h)~~(i) For each student, the city, exempted village, or local 92  
school district in which the student is entitled to attend school; 93

~~(i)~~(j) Any poverty-based assistance reduction factor that 94  
applies to a school year. 95

(C) From the state education aid calculated for a city, 96  
exempted village, or local school district and, if necessary, from 97  
the payment made to the district under sections 321.24 and 323.156 98  
of the Revised Code, the department of education shall annually 99  
subtract the sum of the amounts described in divisions (C)(1) to 100  
(9) of this section. However, when deducting payments on behalf of 101  
students enrolled in internet- or computer-based community 102  
schools, the department shall deduct only those amounts described 103  
in divisions (C)(1) and (2) of this section. Furthermore, the 104  
aggregate amount deducted under this division shall not exceed the 105  
sum of the district's state education aid and its payment under 106  
sections 321.24 and 323.156 of the Revised Code. 107

(1) An amount equal to the sum of the amounts obtained when, 108  
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for each community school where the district's students are 110  
enrolled, the number of the district's students reported under 111  
divisions (B)(2)(a), (b), and ~~(e)~~(f) of this section who are 112  
enrolled in all-day kindergarten and grades one through twelve, 113  
and one-half the number of students reported under those divisions 114  
who are enrolled in traditional half-day kindergarten, in that 115  
community school is multiplied by the sum of the base formula 116  
amount of that community school plus the per pupil amount of the 117  
base funding supplements specified in divisions (C)(1) to (4) of 118  
section 3317.012 of the Revised Code. 119

(2) The sum of the amounts calculated under divisions 120  
(C)(2)(a) and (b) of this section: 121

(a) For each of the district's students reported under 122  
division (B)(2)(c) of this section as enrolled in a community 123  
school in all-day kindergarten and grades one through twelve and 124  
receiving special education and related services pursuant to an 125  
IEP for a disability described in section 3317.013 of the Revised 126  
Code, the product of the applicable special education weight times 127  
the community school's base formula amount; 128

(b) For each of the district's students reported under 129  
division (B)(2)(c) of this section as enrolled in traditional 130  
half-day kindergarten in a community school and receiving special 131  
education and related services pursuant to an IEP for a disability 132  
described in section 3317.013 of the Revised Code, one-half of the 133  
amount calculated as prescribed in division (C)(2)(a) of this 134  
section. 135

(3) For each of the district's students reported under 136  
division (B)(2)~~(d)~~(e) of this section for whom payment is made 137  
under division (D)(4) of this section, the amount of that payment; 138

(4) An amount equal to the sum of the amounts obtained when, 139  
for each community school where the district's students are 140

enrolled, the number of the district's students enrolled in that 141  
community school who are included in the district's poverty 142  
student count is multiplied by the per pupil amount of 143  
poverty-based assistance the school district receives that year 144  
pursuant to division (C) of section 3317.029 of the Revised Code, 145  
as adjusted by any poverty-based assistance reduction factor of 146  
that community school. The per pupil amount of that aid for the 147  
district shall be calculated by the department. 148

(5) An amount equal to the sum of the amounts obtained when, 149  
for each community school where the district's students are 150  
enrolled, the district's per pupil amount of aid received under 151  
division (E) of section 3317.029 of the Revised Code, as adjusted 152  
by any poverty-based assistance reduction factor of the community 153  
school, is multiplied by the sum of the following: 154

(a) The number of the district's students reported under 155  
division (B)(2)(a) of this section who are enrolled in all-day 156  
kindergarten and grades one to three in that community school and 157  
who are not receiving special education and related services 158  
pursuant to an IEP; 159

(b) One-half of the district's students who are enrolled in 160  
~~all-day or any other~~ traditional half-day kindergarten ~~class~~ in 161  
that community school and who are not receiving special education 162  
and related services pursuant to an IEP; 163

~~(c) One-half of the district's students who are enrolled in 164  
all-day kindergarten in that community school and who are not 165  
receiving special education and related services pursuant to an 166  
IEP. 167~~

The district's per pupil amount of aid under division (E) of 168  
section 3317.029 of the Revised Code is the quotient of the amount 169  
the district received under that division divided by the 170  
district's kindergarten through third grade ADM, as defined in 171

that section. 172

(6) An amount equal to the sum of the amounts obtained when, 173  
for each community school where the district's students are 174  
enrolled, the district's per pupil amount received under division 175  
(F) of section 3317.029 of the Revised Code, as adjusted by any 176  
poverty-based assistance reduction factor of that community 177  
school, is multiplied by the number of the district's students 178  
enrolled in the community school who are identified as 179  
limited-English proficient. 180

(7) An amount equal to the sum of the amounts obtained when, 181  
for each community school where the district's students are 182  
enrolled, the district's per pupil amount received under division 183  
(G) of section 3317.029 of the Revised Code, as adjusted by any 184  
poverty-based assistance reduction factor of that community 185  
school, is multiplied by the sum of the following: 186

(a) The number of the district's students enrolled in all-day 187  
kindergarten and grades one through twelve in that community 188  
school; 189

(b) One-half of the number of the district's students 190  
enrolled in traditional half-day kindergarten in that community 191  
school. 192

The district's per pupil amount under division (G) of section 193  
3317.029 of the Revised Code is the district's amount per teacher 194  
calculated under division (G)(1) or (2) of that section divided by 195  
17. 196

(8) An amount equal to the sum of the amounts obtained when, 197  
for each community school where the district's students are 198  
enrolled, the district's per pupil amount received under divisions 199  
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 200  
by any poverty-based assistance reduction factor of that community 201  
school, is multiplied by the sum of the following: 202

(a) The number of the district's students enrolled in <u>all-day kindergarten and</u> grades one through twelve in that community school;	203 204 205
(b) One-half of the number of the district's students enrolled in <u>traditional half-day</u> kindergarten in that community school.	206 207 208
The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code is the amount calculated under each division divided by the district's formula ADM, as defined in section 3317.02 of the Revised Code.	209 210 211 212
(9) An amount equal to the per pupil state parity aid funding calculated for the school district under either division (C) or (D) of section 3317.0217 of the Revised Code multiplied by the sum of the number of students in <u>all-day kindergarten and</u> grades one through twelve, and one-half of the number of students in <u>traditional half-day</u> kindergarten, who are entitled to attend school in the district and are enrolled in a community school as reported under division (B)(1) of this section.	213 214 215 216 217 218 219 220
(D) The department shall annually pay to a community school established under this chapter the sum of the amounts described in divisions (D)(1) to (10) of this section. However, the department shall calculate and pay to each internet- or computer-based community school only the amounts described in divisions (D)(1) to (3) of this section. Furthermore, the sum of the payments to all community schools under divisions (D)(1), (2), and (4) to (10) of this section for the students entitled to attend school in any particular school district shall not exceed the sum of that district's state education aid and its payment under sections 321.24 and 323.156 of the Revised Code. If the sum of the payments calculated under those divisions for the students entitled to attend school in a particular school district exceeds the sum of that district's state education aid and its payment under sections	221 222 223 224 225 226 227 228 229 230 231 232 233 234



321.24 and 323.156 of the Revised Code, the department shall 235  
calculate and apply a proration factor to the payments to all 236  
community schools under those divisions for the students entitled 237  
to attend school in that district. 238

(1) Subject to section 3314.085 of the Revised Code, an 239  
amount equal to the sum of the amounts obtained when the number of 240  
students enrolled in all-day kindergarten and grades one through 241  
twelve in the school, plus one-half of the number of students 242  
enrolled in traditional half-day kindergarten students in the 243  
school, reported under divisions (B)(2)(a), (b), and ~~(e)~~(f) of 244  
this section who are not receiving special education and related 245  
services pursuant to an IEP for a disability described in section 246  
3317.013 of the Revised Code is multiplied by the sum of the 247  
community school's base formula amount plus the per pupil amount 248  
of the base funding supplements specified in divisions (C)(1) to 249  
(4) of section 3317.012 of the Revised Code. 250

~~(2) Prior to fiscal year 2007, the greater of the amount 251  
calculated under division (D)(2)(a) or (b) of this section, and in 252  
fiscal year 2007 and thereafter, the amount calculated under 253  
division (D)(2)(b) of this section:~~ 254

~~(a) The aggregate amount that the department paid to the 255  
community school in fiscal year 1999 for students receiving 256  
special education and related services pursuant to IEPs, excluding 257  
federal funds and state disadvantaged pupil impact aid funds;~~ 258

~~(b) The sum of the amounts calculated under divisions 259  
(D)(2)(b)(i)(a) and ~~(ii)~~(b) of this section:~~ 260

~~(i)(a) For each student reported under division (B)(2)(c) of 261  
this section as enrolled in the school in all-day kindergarten and 262  
grades one through twelve and receiving special education and 263  
related services pursuant to an IEP for a disability described in 264  
section 3317.013 of the Revised Code, the following amount:~~ 265

(the school's base formula amount plus 266  
the per pupil amount of the base funding supplements specified in 267  
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 268  
+ (the applicable special education weight X the 269  
community school's base formula amount); 270

~~(ii)~~(b) For each student reported under division (B)(2)(c) of 271  
this section as enrolled in traditional half-day kindergarten and 272  
receiving special education and related services pursuant to an 273  
IEP for a disability described in section 3317.013 of the Revised 274  
Code, one-half of the amount calculated under the formula 275  
prescribed in division (D)(2)~~(b)~~~~(i)~~(a) of this section. 276

(3) An amount received from federal funds to provide special 277  
education and related services to students in the community 278  
school, as determined by the superintendent of public instruction. 279

(4) For each student reported under division (B)(2)~~(d)~~(e) of 280  
this section as enrolled in vocational education programs or 281  
classes that are described in section 3317.014 of the Revised 282  
Code, are provided by the community school, and are comparable as 283  
determined by the superintendent of public instruction to school 284  
district vocational education programs and classes eligible for 285  
state weighted funding under section 3317.014 of the Revised Code, 286  
an amount equal to the applicable vocational education weight 287  
times the community school's base formula amount times the 288  
percentage of time the student spends in the vocational education 289  
programs or classes. 290

(5) An amount equal to the sum of the amounts obtained when, 291  
for each school district where the community school's students are 292  
entitled to attend school, the number of that district's students 293  
enrolled in the community school who are included in the 294  
district's poverty student count is multiplied by the per pupil 295  
amount of poverty-based assistance that school district receives 296  
that year pursuant to division (C) of section 3317.029 of the 297

Revised Code, as adjusted by any poverty-based assistance 298  
reduction factor of the community school. The per pupil amount of 299  
aid shall be determined as described in division (C)(4) of this 300  
section. 301

(6) An amount equal to the sum of the amounts obtained when, 302  
for each school district where the community school's students are 303  
entitled to attend school, the district's per pupil amount of aid 304  
received under division (E) of section 3317.029 of the Revised 305  
Code, as adjusted by any poverty-based assistance reduction factor 306  
of the community school, is multiplied by the sum of the 307  
following: 308

(a) The number of the district's students reported under 309  
division (B)(2)(a) of this section who are enrolled in all-day 310  
kindergarten and grades one to three in that community school and 311  
who are not receiving special education and related services 312  
pursuant to an IEP; 313

(b) One-half of the district's students who are enrolled in 314  
~~all-day or any other~~ traditional half-day kindergarten ~~class~~ in 315  
that community school and who are not receiving special education 316  
and related services pursuant to an IEP; 317

~~(c) One-half of the district's students who are enrolled in~~ 318  
~~all-day kindergarten in that community school and who are not~~ 319  
~~receiving special education and related services pursuant to an~~ 320  
~~IEP.~~ 321

The district's per pupil amount of aid under division (E) of 322  
section 3317.029 of the Revised Code shall be determined as 323  
described in division (C)(5) of this section. 324

(7) An amount equal to the sum of the amounts obtained when, 325  
for each school district where the community school's students are 326  
entitled to attend school, the number of that district's students 327  
enrolled in the community school who are identified as 328

limited-English proficient is multiplied by the district's per 329  
pupil amount received under division (F) of section 3317.029 of 330  
the Revised Code, as adjusted by any poverty-based assistance 331  
reduction factor of the community school. 332

(8) An amount equal to the sum of the amounts obtained when, 333  
for each school district where the community school's students are 334  
entitled to attend school, the district's per pupil amount 335  
received under division (G) of section 3317.029 of the Revised 336  
Code, as adjusted by any poverty-based assistance reduction factor 337  
of the community school, is multiplied by the sum of the 338  
following: 339

(a) The number of the district's students enrolled in all-day 340  
kindergarten and grades one through twelve in that community 341  
school; 342

(b) One-half of the number of the district's students 343  
enrolled in traditional half-day kindergarten in that community 344  
school. 345

The district's per pupil amount under division (G) of section 346  
3317.029 of the Revised Code shall be determined as described in 347  
division (C)(7) of this section. 348

(9) An amount equal to the sum of the amounts obtained when, 349  
for each school district where the community school's students are 350  
entitled to attend school, the district's per pupil amount 351  
received under divisions (H) and (I) of section 3317.029 of the 352  
Revised Code, as adjusted by any poverty-based assistance 353  
reduction factor of the community school, is multiplied by the sum 354  
of the following: 355

(a) The number of the district's students enrolled in all-day 356  
kindergarten and grades one through twelve in that community 357  
school; 358

(b) One-half of the number of the district's students 359

enrolled in traditional half-day kindergarten in that community school. 360  
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The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code shall be determined as described in division (C)(8) of this section. 362  
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(10) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of state parity aid funding calculated under either division (C) or (D) of section 3317.0217 of the Revised Code is multiplied by the sum of the number of that district's students enrolled in all-day kindergarten and grades one through twelve, and one-half of the number of that district's students enrolled in traditional half-day kindergarten, in the community school as reported under division (B)(2)(a) and (b) of this section. 365  
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(E)(1) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (C)(3)(b) of section 3317.022 of the Revised Code, the school may submit to the superintendent of public instruction documentation, as prescribed by the superintendent, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs. 375  
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(2) The community school shall only report under division (E)(1) of this section, and the department shall only pay for, the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs 387  
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associated with any cause of action relating to the student may 392  
not be included in the amount. 393

(F) A community school may apply to the department of 394  
education for preschool children with disabilities or gifted unit 395  
funding the school would receive if it were a school district. 396  
Upon request of its governing authority, a community school that 397  
received unit funding as a school district-operated school before 398  
it became a community school shall retain any units awarded to it 399  
as a school district-operated school provided the school continues 400  
to meet eligibility standards for the unit. 401

A community school shall be considered a school district and 402  
its governing authority shall be considered a board of education 403  
for the purpose of applying to any state or federal agency for 404  
grants that a school district may receive under federal or state 405  
law or any appropriations act of the general assembly. The 406  
governing authority of a community school may apply to any private 407  
entity for additional funds. 408

(G) A board of education sponsoring a community school may 409  
utilize local funds to make enhancement grants to the school or 410  
may agree, either as part of the contract or separately, to 411  
provide any specific services to the community school at no cost 412  
to the school. 413

(H) A community school may not levy taxes or issue bonds 414  
secured by tax revenues. 415

(I) No community school shall charge tuition for the 416  
enrollment of any student. 417

(J)(1)(a) A community school may borrow money to pay any 418  
necessary and actual expenses of the school in anticipation of the 419  
receipt of any portion of the payments to be received by the 420  
school pursuant to division (D) of this section. The school may 421  
issue notes to evidence such borrowing. The proceeds of the notes 422

shall be used only for the purposes for which the anticipated 423  
receipts may be lawfully expended by the school. 424

(b) A school may also borrow money for a term not to exceed 425  
fifteen years for the purpose of acquiring facilities. 426

(2) Except for any amount guaranteed under section 3318.50 of 427  
the Revised Code, the state is not liable for debt incurred by the 428  
governing authority of a community school. 429

(K) For purposes of determining the number of students for 430  
which divisions (D)(5) and (6) of this section applies in any 431  
school year, a community school may submit to the department of 432  
job and family services, no later than the first day of March, a 433  
list of the students enrolled in the school. For each student on 434  
the list, the community school shall indicate the student's name, 435  
address, and date of birth and the school district where the 436  
student is entitled to attend school. Upon receipt of a list under 437  
this division, the department of job and family services shall 438  
determine, for each school district where one or more students on 439  
the list is entitled to attend school, the number of students 440  
residing in that school district who were included in the 441  
department's report under section 3317.10 of the Revised Code. The 442  
department shall make this determination on the basis of 443  
information readily available to it. Upon making this 444  
determination and no later than ninety days after submission of 445  
the list by the community school, the department shall report to 446  
the state department of education the number of students on the 447  
list who reside in each school district who were included in the 448  
department's report under section 3317.10 of the Revised Code. In 449  
complying with this division, the department of job and family 450  
services shall not report to the state department of education any 451  
personally identifiable information on any student. 452

(L) The department of education shall adjust the amounts 453  
subtracted and paid under divisions (C) and (D) of this section to 454

reflect any enrollment of students in community schools for less 455  
than the equivalent of a full school year. The state board of 456  
education within ninety days after April 8, 2003, shall adopt in 457  
accordance with Chapter 119. of the Revised Code rules governing 458  
the payments to community schools under this section ~~and section~~ 459  
~~3314.13 of the Revised Code,~~ including initial payments in a 460  
school year and adjustments and reductions made in subsequent 461  
periodic payments to community schools and corresponding 462  
deductions from school district accounts as provided under 463  
divisions (C) and (D) of this section ~~and section 3314.13 of the~~ 464  
~~Revised Code.~~ For purposes of this section ~~and section 3314.13 of~~ 465  
~~the Revised Code:~~ 466

(1) A student shall be considered enrolled in the community 467  
school for any portion of the school year the student is 468  
participating at a college under Chapter 3365. of the Revised 469  
Code. 470

(2) A student shall be considered to be enrolled in a 471  
community school during a school year for the period of time 472  
beginning on the later of the date on which the school both has 473  
received documentation of the student's enrollment from a parent 474  
and the student has commenced participation in learning 475  
opportunities as defined in the contract with the sponsor, or 476  
thirty days prior to the date on which the student is entered into 477  
the education management information system established under 478  
section 3301.0714 of the Revised Code. For purposes of applying 479  
this division and division (L)(3) of this section to a community 480  
school student, "learning opportunities" shall be defined in the 481  
contract, which shall describe both classroom-based and 482  
non-classroom-based learning opportunities and shall be in 483  
compliance with criteria and documentation requirements for 484  
student participation which shall be established by the 485  
department. Any student's instruction time in non-classroom-based 486



learning opportunities shall be certified by an employee of the 487  
community school. A student's enrollment shall be considered to 488  
cease on the date on which any of the following occur: 489

(a) The community school receives documentation from a parent 490  
terminating enrollment of the student. 491

(b) The community school is provided documentation of a 492  
student's enrollment in another public or private school. 493

(c) The community school ceases to offer learning 494  
opportunities to the student pursuant to the terms of the contract 495  
with the sponsor or the operation of any provision of this 496  
chapter. 497

(3) The department shall determine each community school 498  
student's percentage of full-time equivalency based on the 499  
percentage of learning opportunities offered by the community 500  
school to that student, reported either as number of hours or 501  
number of days, is of the total learning opportunities offered by 502  
the community school to a student who attends for the school's 503  
entire school year. However, no internet- or computer-based 504  
community school shall be credited for any time a student spends 505  
participating in learning opportunities beyond ten hours within 506  
any period of twenty-four consecutive hours. Whether it reports 507  
hours or days of learning opportunities, each community school 508  
shall offer not less than nine hundred twenty hours of learning 509  
opportunities during the school year. 510

(M) The department of education shall reduce the amounts paid 511  
under division (D) of this section to reflect payments made to 512  
colleges under division (B) of section 3365.07 of the Revised 513  
Code. 514

(N)(1) No student shall be considered enrolled in any 515  
internet- or computer-based community school or, if applicable to 516  
the student, in any community school that is required to provide 517

the student with a computer pursuant to division (C) of section 518  
3314.22 of the Revised Code, unless both of the following 519  
conditions are satisfied: 520

(a) The student possesses or has been provided with all 521  
required hardware and software materials and all such materials 522  
are operational so that the student is capable of fully 523  
participating in the learning opportunities specified in the 524  
contract between the school and the school's sponsor as required 525  
by division (A)(23) of section 3314.03 of the Revised Code; 526

(b) The school is in compliance with division (A) of section 527  
3314.22 of the Revised Code, relative to such student. 528

(2) In accordance with policies adopted jointly by the 529  
superintendent of public instruction and the auditor of state, the 530  
department shall reduce the amounts otherwise payable under 531  
division (D) of this section to any community school that includes 532  
in its program the provision of computer hardware and software 533  
materials to any student, if such hardware and software materials 534  
have not been delivered, installed, and activated for each such 535  
student in a timely manner or other educational materials or 536  
services have not been provided according to the contract between 537  
the individual community school and its sponsor. 538

The superintendent of public instruction and the auditor of 539  
state shall jointly establish a method for auditing any community 540  
school to which this division pertains to ensure compliance with 541  
this section. 542

The superintendent, auditor of state, and the governor shall 543  
jointly make recommendations to the general assembly for 544  
legislative changes that may be required to assure fiscal and 545  
academic accountability for such schools. 546

(O)(1) If the department determines that a review of a 547  
community school's enrollment is necessary, such review shall be 548

completed and written notice of the findings shall be provided to 549  
the governing authority of the community school and its sponsor 550  
within ninety days of the end of the community school's fiscal 551  
year, unless extended for a period not to exceed thirty additional 552  
days for one of the following reasons: 553

(a) The department and the community school mutually agree to 554  
the extension. 555

(b) Delays in data submission caused by either a community 556  
school or its sponsor. 557

(2) If the review results in a finding that additional 558  
funding is owed to the school, such payment shall be made within 559  
thirty days of the written notice. If the review results in a 560  
finding that the community school owes moneys to the state, the 561  
following procedure shall apply: 562

(a) Within ten business days of the receipt of the notice of 563  
findings, the community school may appeal the department's 564  
determination to the state board of education or its designee. 565

(b) The board or its designee shall conduct an informal 566  
hearing on the matter within thirty days of receipt of such an 567  
appeal and shall issue a decision within fifteen days of the 568  
conclusion of the hearing. 569

(c) If the board has enlisted a designee to conduct the 570  
hearing, the designee shall certify its decision to the board. The 571  
board may accept the decision of the designee or may reject the 572  
decision of the designee and issue its own decision on the matter. 573

(d) Any decision made by the board under this division is 574  
final. 575

(3) If it is decided that the community school owes moneys to 576  
the state, the department shall deduct such amount from the 577  
school's future payments in accordance with guidelines issued by 578

the superintendent of public instruction. 579

~~(Q)~~(P) The department shall not subtract from a school 580  
district's state aid account under division (C) of this section 581  
and shall not pay to a community school under division (D) of this 582  
section any amount for any of the following: 583

(1) Any student who has graduated from the twelfth grade of a 584  
public or nonpublic high school; 585

(2) Any student who is not a resident of the state; 586

(3) Any student who was enrolled in the community school 587  
during the previous school year when tests were administered under 588  
section 3301.0711 of the Revised Code but did not take one or more 589  
of the tests required by that section and was not excused pursuant 590  
to division (C)(1) or (3) of that section, unless the 591  
superintendent of public instruction grants the student a waiver 592  
from the requirement to take the test and a parent is not paying 593  
tuition for the student pursuant to section 3314.26 of the Revised 594  
Code. The superintendent may grant a waiver only for good cause in 595  
accordance with rules adopted by the state board of education. 596

(4) Any student who has attained the age of twenty-two years, 597  
except for veterans of the armed services whose attendance was 598  
interrupted before completing the recognized twelve-year course of 599  
the public schools by reason of induction or enlistment in the 600  
armed forces and who apply for enrollment in a community school 601  
not later than four years after termination of war or their 602  
honorable discharge. If, however, any such veteran elects to 603  
enroll in special courses organized for veterans for whom tuition 604  
is paid under federal law, or otherwise, the department shall not 605  
subtract from a school district's state aid account under division 606  
(C) of this section and shall not pay to a community school under 607  
division (D) of this section any amount for that veteran. 608

Sec. 3314.084. (A) As used in this section: 609

(1) "Formula ADM" has the same meaning as in section 3317.03 610  
of the Revised Code. 611

(2) "Home" has the same meaning as in section 3313.64 of the 612  
Revised Code. 613

(3) "School district of residence" has the same meaning as in 614  
section 3323.01 of the Revised Code; however, a community school 615  
established under this chapter is not a "school district of 616  
residence" for purposes of this section. 617

(B) Notwithstanding anything to the contrary in section 618  
3314.08 or 3317.03 of the Revised Code, all of the following apply 619  
in the case of a child who is enrolled in a community school and 620  
is also living in a home: 621

(1) For purposes of the report required under division (B)(1) 622  
of section 3314.08 of the Revised Code, the child's school 623  
district of residence, and not the school district in which the 624  
home that the child is living in is located, shall be considered 625  
to be the school district in which the child is entitled to attend 626  
school. That school district of residence, therefore, shall make 627  
the report required under division (B)(1) of section 3314.08 of 628  
the Revised Code with respect to the child. 629

(2) For purposes of the report required under division (B)(2) 630  
of section 3314.08 of the Revised Code, the community school shall 631  
report the name of the child's school district of residence. 632

(3) The child's school district of residence shall count the 633  
child in that district's formula ADM. 634

(4) The school district in which the home that the child is 635  
living in is located shall not count the child in that district's 636  
formula ADM. 637

(5) The ~~Department~~ department of ~~Education~~ education shall 638

deduct the applicable amounts prescribed under division (C) of 639  
section 3314.08 ~~and division (D) of section 3314.13~~ of the Revised 640  
Code from the child's school district of residence and shall not 641  
deduct those amounts from the school district in which the home 642  
that the child is living in is located. 643

(6) The ~~Department~~ department shall make the payments 644  
prescribed in divisions (D) and (E) of section 3314.08 ~~and section~~ 645  
~~3314.13~~ of the Revised Code, as applicable, to the community 646  
school. 647

**Sec. 3314.26.** (A) Each internet- or computer-based community 648  
school shall withdraw from the school any student who, for two 649  
consecutive school years, has failed to participate in the spring 650  
administration of any test prescribed under section 3301.0710 or 651  
3301.0712 of the Revised Code for the student's grade level and 652  
was not excused from the test pursuant to division (C)(1) or (3) 653  
of section 3301.0711 of the Revised Code, regardless of whether a 654  
waiver was granted for the student under division ~~(Q)~~(P)(3) of 655  
section 3314.08 of the Revised Code. The school shall report any 656  
such student's data verification code, as assigned pursuant to 657  
section 3301.0714 of the Revised Code, to the department of 658  
education. The department shall maintain a list of all data 659  
verification codes reported under this division and section 660  
3313.6410 of the Revised Code and provide that list to each 661  
internet- or computer-based community school and to each school to 662  
which section 3313.6410 of the Revised Code applies. 663

(B) No internet- or computer-based community school shall 664  
receive any state funds under this chapter for any enrolled 665  
student whose data verification code appears on the list 666  
maintained by the department under division (A) of this section. 667

Notwithstanding any provision of the Revised Code to the 668  
contrary, the parent of any such student shall pay tuition to the 669

internet- or computer-based community school in an amount equal to 670  
the state funds the school otherwise would receive for that 671  
student, as determined by the department. An internet- or 672  
computer-based community school may withdraw any student for whom 673  
the parent does not pay tuition as required by this division. 674

**Sec. 3317.016.** In addition to its form SF-3, or any successor 675  
to that form, the department of education shall publish on its web 676  
site a spreadsheet for each school district that specifies the 677  
constituent components of the district's "building blocks" funds, 678  
as follows: 679

(A) For compensation of base classroom teachers, as described 680  
in division (B)(1) of section 3317.012 of the Revised Code, each 681  
spreadsheet shall specify the district's aggregate and per pupil 682  
amounts of state funds and of combined state and local funds, the 683  
average compensation decided by the general assembly for base 684  
classroom teachers, as specified in that division, and the number 685  
of base classroom teachers attributable to the district based on 686  
the student-teacher ratio decided by the general assembly, as 687  
specified in that division. 688

(B) Each spreadsheet shall specify the district's aggregate 689  
and per pupil amounts of state funds and of combined state and 690  
local funds for each of the following: 691

(1) Other personnel support, as described in division (B)(2) 692  
of section 3317.012 of the Revised Code; 693

(2) Nonpersonnel support, as described in division (B)(3) of 694  
that section; 695

(3) Academic intervention services, as described in division 696  
(C)(1) of that section; 697

(4) Professional development, as described in division (C)(2) 698  
of that section; 699

(5) Data-based decision making, as described in division	700
(C)(3) of that section;	701
(6) Professional development for data-based decision making,	702
as described in division (C)(4) of that section.	703
(C) Each spreadsheet shall separately specify the district's	704
aggregate and per pupil state funds for each of the following	705
components of poverty-based assistance under section 3317.029 of	706
the Revised Code:	707
(1) Academic intervention funding under division (C) of that	708
section;	709
<del>(2) All-day kindergarten under division (D) of that section;</del>	710
<del>(3) Increased classroom learning opportunities under division</del>	711
(E) of that section;	712
<del>(4)(3) Services to limited English proficient students under</del>	713
division (F) of that section;	714
<del>(5)(4) Professional development, under division (G) of that</del>	715
section;	716
<del>(6)(5) Dropout prevention under division (H) of that section;</del>	717
<del>(7)(6) Community outreach under division (I) of that section;</del>	718
<del>(8)(7) Assistance in closing the achievement gap under</del>	719
division (K) of that section.	720
<b>Sec. 3317.017.</b> (A) Not later than July 1, 2006, the	721
superintendent of public instruction shall adopt a rule under	722
which the superintendent may issue an order with respect to the	723
spending, by a school district declared to be under an academic	724
watch or in a state of academic emergency under section 3302.03 of	725
the Revised Code, of the following state building block funds	726
intended to pay instructional-related costs:	727
(1) State funds for compensation of base classroom teachers,	728



as described in division (B)(1) of section 3317.012 of the Revised Code;	729 730
(2) State funds for academic intervention services under division (C)(1) of section 3317.012 and division (C) of section 3317.029 of the Revised Code;	731 732 733
(3) State funds for professional development under divisions (C)(2) and (4) of section 3317.012 and division (G) of section 3317.029 of the Revised Code;	734 735 736
(4) State funds for data based decision making under division (C)(3) of section 3317.012 of the Revised Code;	737 738
<del>(5) State funds for all day kindergarten under division (D) of section 3317.029 of the Revised Code;</del>	739 740
<del>(6)</del> State funds for increased classroom learning opportunities under division (E) of section 3317.029 of the Revised Code;	741 742 743
<del>(7)</del> <u>(6)</u> State funds for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code;	744 745 746
<del>(8)</del> <u>(7)</u> State funds for dropout prevention under division (H) of section 3317.029 of the Revised Code;	747 748
<del>(9)</del> <u>(8)</u> State funds for community outreach under division (I) of section 3317.029 of the Revised Code;	749 750
<del>(10)</del> <u>(9)</u> State funds for assistance in closing the achievement gap under division (K) of section 3317.029 of the Revised Code.	751 752
(B) The rule shall authorize the superintendent of public instruction to issue an order that does one or a combination of the following:	753 754 755
(1) Requires the school district to periodically report to the superintendent of public instruction on its spending of the state funds paid for each building blocks component described in	756 757 758

divisions (A)(1) to ~~(10)~~(9) of this section; 759

(2) Requires the district to establish a separate account for 760  
each of the building blocks components described in divisions 761  
(A)(1) to ~~(10)~~(9) of this section to which the district shall 762  
credit the state funds paid for each; 763

(3) Directs the district's spending of any or all of the 764  
state funds paid for the components described in divisions (A)(1) 765  
to ~~(10)~~(9) of this section in accordance with the descriptions and 766  
requirements of sections 3317.012 and 3317.029 of the Revised 767  
Code. 768

(C) The rule shall specify situations in which the 769  
superintendent may issue an order and the types of orders the 770  
superintendent will issue for each of those situations. The rule, 771  
however, shall authorize the superintendent to issue orders in 772  
situations that are not enumerated or described in the rule. 773

(D) The board of education of each school district to which 774  
the superintendent of public instruction issues an order pursuant 775  
to the rule adopted under this section shall comply with that 776  
order. 777

**Sec. 3317.02.** As used in this chapter: 778

(A) Unless otherwise specified, "school district" means city, 779  
local, and exempted village school districts. 780

(B) "Formula amount" means the base cost for the fiscal year 781  
specified in division (B)(4) of section 3317.012 of the Revised 782  
Code. 783

(C) "FTE basis" means a count of students based on full-time 784  
equivalency, in accordance with rules adopted by the department of 785  
education pursuant to section 3317.03 of the Revised Code. Each 786  
student enrolled in traditional half-day kindergarten shall be 787  
counted as one-half of one full-time equivalent student, and each 788

student enrolled in all-day kindergarten shall be counted as one 789  
full-time equivalent student. In adopting its rules under this 790  
division, the department shall provide for counting any student in 791  
category one, two, three, four, five, or six special education ADM 792  
or in category one or two vocational education ADM in the same 793  
proportion the student is counted in formula ADM. 794

(D) "Formula ADM" means, for a city, local, or exempted 795  
village school district, the final number verified by the 796  
superintendent of public instruction, based on the number reported 797  
pursuant to division (A) of section 3317.03 of the Revised Code, 798  
as adjusted, if so ordered, under division (K) of that section. 799  
"Formula ADM" means, for a joint vocational school district, the 800  
final number verified by the superintendent of public instruction, 801  
based on the number reported pursuant to division (D) of section 802  
3317.03 of the Revised Code, as adjusted, if so ordered, under 803  
division (K) of that section. Beginning in fiscal year 2007, for 804  
payments in which formula ADM is a factor, the formula ADM for 805  
each school district for the fiscal year is the sum of one-half of 806  
the number verified and adjusted for October of that fiscal year 807  
plus one-half of the average of the numbers verified and adjusted 808  
for October and February of that fiscal year. 809

(E) "Three-year average formula ADM" means the average of 811  
formula ADMs for the preceding three fiscal years. 812

(F)(1) "Category one special education ADM" means the average 813  
daily membership of children with disabilities receiving special 814  
education services for the disability specified in division (A) of 815  
section 3317.013 of the Revised Code and reported under division 816  
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 817  
Beginning in fiscal year 2007, the district's category one special 818  
education ADM for a fiscal year is the sum of one-half of the 819  
number reported for October of that fiscal year plus one-half of 820

the average of the numbers reported for October and February of 821  
that fiscal year. 822

(2) "Category two special education ADM" means the average 823  
daily membership of children with disabilities receiving special 824  
education services for those disabilities specified in division 825  
(B) of section 3317.013 of the Revised Code and reported under 826  
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 827  
Code. Beginning in fiscal year 2007, the district's category two 828  
special education ADM for a fiscal year is the sum of one-half of 829  
the number reported for October of that fiscal year plus one-half 830  
of the average of the numbers reported for October and February of 831  
that fiscal year. 832

(3) "Category three special education ADM" means the average 833  
daily membership of students receiving special education services 834  
for those disabilities specified in division (C) of section 835  
3317.013 of the Revised Code, and reported under division (B)(7) 836  
or (D)(2)(d) of section 3317.03 of the Revised Code. Beginning in 837  
fiscal year 2007, the district's category three special education 838  
ADM for a fiscal year is the sum of one-half of the number 839  
reported for October of that fiscal year plus one-half of the 840  
average of the numbers reported for October and February of that 841  
fiscal year. 842

(4) "Category four special education ADM" means the average 843  
daily membership of students receiving special education services 844  
for those disabilities specified in division (D) of section 845  
3317.013 of the Revised Code and reported under division (B)(8) or 846  
(D)(2)(e) of section 3317.03 of the Revised Code. Beginning in 847  
fiscal year 2007, the district's category four special education 848  
ADM for a fiscal year is the sum of one-half of the number 849  
reported for October of that fiscal year plus one-half of the 850  
average of the numbers reported for October and February of that 851  
fiscal year. 852

(5) "Category five special education ADM" means the average 853  
daily membership of students receiving special education services 854  
for the disabilities specified in division (E) of section 3317.013 855  
of the Revised Code and reported under division (B)(9) or 856  
(D)(2)(f) of section 3317.03 of the Revised Code. Beginning in 857  
fiscal year 2007, the district's category five special education 858  
ADM for a fiscal year is the sum of one-half of the number 859  
reported for October of that fiscal year plus one-half of the 860  
average of the numbers reported for October and February of that 861  
fiscal year. 862

(6) "Category six special education ADM" means the average 863  
daily membership of students receiving special education services 864  
for the disabilities specified in division (F) of section 3317.013 865  
of the Revised Code and reported under division (B)(10) or 866  
(D)(2)(g) of section 3317.03 of the Revised Code. Beginning in 867  
fiscal year 2007, the district's category six special education 868  
ADM for a fiscal year is the sum of one-half of the number 869  
reported for October of that fiscal year plus one-half of the 870  
average of the numbers reported for October and February of that 871  
fiscal year. 872

(7) "Category one vocational education ADM" means the average 873  
daily membership of students receiving vocational education 874  
services described in division (A) of section 3317.014 of the 875  
Revised Code and reported under division (B)(11) or (D)(2)(h) of 876  
section 3317.03 of the Revised Code. Beginning in fiscal year 877  
2007, the district's category one vocational education ADM for a 878  
fiscal year is the sum of one-half of the number reported for 879  
October of that fiscal year plus one-half of the average of the 880  
numbers reported for October and February of that fiscal year. 881

(8) "Category two vocational education ADM" means the average 882  
daily membership of students receiving vocational education 883  
services described in division (B) of section 3317.014 of the 884

Revised Code and reported under division (B)(12) or (D)(2)(i) of 885  
section 3317.03 of the Revised Code. Beginning in fiscal year 886  
2007, the district's category two vocational education ADM for a 887  
fiscal year is the sum of one-half of the number reported for 888  
October of that fiscal year plus one-half of the average of the 889  
numbers reported for October and February of that fiscal year. 890

(G) "Preschool child with a disability" means a child with a 891  
disability, as defined in section 3323.01 of the Revised Code, who 892  
is at least age three but is not of compulsory school age, as 893  
defined in section 3321.01 of the Revised Code, and who is not 894  
currently enrolled in kindergarten. 895

(H) "County MR/DD board" means a county board of mental 896  
retardation and developmental disabilities. 897

(I) "Recognized valuation" means the amount calculated for a 898  
school district pursuant to section 3317.015 of the Revised Code. 899

(J) "Transportation ADM" means the number of children 900  
reported under division (B)(13) of section 3317.03 of the Revised 901  
Code. 902

(K) "Average efficient transportation use cost per student" 903  
means a statistical representation of transportation costs as 904  
calculated under division (D)(2) of section 3317.022 of the 905  
Revised Code. 906

(L) "Taxes charged and payable" means the taxes charged and 907  
payable against real and public utility property after making the 908  
reduction required by section 319.301 of the Revised Code, plus 909  
the taxes levied against tangible personal property. 910

(M) "Total taxable value" means the sum of the amounts 911  
certified for a city, local, exempted village, or joint vocational 912  
school district under divisions (A)(1) and (2) of section 3317.021 913  
of the Revised Code. 914

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

(O) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district.

(P) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education and the office of budget and management for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

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

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

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

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

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

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility

for the mentally retarded. 945

(T) A child may be identified as having an "other health 946  
impairment-major" if the child's condition meets the definition of 947  
"other health impaired" established in rules adopted by the state 948  
board of education prior to July 1, 2001, and if either of the 949  
following apply: 950

(1) The child is identified as having a medical condition 951  
that is among those listed by the superintendent of public 952  
instruction as conditions where a substantial majority of cases 953  
fall within the definition of "medically fragile child." The 954  
superintendent of public instruction shall issue an initial list 955  
no later than September 1, 2001. 956

(2) The child is determined by the superintendent of public 957  
instruction to be a medically fragile child. A school district 958  
superintendent may petition the superintendent of public 959  
instruction for a determination that a child is a medically 960  
fragile child. 961

(U) A child may be identified as having an "other health 962  
impairment-minor" if the child's condition meets the definition of 963  
"other health impaired" established in rules adopted by the state 964  
board of education prior to July 1, 2001, but the child's 965  
condition does not meet either of the conditions specified in 966  
division (T)(1) or (2) of this section. 967

(V) "State education aid" has the same meaning as in section 968  
5751.20 of the Revised Code. 969

(W) "Property exemption value" means zero in fiscal year 970  
2006, and in fiscal year 2007 and each fiscal year thereafter, the 971  
amount certified for a school district under divisions (A)(6) and 972  
(7) of section 3317.021 of the Revised Code. 973

(X) "Internet- or computer-based community school" has the 974  
same meaning as in section 3314.02 of the Revised Code. 975



(Y) "All-day kindergarten" means a kindergarten class that is 976  
in session five days per week for not less than the same number of 977  
clock hours each day as for pupils in grades one through six. 978

**Sec. 3317.029.** (A) As used in this section: 979

(1) "Poverty percentage" means the quotient obtained by 980  
dividing the average number of children ages five to seventeen 981  
residing in the school district and living in a family receiving 982  
assistance under the Ohio works first program or an antecedent 983  
program known as TANF or ADC for the preceding five years, as 984  
certified or adjusted under section 3317.10 of the Revised Code, 985  
by the district's three-year average formula ADM. 986

(2) "Statewide poverty percentage" means the average of the 987  
total number of children ages five to seventeen years residing in 988  
the state and receiving assistance under the Ohio works first 989  
program or an antecedent program known as TANF or ADC for the 990  
preceding five years, divided by the sum of the three-year average 991  
formula ADMs for all school districts in the state. 992

(3) "Poverty index" means the quotient obtained by dividing 993  
the school district's poverty percentage by the statewide poverty 994  
percentage. 995

(4) "Poverty student count" means the average number of 996  
children ages five to seventeen residing in the school district 997  
and living in a family receiving assistance under the Ohio works 998  
first program or an antecedent program known as TANF or ADC for 999  
the preceding five years, as certified under section 3317.10 of 1000  
the Revised Code. 1001

~~(5) "Kindergarten ADM" means the number of students reported~~ 1002  
~~under section 3317.03 of the Revised Code as enrolled in~~ 1003  
~~kindergarten, excluding any kindergarten students reported under~~ 1004  
~~division (B)(3)(e), (f), or (g) of section 3317.03 of the Revised~~ 1005

Code- 1006

~~(6)~~ "Kindergarten through third grade ADM" means the amount 1007  
calculated as follows: 1008

~~(a) Multiply the kindergarten ADM by the sum of one plus the~~ 1009  
~~all day kindergarten percentage;~~ 1010

~~(b) Add the~~ The number of students in grades ~~one~~ kindergarten 1011  
through three; 1012

~~(c) Subtract from the sum calculated under division (A)(6)(b)~~ 1013  
~~of this section the~~ minus 1014

(b) The number of special education students in grades 1015  
kindergarten through three. 1016

"Kindergarten through third grade ADM" shall not include any 1017  
students reported under division (B)(3)(e), (f), or (g) of section 1018  
3317.03 of the Revised Code. 1019

~~(7) "All day kindergarten" means a kindergarten class that is~~ 1020  
~~in session five days per week for not less than the same number of~~ 1021  
~~clock hours each day as for pupils in grades one through six.~~ 1022

~~(8) "All day kindergarten percentage" means the percentage of~~ 1023  
~~a district's actual total number of students enrolled in~~ 1024  
~~kindergarten who are enrolled in all day kindergarten.~~ 1025

~~(9)~~(6) "All-day kindergarten ADM" means the number of 1026  
students reported under section 3317.03 of the Revised Code as 1027  
enrolled in all-day kindergarten, excluding any kindergarten 1028  
students reported under division (B)(3)(e), (f), or (g) of that 1029  
section. 1030

~~(10)~~(7) "Academic distress percentage" means the quotient of 1031  
the number of district-operated buildings in the school district 1032  
designated under section 3302.03 of the Revised Code as in a state 1033  
of academic watch or academic emergency, divided by the total 1034  
number of buildings in the district that were open for instruction 1035

during the same school year to which the ratings apply. 1036

~~(11)~~(8) "Statewide academic distress percentage" means the 1037  
quotient of the statewide number of school district buildings and 1038  
community schools designated under section 3302.03 of the Revised 1039  
Code as in a state of academic watch or academic emergency, 1040  
divided by the statewide total number of school district buildings 1041  
and community schools that were open for instruction during the 1042  
same school year to which the ratings apply. 1043

~~(12)~~(9) "Academic distress index" means the quotient of the 1044  
school district's academic distress percentage, divided by the 1045  
statewide academic distress percentage. 1046

~~(13)~~(10) "Buildings with the highest concentration of need" 1047  
means the school buildings in a district that meet either of the 1048  
following criteria: 1049

(a) Are in school improvement status pursuant to the "No 1050  
Child Left Behind Act of 2001," as defined in section 3302.01 of 1051  
the Revised Code; 1052

(b) Have percentages of students receiving assistance under 1053  
Ohio works first at least as high as the district-wide percentage 1054  
of students receiving such assistance. However, the district shall 1055  
give priority to any of those buildings that have been declared to 1056  
be in a state of academic watch or academic emergency under 1057  
section 3302.03 of the Revised Code. 1058

If, in any fiscal year, the information provided by the 1059  
department of job and family services under section 3317.10 of the 1060  
Revised Code is insufficient to determine the Ohio works first 1061  
percentage in each building, "buildings with the highest 1062  
concentration of need" has the meaning given in rules that the 1063  
department of education shall adopt. The rules shall base the 1064  
definition of "buildings with the highest concentration of need" 1065  
on family income of students in a manner that, to the extent 1066

possible with available data, approximates the intent to designate 1067  
buildings where the Ohio works first percentage equals or exceeds 1068  
the district-wide Ohio works first percentage. 1069

(B) The department of education shall compute for each school 1070  
district for poverty-based assistance the sum of the computations 1071  
made under divisions (C) to (I) and (K) of this section and shall 1072  
pay that sum to the district in accordance with division (A) of 1073  
section 3317.022 of the Revised Code. 1074

(C) A payment for academic intervention programs, if the 1075  
district's poverty index is greater than or equal to 0.25, 1076  
calculated as follows: 1077

(1) If the district's poverty index is greater than or equal 1078  
to 0.25, calculate the district's level one amount for large-group 1079  
academic intervention for all students as follows: 1080

(a) If the district's poverty index is greater than or equal 1081  
to 0.25 but less than 0.75: 1082

large-group intervention units X hourly rate X 1083

level one hours X [(poverty index - 0.25)/0.5] 1084

Where: 1085

(i) "Large-group intervention units" equals the district's 1086  
formula ADM divided by 20; 1087

(ii) "Hourly rate" equals \$21.01 in fiscal year 2008 and 1088  
\$21.64 in fiscal year 2009; 1089

(iii) "Level one hours" equals 25 hours. 1090

(b) If the district's poverty index is greater than or equal 1091  
to 0.75: 1092

large-group intervention units X hourly rate X 1093

level one hours 1094

Where "large-group intervention units," "hourly rate," and 1095  
"level one hours" have the same meanings as in division (C)(1)(a) 1096

of this section. 1097

(2) If the district's poverty index is greater than or equal 1098  
to 0.75, calculate the district's level two amount for 1099  
medium-group academic intervention for all students as follows: 1100

(a) If the district's poverty index is greater than or equal 1101  
to 0.75 but less than 1.50: 1102

medium-group intervention units X hourly rate 1103  
X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]} 1104  
1105

Where: 1106

(i) "Medium group intervention units" equals the district's 1107  
formula ADM divided by 15; 1108

(ii) "Hourly rate" and "level one hours" have the same 1109  
meanings as in division (C)(1)(a) of this section. 1110

(b) If the district's poverty index is greater than or equal 1111  
to 1.50: 1112

medium-group intervention units X hourly rate X 1113  
level two hours 1114

Where: 1115

(i) "Medium group intervention units" has the same meaning as 1116  
in division (C)(2)(a)(i) of this section; 1117

(ii) "Hourly rate" has the same meaning as in division 1118  
(C)(1)(a) of this section; 1119

(iii) "Level two hours" equals 50 hours. 1120

(3) If the district's poverty index is greater than or equal 1121  
to 1.50, calculate the district's level three amount for 1122  
small-group academic intervention for impoverished students as 1123  
follows: 1124

(a) If the district's poverty index is greater than or equal 1125

to 1.50 but less than 2.50: 1126

small group intervention units X hourly rate X 1127

{level one hours + [level three hours X 1128

(poverty index - 1.50)]} 1129

Where: 1130

(i) "Small group intervention units" equals the quotient of 1131

(the district's poverty student count times 3) divided by 10; 1132

(ii) "Hourly rate" and "level one hours" have the same 1133

meanings as in division (C)(1)(a) of this section; 1134

(iii) "Level three hours" equals 135 hours. 1135

(b) If the district's poverty index is greater than or equal 1136

to 2.50: 1137

small group intervention units X hourly rate 1138

X level three hours 1139

Where: 1140

(i) "Small group intervention units" has the same meaning as 1141

in division (C)(3)(a)(i) of this section; 1142

(ii) "Hourly rate" has the same meaning as in division 1143

(C)(1)(a) of this section; 1144

(iii) "Level three hours" equals 160 hours. 1145

Any district that receives funds under division (C)(2) or (3) 1146

of this section annually shall submit to the department of 1147

education by a date established by the department a plan 1148

describing how the district will deploy those funds. The 1149

deployment measures described in that plan shall comply with any 1150

applicable spending requirements prescribed in division (J)~~(6)~~(5) 1151

of this section or with any order issued by the superintendent of 1152

public instruction under section 3317.017 of the Revised Code. 1153

(D) A This division does not apply to fiscal years after 1154

fiscal year 2009. 1155

A payment for all-day kindergarten if the poverty index of the school district is greater than or equal to 1.0 or if the district's three-year average formula ADM exceeded seventeen thousand five hundred. In addition, the department shall make a payment under this division to any school district that, in a prior fiscal year, qualified for this payment and provided all-day kindergarten, regardless of changes to the district's poverty index. The department shall calculate the payment under this division by multiplying the all-day kindergarten ADM by the formula amount.

(E) A payment for increased classroom learning opportunities based on calculating the number of new teachers necessary to achieve a lower student-teacher ratio, as follows:

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

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

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

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

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

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

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

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

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

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

(4) Multiply the greater of the difference obtained under division (E)(3) of this section or zero by the statewide average teachers compensation. For this purpose, the "statewide average teacher compensation" is \$56,754 in fiscal year 2008 and \$58,621 in fiscal year 2009, which includes an amount for the value of fringe benefits.

(F) A payment for services to limited English proficient students, if the district's poverty index is greater than or equal to 1.0 and the proportion of its students who are limited English proficient, as reported in 2003 on its school district report card 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 X ((poverty index - 1.0)/0.75)]}	1218
X formula amount	1219
(2) If the district's poverty index is greater than or equal	1220
to 1.75, the amount per limited English proficient student equals:	1221
0.25 X formula amount	1222
(3) Multiply the per student amount determined for the	1223
district under division (F)(1) or (2) of this section by the	1224
number of the district's limited English proficient students,	1225
times a phase-in percentage of 0.70 in fiscal years 2008 and 2009.	1226
For purposes of this calculation, the number of limited English	1227
proficient students for each district shall be the number	1228
determined by the department when it calculated the district's	1229
percentage of limited English proficient students for its school	1230
district report card issued in 2003 for the 2002-2003 school year.	1231
	1232
(G) A payment for professional development of teachers, if	1233
the district's poverty index is greater than or equal to 1.0,	1234
calculated as follows:	1235
(1) If the district's poverty index is greater than or equal	1236
to 1.0, but less than 1.75, determine the amount per teacher as	1237
follows:	1238
[(poverty index - 1.0)/0.75] X 0.045 X formula amount	1239
(2) If the district's poverty index is greater than or equal	1240
to 1.75, the amount per teacher equals:	1241
0.045 X formula amount	1242
(3) Determine the number of teachers, as follows:	1243
(formula ADM/17)	1244
(4) Multiply the per teacher amount determined for the	1245
district under division (G)(1) or (2) of this section by the	1246
number of teachers determined under division (G)(3) of this	1247
section.	1248

(H) A payment for dropout prevention, if the district is a	1249
big eight school district as defined in section 3314.02 of the	1250
Revised Code, calculated as follows:	1251
0.005 X formula amount X poverty index	1252
X formula ADM	1253
(I) An amount for community outreach, if the district is an	1254
urban school district as defined in section 3314.02 of the Revised	1255
Code, calculated as follows:	1256
0.005 X formula amount X poverty index X	1257
formula ADM	1258
(J) This division applies only to school districts that	1259
receive more than ten thousand dollars under this section. Each	1260
such district shall use funds paid under this section only for one	1261
or more of the following purposes:	1262
(1) <del>To provide all day kindergarten to the children in the</del>	1263
<del>district's all day kindergarten ADM;</del>	1264
<del>(2)</del> To provide services to students with limited English	1265
proficiency through one or more of the following activities:	1266
(a) Hiring teachers for limited English proficient students	1267
or other personnel to provide intervention services for those	1268
students;	1269
(b) Contracting for intervention services for those students;	1270
	1271
(c) Providing other services to assist those students in	1272
passing the third-grade reading achievement test, and to provide	1273
for those students the intervention services required by section	1274
3313.608 of the Revised Code.	1275
<del>(3)</del> <u>(2)</u> To provide professional development of teachers or	1276
other licensed personnel providing educational services to	1277
students only in one or more of the following areas:	1278

(a) Data-based decision making;	1279
(b) Standards-based curriculum models;	1280
(c) High quality professional development activities that are research-based, as defined by state standards developed under section 3319.61 of the Revised Code;	1281 1282 1283
(d) Professional learning communities.	1284
In addition, each district that elects to use funds paid under this section for professional development shall only implement programs identified on a list of eligible professional development programs provided by the department of education. The department annually shall provide the list to each district receiving a payment under this section.	1285 1286 1287 1288 1289 1290
<del>(4)</del> <u>(3)</u> For preventing at-risk students from dropping out of school. Not later than September 1, 2007, the department of education shall provide each school district receiving a payment under this section with a list of dropout prevention programs that it has determined are successful. The department subsequently may update the list. Each district that elects to use its payment under this section for dropout prevention shall use the payment only to implement a dropout prevention program specified on the department's list.	1291 1292 1293 1294 1295 1296 1297 1298 1299
<del>(5)</del> <u>(4)</u> For one or a combination of the following purposes:	1300
(a) To hire or contract for community liaison officers, attendance or truant officers, or safety and security personnel;	1301 1302
(b) To implement programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning in accordance with safe school guidelines adopted by the state board of education;	1303 1304 1305 1306
(c) To implement academic intervention services described in division (J) <del>(6)</del> <u>(5)</u> of this section.	1307 1308

~~(6) Except as permitted under division (J)(1) of this~~ 1309  
~~section, each~~ (5) Each school district with a poverty index 1310  
greater than or equal to 1.0 shall use the amount of its payment 1311  
under division (C) of this section for academic intervention 1312  
services, designed in accordance with student intervention 1313  
guidelines adopted by the state board, for students who have 1314  
failed or are in danger of failing any of the tests administered 1315  
pursuant to section 3301.0710 of the Revised Code, including 1316  
intervention services required by section 3313.608 of the Revised 1317  
Code. ~~Except as permitted under division (J)(1) of this section,~~ 1318  
~~no~~ No district shall spend any portion of its payment under 1319  
division (C) of this section for any other purpose. 1320  
Notwithstanding any provision to the contrary in Chapter 4117. of 1321  
the Revised Code, no collective bargaining agreement entered into 1322  
after June 30, 2005, shall require use of the payment for any 1323  
other purpose. 1324

~~(7)~~(6) For increased classroom learning opportunities by 1325  
increasing the amount of instructional attention received per 1326  
pupil in kindergarten through third grade, either by reducing the 1327  
ratio of students to instructional personnel or by increasing the 1328  
amount of instruction and curriculum-related activities by 1329  
extending the length of the school day or the school year. 1330

School districts may implement a reduction of the ratio of 1331  
students to instructional personnel through any or all of the 1332  
following methods: 1333

(a) Reducing the number of students in a classroom taught by 1334  
a single teacher; 1335

(b) Employing full-time educational aides or educational 1336  
paraprofessionals, issued a permit or license under section 1337  
3319.088 of the Revised Code, who are engaged in classroom support 1338  
activities; 1339

(c) Instituting a team-teaching method that will result in a 1340  
lower student-teacher ratio in a classroom. 1341

Districts may extend the school day either by increasing the 1342  
amount of time allocated for each class, increasing the number of 1343  
classes provided per day, offering optional academic-related 1344  
after-school programs, providing curriculum-related extra 1345  
curricular activities, or establishing tutoring or remedial 1346  
services for students who have demonstrated an educational need. 1347  
In accordance with section 3319.089 of the Revised Code, a 1348  
district extending the school day pursuant to this division may 1349  
utilize a participant of the work experience program who has a 1350  
child enrolled in a public school in that district and who is 1351  
fulfilling the work requirements of that program by volunteering 1352  
or working in that public school. If the work experience program 1353  
participant is compensated, the school district may use the funds 1354  
distributed under this section for all or part of the 1355  
compensation. 1356

Districts may extend the school year either through adding 1357  
regular days of instruction to the school calendar or by providing 1358  
summer programs. 1359

~~(8)~~(7) For early childhood programs or early learning 1360  
programs, as defined by the department of education, for children 1361  
age three or four who are not eligible for kindergarten; 1362

~~(9)~~(8) To furnish, free of charge, materials used in courses 1363  
of instruction, except for the necessary textbooks or electronic 1364  
textbooks required to be furnished without charge pursuant to 1365  
section 3329.06 of the Revised Code, to pupils living in families 1366  
participating in Ohio works first in accordance with section 1367  
3313.642 of the Revised Code; 1368

~~(10)~~(9) For programs designed to reduce nonacademic barriers 1369  
to learning, in accordance with guidelines developed by the 1370

department of education; 1371

~~(11)~~(10) For start-up costs associated with school breakfast 1372  
programs provided pursuant to section 3313.813 of the Revised 1373  
Code. 1374

A school district may apply to the department, in the form 1375  
and manner prescribed by the department, for a waiver to spend 1376  
funds paid under this section for programs not described in 1377  
divisions (J)(1) to ~~(11)~~(10) of this section. The waiver 1378  
application shall specify the rationale for the alternative 1379  
expenditure and the intended benefits for disadvantaged students. 1380  
If the department grants the waiver, the district may use funds 1381  
paid under this section to implement the alternative program. 1382

(K) A payment for assistance in closing the achievement gap, 1383  
calculated as follows: 1384

(1) In fiscal year 2008 the department shall pay each school 1385  
district that has both a poverty index that is greater than or 1386  
equal to 1.0 and an academic distress index, as determined based 1387  
on the most recent report card issued under section 3302.03 of the 1388  
Revised Code, that is greater than or equal to 1.0, an amount 1389  
calculated in accordance with the following formula: 1390

poverty index X academic distress index X 1391  
(0.0015 X formula amount) X formula ADM 1392

(2) In fiscal year 2009: 1393

(a) If the district received a payment under division (K)(1) 1394  
of this section for fiscal year 2008, and its academic distress 1395  
percentage for fiscal year 2009, as determined based on the most 1396  
recent report card issued under section 3302.03 of the Revised 1397  
Code, is less than its academic distress percentage for fiscal 1398  
year 2008, the department shall pay the district the product of 1399  
its payment under division (K)(1) of this section for fiscal year 1400  
2008 times 1.035. 1401

(b) If the district received a payment under division (K)(1) 1402  
of this section for fiscal year 2008, and its academic distress 1403  
percentage for fiscal year 2009, as determined based on the most 1404  
recent report card issued under section 3302.03 of the Revised 1405  
Code, is greater than or equal to its academic distress percentage 1406  
for fiscal year 2008, the department shall pay the district the 1407  
same amount as its payment under division (K)(1) of this section 1408  
for fiscal year 2008. 1409

(c) If the district did not receive a payment under division 1410  
(K)(1) of this section for fiscal year 2008, and it has both a 1411  
poverty index that is greater than or equal to 1.0 and an academic 1412  
distress index, as determined based on the most recent report card 1413  
issued under section 3302.03 of the Revised Code, that is greater 1414  
than or equal to 1.0 for fiscal year 2009, the department shall 1415  
pay the district an amount calculated in accordance with the 1416  
following formula: 1417

poverty index X academic distress index X 1418  
(0.0015 X formula amount) X formula ADM 1419

(L) This division applies only to funds paid under division 1420  
(K)(2)(b) of this section. 1421

(1) If applicable, each school district shall use the funds 1422  
for any necessary expenses for the continued operation of a school 1423  
district academic distress commission appointed under section 1424  
3302.10 of the Revised Code. 1425

(2) After satisfying the requirement of division (L)(1) of 1426  
this section, each district shall spend the remaining funds only 1427  
for one or more of the following purposes and only in buildings 1428  
with the highest concentration of need: 1429

(a) Assistance in improving student performance; 1430

(b) Professional development for teachers and administrators; 1431

(c) Assistance in recruiting and retaining teachers and 1432

administrators. 1433

~~(M)(1) Each school district wishing to receive any funds 1434  
under division (D) of this section shall submit to the department 1435  
of education the number of students attending all day kindergarten 1436  
when reporting formula ADM under section 3317.03 of the Revised 1437  
Code. 1438~~

~~(2) Each school district that receives a payment under 1439  
division (D) of this section shall first utilize funds received 1440  
under that division to provide all day kindergarten. 1441~~

~~(N) Except as permitted under division (M)(1) of this 1442  
section, each school district with a poverty index less than 1.0 1443  
that receives a payment under division (C) of this section shall 1444  
use its payment under that division in accordance with all 1445  
requirements of division (J)~~(6)~~(5) of this section. 1446~~

~~(O) If at any time the superintendent of public instruction 1447  
determines that a school district receiving funds under division 1448  
(D) of this section has enrolled fewer than the number of all day 1449  
kindergarten students reported for that fiscal year, the 1450  
superintendent shall withhold from the funds otherwise due the 1451  
district under this section a proportional amount as determined by 1452  
the difference in the certified all day kindergarten ADM and the 1453  
actual all day kindergarten ADM. 1454~~

~~(N) The superintendent of public instruction shall also 1455  
withhold an appropriate amount of funds otherwise due a district 1456  
for any ~~other~~ misuse of funds not in accordance with this section. 1457~~

~~(P)(1) A district may use a portion of the funds paid under 1458  
this section to modify or purchase classroom space to provide 1459  
all day kindergarten, if both of the following conditions are met: 1460~~

~~(a) The district certifies to the department, in a manner 1462  
acceptable to the department, that it has a shortage of space for 1463~~



~~providing all day kindergarten.~~ 1464

~~(b) The district provides all day kindergarten to the number of children in the all day kindergarten percentage it certified under this section.~~ 1465  
1466  
1467

~~(2)(O)~~ A district may use a portion of the funds paid under this section to modify or purchase classroom space to enable it to further reduce class size in grades kindergarten through two with a goal of attaining class sizes of fifteen students per licensed teacher. To do so, the district must certify its need for additional space to the department, in a manner satisfactory to the department. 1468  
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~~(Q)(P)~~ Not later than the thirtieth day of September each year, each school district paid more than ten thousand dollars under this section shall report to the department, in the form and manner prescribed by the department, how the district deployed funds received under this section in the prior fiscal year. If a school district does not meet adequate progress standards as defined by the department, the department shall make recommendations to the district for deploying funds under this section in a more effective manner. 1475  
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**Sec. 3317.03.** ~~Notwithstanding divisions (A)(1), (B)(1), and (C) of this section, except as provided in division (A)(2)(h) of this section, any student enrolled in kindergarten more than half time shall be reported as one half student under this section.~~ 1484  
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(A) The superintendent of each city and exempted village school district and of each educational service center shall, for the schools under the superintendent's supervision, certify to the state board of education on or before the fifteenth day of October in each year for the first full school week in October the formula ADM. Beginning in fiscal year 2007, each superintendent also shall certify to the state board, for the schools under the 1488  
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superintendent's supervision, the formula ADM for the first full 1495  
week in February. If a school under the superintendent's 1496  
supervision is closed for one or more days during that week due to 1497  
hazardous weather conditions or other circumstances described in 1498  
the first paragraph of division (B) of section 3317.01 of the 1499  
Revised Code, the superintendent may apply to the superintendent 1500  
of public instruction for a waiver, under which the superintendent 1501  
of public instruction may exempt the district superintendent from 1502  
certifying the formula ADM for that school for that week and 1503  
specify an alternate week for certifying the formula ADM of that 1504  
school. 1505

The formula ADM shall consist of the average daily membership 1506  
during such week of the sum of the following: 1507

(1) On an FTE basis, the number of students in grades 1508  
kindergarten through twelve receiving any educational services 1509  
from the district, except that the following categories of 1510  
students shall not be included in the determination: 1511

(a) Students enrolled in adult education classes; 1512

(b) Adjacent or other district students enrolled in the 1513  
district under an open enrollment policy pursuant to section 1514  
3313.98 of the Revised Code; 1515

(c) Students receiving services in the district pursuant to a 1516  
compact, cooperative education agreement, or a contract, but who 1517  
are entitled to attend school in another district pursuant to 1518  
section 3313.64 or 3313.65 of the Revised Code; 1519

(d) Students for whom tuition is payable pursuant to sections 1520  
3317.081 and 3323.141 of the Revised Code; 1521

(e) Students receiving services in the district through a 1522  
scholarship awarded under section 3310.41 of the Revised Code. 1523

(2) On an FTE basis, except as provided in division (A)(2)(h) 1524

of this section, the number of students entitled to attend school	1525
in the district pursuant to section 3313.64 or 3313.65 of the	1526
Revised Code, but receiving educational services in grades	1527
kindergarten through twelve from one or more of the following	1528
entities:	1529
(a) A community school pursuant to Chapter 3314. of the	1530
Revised Code, including any participation in a college pursuant to	1531
Chapter 3365. of the Revised Code while enrolled in such community	1532
school;	1533
(b) An alternative school pursuant to sections 3313.974 to	1534
3313.979 of the Revised Code as described in division (I)(2)(a) or	1535
(b) of this section;	1536
(c) A college pursuant to Chapter 3365. of the Revised Code,	1537
except when the student is enrolled in the college while also	1538
enrolled in a community school pursuant to Chapter 3314. or a	1539
science, technology, engineering, and mathematics school	1540
established under Chapter 3326. of the Revised Code;	1541
(d) An adjacent or other school district under an open	1542
enrollment policy adopted pursuant to section 3313.98 of the	1543
Revised Code;	1544
(e) An educational service center or cooperative education	1545
district;	1546
(f) Another school district under a cooperative education	1547
agreement, compact, or contract;	1548
(g) A chartered nonpublic school with a scholarship paid	1549
under section 3310.08 of the Revised Code;	1550
(h) An alternative public provider or a registered private	1551
provider with a scholarship awarded under section 3310.41 of the	1552
Revised Code. Each such scholarship student who is enrolled in	1553
kindergarten shall be counted as one full-time-equivalent student.	1554

1555

As used in this section, "alternative public provider" and 1556  
"registered private provider" have the same meanings as in section 1557  
3310.41 of the Revised Code. 1558

(i) A science, technology, engineering, and mathematics 1559  
school established under Chapter 3326. of the Revised Code, 1560  
including any participation in a college pursuant to Chapter 3365. 1561  
of the Revised Code while enrolled in the school. 1562

(3) Twenty per cent of the number of students enrolled in a 1563  
joint vocational school district or under a vocational education 1564  
compact, excluding any students entitled to attend school in the 1565  
district under section 3313.64 or 3313.65 of the Revised Code who 1566  
are enrolled in another school district through an open enrollment 1567  
policy as reported under division (A)(2)(d) of this section and 1568  
then enroll in a joint vocational school district or under a 1569  
vocational education compact; 1570

(4) The number of children with disabilities, other than 1571  
preschool children with disabilities, entitled to attend school in 1572  
the district pursuant to section 3313.64 or 3313.65 of the Revised 1573  
Code who are placed by the district with a county MR/DD board, 1574  
minus the number of such children placed with a county MR/DD board 1575  
in fiscal year 1998. If this calculation produces a negative 1576  
number, the number reported under division (A)(4) of this section 1577  
shall be zero. 1578

(5) Beginning in fiscal year 2007, in the case of the report 1579  
submitted for the first full week in February, or the alternative 1580  
week if specified by the superintendent of public instruction, the 1581  
number of students reported under division (A)(1) or (2) of this 1582  
section for the first full week of the preceding October but who 1583  
since that week have received high school diplomas. 1584

(B) To enable the department of education to obtain the data 1585

needed to complete the calculation of payments pursuant to this 1586  
chapter, in addition to the formula ADM, each superintendent shall 1587  
report separately the following student counts for the same week 1588  
for which formula ADM is certified: 1589

(1) The total average daily membership in regular day classes 1590  
included in the report under division (A)(1) or (2) of this 1591  
section for traditional half-day kindergarten, all-day 1592  
kindergarten, and each of grades one through twelve in schools 1593  
under the superintendent's supervision; 1594

(2) The number of all preschool children with disabilities 1595  
enrolled as of the first day of December in classes in the 1596  
district that are eligible for approval under division (B) of 1597  
section 3317.05 of the Revised Code and the number of those 1598  
classes, which shall be reported not later than the fifteenth day 1599  
of December, in accordance with rules adopted under that section; 1600

(3) The number of children entitled to attend school in the 1601  
district pursuant to section 3313.64 or 3313.65 of the Revised 1602  
Code who are: 1603

(a) Participating in a pilot project scholarship program 1604  
established under sections 3313.974 to 3313.979 of the Revised 1605  
Code as described in division (I)(2)(a) or (b) of this section; 1606

(b) Enrolled in a college under Chapter 3365. of the Revised 1607  
Code, except when the student is enrolled in the college while 1608  
also enrolled in a community school pursuant to Chapter 3314. or a 1609  
science, technology, engineering, and mathematics school 1610  
established under Chapter 3326. of the Revised Code; 1611

(c) Enrolled in an adjacent or other school district under 1612  
section 3313.98 of the Revised Code; 1613

(d) Enrolled in a community school established under Chapter 1614  
3314. of the Revised Code that is not an internet- or 1615  
computer-based community school as defined in section 3314.02 of 1616

the Revised Code, including any participation in a college 1617  
pursuant to Chapter 3365. of the Revised Code while enrolled in 1618  
such community school; 1619

(e) Enrolled in an internet- or computer-based community 1620  
school, as defined in section 3314.02 of the Revised Code, 1621  
including any participation in a college pursuant to Chapter 3365. 1622  
of the Revised Code while enrolled in the school; 1623

(f) Enrolled in a chartered nonpublic school with a 1624  
scholarship paid under section 3310.08 of the Revised Code; 1625

(g) Enrolled in kindergarten through grade twelve in an 1626  
alternative public provider or a registered private provider with 1627  
a scholarship awarded under section 3310.41 of the Revised Code; 1628

(h) Enrolled as a preschool child with a disability in an 1629  
alternative public provider or a registered private provider with 1630  
a scholarship awarded under section 3310.41 of the Revised Code; 1631

(i) Participating in a program operated by a county MR/DD 1632  
board or a state institution; 1633

(j) Enrolled in a science, technology, engineering, and 1634  
mathematics school established under Chapter 3326. of the Revised 1635  
Code, including any participation in a college pursuant to Chapter 1636  
3365. of the Revised Code while enrolled in the school. 1637

(4) The number of pupils enrolled in joint vocational 1638  
schools; 1639

(5) The average daily membership of children with 1640  
disabilities reported under division (A)(1) or (2) of this section 1641  
receiving special education services for the category one 1642  
disability described in division (A) of section 3317.013 of the 1643  
Revised Code; 1644

(6) The average daily membership of children with 1645  
disabilities reported under division (A)(1) or (2) of this section 1646

receiving special education services for category two disabilities 1647  
described in division (B) of section 3317.013 of the Revised Code; 1648  
1649

(7) The average daily membership of children with 1650  
disabilities reported under division (A)(1) or (2) of this section 1651  
receiving special education services for category three 1652  
disabilities described in division (C) of section 3317.013 of the 1653  
Revised Code; 1654

(8) The average daily membership of children with 1655  
disabilities reported under division (A)(1) or (2) of this section 1656  
receiving special education services for category four 1657  
disabilities described in division (D) of section 3317.013 of the 1658  
Revised Code; 1659

(9) The average daily membership of children with 1660  
disabilities reported under division (A)(1) or (2) of this section 1661  
receiving special education services for the category five 1662  
disabilities described in division (E) of section 3317.013 of the 1663  
Revised Code; 1664

(10) The combined average daily membership of children with 1665  
disabilities reported under division (A)(1) or (2) and under 1666  
division (B)(3)(h) of this section receiving special education 1667  
services for category six disabilities described in division (F) 1668  
of section 3317.013 of the Revised Code, including children 1669  
attending a special education program operated by an alternative 1670  
public provider or a registered private provider with a 1671  
scholarship awarded under section 3310.41 of the Revised Code; 1672

(11) The average daily membership of pupils reported under 1673  
division (A)(1) or (2) of this section enrolled in category one 1674  
vocational education programs or classes, described in division 1675  
(A) of section 3317.014 of the Revised Code, operated by the 1676  
school district or by another district, other than a joint 1677

vocational school district, or by an educational service center, 1678  
excluding any student reported under division (B)(3)(e) of this 1679  
section as enrolled in an internet- or computer-based community 1680  
school, notwithstanding division (C) of section 3317.02 of the 1681  
Revised Code and division (C)(3) of this section; 1682

(12) The average daily membership of pupils reported under 1683  
division (A)(1) or (2) of this section enrolled in category two 1684  
vocational education programs or services, described in division 1685  
(B) of section 3317.014 of the Revised Code, operated by the 1686  
school district or another school district, other than a joint 1687  
vocational school district, or by an educational service center, 1688  
excluding any student reported under division (B)(3)(e) of this 1689  
section as enrolled in an internet- or computer-based community 1690  
school, notwithstanding division (C) of section 3317.02 of the 1691  
Revised Code and division (C)(3) of this section; 1692

(13) The average number of children transported by the school 1693  
district on board-owned or contractor-owned and -operated buses, 1694  
reported in accordance with rules adopted by the department of 1695  
education; 1696

(14)(a) The number of children, other than preschool children 1697  
with disabilities, the district placed with a county MR/DD board 1698  
in fiscal year 1998; 1699

(b) The number of children with disabilities, other than 1700  
preschool children with disabilities, placed with a county MR/DD 1701  
board in the current fiscal year to receive special education 1702  
services for the category one disability described in division (A) 1703  
of section 3317.013 of the Revised Code; 1704

(c) The number of children with disabilities, other than 1705  
preschool children with disabilities, placed with a county MR/DD 1706  
board in the current fiscal year to receive special education 1707  
services for category two disabilities described in division (B) 1708



of section 3317.013 of the Revised Code; 1709

(d) The number of children with disabilities, other than 1710  
preschool children with disabilities, placed with a county MR/DD 1711  
board in the current fiscal year to receive special education 1712  
services for category three disabilities described in division (C) 1713  
of section 3317.013 of the Revised Code; 1714

(e) The number of children with disabilities, other than 1715  
preschool children with disabilities, placed with a county MR/DD 1716  
board in the current fiscal year to receive special education 1717  
services for category four disabilities described in division (D) 1718  
of section 3317.013 of the Revised Code; 1719

(f) The number of children with disabilities, other than 1720  
preschool children with disabilities, placed with a county MR/DD 1721  
board in the current fiscal year to receive special education 1722  
services for the category five disabilities described in division 1723  
(E) of section 3317.013 of the Revised Code; 1724

(g) The number of children with disabilities, other than 1725  
preschool children with disabilities, placed with a county MR/DD 1726  
board in the current fiscal year to receive special education 1727  
services for category six disabilities described in division (F) 1728  
of section 3317.013 of the Revised Code. 1729

(C)(1) ~~Except as otherwise provided in this section for~~ 1730  
~~kindergarten students, the~~ The average daily membership in 1731  
divisions (B)(1) to (12) of this section shall be based upon the 1732  
number of full-time equivalent students. The state board of 1733  
education shall adopt rules defining full-time equivalent students 1734  
and for determining the average daily membership therefrom for the 1735  
purposes of divisions (A), (B), and (D) of this section. 1736

(2) A student enrolled in a community school established 1737  
under Chapter 3314. or a science, technology, engineering, and 1738  
mathematics school established under Chapter 3326. of the Revised 1739

Code shall be counted in the formula ADM and, if applicable, the 1740  
category one, two, three, four, five, or six special education ADM 1741  
of the school district in which the student is entitled to attend 1742  
school under section 3313.64 or 3313.65 of the Revised Code for 1743  
the same proportion of the school year that the student is counted 1744  
in the enrollment of the community school or the science, 1745  
technology, engineering, and mathematics school for purposes of 1746  
section 3314.08 or 3326.33 of the Revised Code. Notwithstanding 1747  
the number of students reported pursuant to division (B)(3)(d), 1748  
(e), or (j) of this section, the department may adjust the formula 1749  
ADM of a school district to account for students entitled to 1750  
attend school in the district under section 3313.64 or 3313.65 of 1751  
the Revised Code who are enrolled in a community school or a 1752  
science, technology, engineering, and mathematics school for only 1753  
a portion of the school year. 1754

(3) No child shall be counted as more than a total of one 1755  
child in the sum of the average daily memberships of a school 1756  
district under division (A), divisions (B)(1) to (12), or division 1757  
(D) of this section, except as follows: 1758

(a) A child with a disability described in section 3317.013 1759  
of the Revised Code may be counted both in formula ADM and in 1760  
category one, two, three, four, five, or six special education ADM 1761  
and, if applicable, in category one or two vocational education 1762  
ADM. As provided in division (C) of section 3317.02 of the Revised 1763  
Code, such a child shall be counted in category one, two, three, 1764  
four, five, or six special education ADM in the same proportion 1765  
that the child is counted in formula ADM. 1766

(b) A child enrolled in vocational education programs or 1767  
classes described in section 3317.014 of the Revised Code may be 1768  
counted both in formula ADM and category one or two vocational 1769  
education ADM and, if applicable, in category one, two, three, 1770  
four, five, or six special education ADM. Such a child shall be 1771

counted in category one or two vocational education ADM in the 1772  
same proportion as the percentage of time that the child spends in 1773  
the vocational education programs or classes. 1774

(4) Based on the information reported under this section, the 1775  
department of education shall determine the total student count, 1776  
as defined in section 3301.011 of the Revised Code, for each 1777  
school district. 1778

(D)(1) The superintendent of each joint vocational school 1779  
district shall certify to the superintendent of public instruction 1780  
on or before the fifteenth day of October in each year for the 1781  
first full school week in October the formula ADM. Beginning in 1782  
fiscal year 2007, each superintendent also shall certify to the 1783  
state superintendent the formula ADM for the first full week in 1784  
February. If a school operated by the joint vocational school 1785  
district is closed for one or more days during that week due to 1786  
hazardous weather conditions or other circumstances described in 1787  
the first paragraph of division (B) of section 3317.01 of the 1788  
Revised Code, the superintendent may apply to the superintendent 1789  
of public instruction for a waiver, under which the superintendent 1790  
of public instruction may exempt the district superintendent from 1791  
certifying the formula ADM for that school for that week and 1792  
specify an alternate week for certifying the formula ADM of that 1793  
school. 1794

The formula ADM, except as otherwise provided in this 1795  
division, shall consist of the average daily membership during 1796  
such week, on an FTE basis, of the number of students receiving 1797  
any educational services from the district, including students 1798  
enrolled in a community school established under Chapter 3314. or 1799  
a science, technology, engineering, and mathematics school 1800  
established under Chapter 3326. of the Revised Code who are 1801  
attending the joint vocational district under an agreement between 1802  
the district board of education and the governing authority of the 1803

community school or the science, technology, engineering, and 1804  
mathematics school and are entitled to attend school in a city, 1805  
local, or exempted village school district whose territory is part 1806  
of the territory of the joint vocational district. Beginning in 1807  
fiscal year 2007, in the case of the report submitted for the 1808  
first week in February, or the alternative week if specified by 1809  
the superintendent of public instruction, the superintendent of 1810  
the joint vocational school district may include the number of 1811  
students reported under division (D)(1) of this section for the 1812  
first full week of the preceding October but who since that week 1813  
have received high school diplomas. 1814

1815

The following categories of students shall not be included in 1816  
the determination made under division (D)(1) of this section: 1817

(a) Students enrolled in adult education classes; 1818

(b) Adjacent or other district joint vocational students 1819  
enrolled in the district under an open enrollment policy pursuant 1820  
to section 3313.98 of the Revised Code; 1821

(c) Students receiving services in the district pursuant to a 1822  
compact, cooperative education agreement, or a contract, but who 1823  
are entitled to attend school in a city, local, or exempted 1824  
village school district whose territory is not part of the 1825  
territory of the joint vocational district; 1826

(d) Students for whom tuition is payable pursuant to sections 1827  
3317.081 and 3323.141 of the Revised Code. 1828

(2) To enable the department of education to obtain the data 1829  
needed to complete the calculation of payments pursuant to this 1830  
chapter, in addition to the formula ADM, each superintendent shall 1831  
report separately the average daily membership included in the 1832  
report under division (D)(1) of this section for each of the 1833  
following categories of students for the same week for which 1834

formula ADM is certified:	1835
(a) Students enrolled in each grade included in the joint vocational district schools;	1836 1837
(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	1838 1839 1840
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	1841 1842 1843
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	1844 1845 1846
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	1847 1848 1849
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	1850 1851 1852
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	1853 1854 1855
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	1856 1857 1858
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	1859 1860 1861
The superintendent of each joint vocational school district shall also indicate the city, local, or exempted village school district in which each joint vocational district pupil is entitled	1862 1863 1864

to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.

(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following:

(1) Any pupil who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any pupil who is not a resident of the state;

(3) Any pupil who was enrolled in the schools of the district during the previous school year when tests were administered under section 3301.0711 of the Revised Code but did not take one or more of the tests required by that section and was not excused pursuant to division (C)(1) or (3) of that section;

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

termination of war or their honorable discharge. 1896

If, however, any veteran described by division (E)(4) of this 1897  
section elects to enroll in special courses organized for veterans 1898  
for whom tuition is paid under the provisions of federal laws, or 1899  
otherwise, that veteran shall not be included in average daily 1900  
membership. 1901

Notwithstanding division (E)(3) of this section, the 1902  
membership of any school may include a pupil who did not take a 1903  
test required by section 3301.0711 of the Revised Code if the 1904  
superintendent of public instruction grants a waiver from the 1905  
requirement to take the test to the specific pupil and a parent is 1906  
not paying tuition for the pupil pursuant to section 3313.6410 of 1907  
the Revised Code. The superintendent may grant such a waiver only 1908  
for good cause in accordance with rules adopted by the state board 1909  
of education. 1910

Except as provided in divisions (B)(2) and (F) of this 1911  
section, the average daily membership figure of any local, city, 1912  
exempted village, or joint vocational school district shall be 1913  
determined by dividing the figure representing the sum of the 1914  
number of pupils enrolled during each day the school of attendance 1915  
is actually open for instruction during the week for which the 1916  
formula ADM is being certified by the total number of days the 1917  
school was actually open for instruction during that week. For 1918  
purposes of state funding, "enrolled" persons are only those 1919  
pupils who are attending school, those who have attended school 1920  
during the current school year and are absent for authorized 1921  
reasons, and those children with disabilities currently receiving 1922  
home instruction. 1923

The average daily membership figure of any cooperative 1924  
education school district shall be determined in accordance with 1925  
rules adopted by the state board of education. 1926

(F)(1) If the formula ADM for the first full school week in 1927  
February is at least three per cent greater than that certified 1928  
for the first full school week in the preceding October, the 1929  
superintendent of schools of any city, exempted village, or joint 1930  
vocational school district or educational service center shall 1931  
certify such increase to the superintendent of public instruction. 1932  
Such certification shall be submitted no later than the fifteenth 1933  
day of February. For the balance of the fiscal year, beginning 1934  
with the February payments, the superintendent of public 1935  
instruction shall use the increased formula ADM in calculating or 1936  
recalculating the amounts to be allocated in accordance with 1937  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 1938  
the superintendent use an increased membership certified to the 1939  
superintendent after the fifteenth day of February. Division 1940  
(F)(1) of this section does not apply after fiscal year 2006. 1941

(2) If on the first school day of April the total number of 1942  
classes or units for preschool children with disabilities that are 1943  
eligible for approval under division (B) of section 3317.05 of the 1944  
Revised Code exceeds the number of units that have been approved 1945  
for the year under that division, the superintendent of schools of 1946  
any city, exempted village, or cooperative education school 1947  
district or educational service center shall make the 1948  
certifications required by this section for that day. If the 1949  
department determines additional units can be approved for the 1950  
fiscal year within any limitations set forth in the acts 1951  
appropriating moneys for the funding of such units, the department 1952  
shall approve additional units for the fiscal year on the basis of 1953  
such average daily membership. For each unit so approved, the 1954  
department shall pay an amount computed in the manner prescribed 1955  
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 1956  
Code. 1957

(3) If a student attending a community school under Chapter 1958



3314. or a science, technology, engineering, and mathematics 1959  
school established under Chapter 3326. of the Revised Code is not 1960  
included in the formula ADM certified for the school district in 1961  
which the student is entitled to attend school under section 1962  
3313.64 or 3313.65 of the Revised Code, the department of 1963  
education shall adjust the formula ADM of that school district to 1964  
include the student in accordance with division (C)(2) of this 1965  
section, and shall recalculate the school district's payments 1966  
under this chapter for the entire fiscal year on the basis of that 1967  
adjusted formula ADM. This requirement applies regardless of 1968  
whether the student was enrolled, as defined in division (E) of 1969  
this section, in the community school or the science, technology, 1970  
engineering, and mathematics school during the week for which the 1971  
formula ADM is being certified. 1972

(4) If a student awarded an educational choice scholarship is 1973  
not included in the formula ADM of the school district from which 1974  
the department deducts funds for the scholarship under section 1975  
3310.08 of the Revised Code, the department shall adjust the 1976  
formula ADM of that school district to include the student to the 1977  
extent necessary to account for the deduction, and shall 1978  
recalculate the school district's payments under this chapter for 1979  
the entire fiscal year on the basis of that adjusted formula ADM. 1980  
This requirement applies regardless of whether the student was 1981  
enrolled, as defined in division (E) of this section, in the 1982  
chartered nonpublic school, the school district, or a community 1983  
school during the week for which the formula ADM is being 1984  
certified. 1985

(G)(1)(a) The superintendent of an institution operating a 1986  
special education program pursuant to section 3323.091 of the 1987  
Revised Code shall, for the programs under such superintendent's 1988  
supervision, certify to the state board of education, in the 1989  
manner prescribed by the superintendent of public instruction, 1990

both of the following:	1991
(i) The average daily membership of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code;	1992 1993 1994 1995 1996
(ii) The average daily membership of all preschool children with disabilities in classes or programs approved annually by the department of education for unit funding under section 3317.05 of the Revised Code.	1997 1998 1999 2000
(b) The superintendent of an institution with vocational education units approved under division (A) of section 3317.05 of the Revised Code shall, for the units under the superintendent's supervision, certify to the state board of education the average daily membership in those units, in the manner prescribed by the superintendent of public instruction.	2001 2002 2003 2004 2005 2006
(2) The superintendent of each county MR/DD board that maintains special education classes under section 3317.20 of the Revised Code or units approved pursuant to section 3317.05 of the Revised Code shall do both of the following:	2007 2008 2009 2010
(a) Certify to the state board, in the manner prescribed by the board, the average daily membership in classes under section 3317.20 of the Revised Code for each school district that has placed children in the classes;	2011 2012 2013 2014
(b) Certify to the state board, in the manner prescribed by the board, the number of all preschool children with disabilities enrolled as of the first day of December in classes eligible for approval under division (B) of section 3317.05 of the Revised Code, and the number of those classes.	2015 2016 2017 2018 2019
(3)(a) If on the first school day of April the number of classes or units maintained for preschool children with	2020 2021

disabilities by the county MR/DD board that are eligible for 2022  
approval under division (B) of section 3317.05 of the Revised Code 2023  
is greater than the number of units approved for the year under 2024  
that division, the superintendent shall make the certification 2025  
required by this section for that day. 2026

(b) If the department determines that additional classes or 2027  
units can be approved for the fiscal year within any limitations 2028  
set forth in the acts appropriating moneys for the funding of the 2029  
classes and units described in division (G)(3)(a) of this section, 2030  
the department shall approve and fund additional units for the 2031  
fiscal year on the basis of such average daily membership. For 2032  
each unit so approved, the department shall pay an amount computed 2033  
in the manner prescribed in sections 3317.052 and 3317.053 of the 2034  
Revised Code. 2035

(H) Except as provided in division (I) of this section, when 2036  
any city, local, or exempted village school district provides 2037  
instruction for a nonresident pupil whose attendance is 2038  
unauthorized attendance as defined in section 3327.06 of the 2039  
Revised Code, that pupil's membership shall not be included in 2040  
that district's membership figure used in the calculation of that 2041  
district's formula ADM or included in the determination of any 2042  
unit approved for the district under section 3317.05 of the 2043  
Revised Code. The reporting official shall report separately the 2044  
average daily membership of all pupils whose attendance in the 2045  
district is unauthorized attendance, and the membership of each 2046  
such pupil shall be credited to the school district in which the 2047  
pupil is entitled to attend school under division (B) of section 2048  
3313.64 or section 3313.65 of the Revised Code as determined by 2049  
the department of education. 2050

(I)(1) A city, local, exempted village, or joint vocational 2051  
school district admitting a scholarship student of a pilot project 2052  
district pursuant to division (C) of section 3313.976 of the 2053

Revised Code may count such student in its average daily membership. 2054  
2055

(2) In any year for which funds are appropriated for pilot project scholarship programs, a school district implementing a state-sponsored pilot project scholarship program that year pursuant to sections 3313.974 to 3313.979 of the Revised Code may count in average daily membership: 2056  
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2060

(a) All children residing in the district and utilizing a scholarship to attend kindergarten in any alternative school, as defined in section 3313.974 of the Revised Code; 2061  
2062  
2063

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school. 2064  
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2066

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 2067  
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(K) If the superintendent of public instruction determines that a component of the formula ADM certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXIII of the Revised Code be adjusted in the amount of the error. 2075  
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**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," "guardian," or "other person having charge or care of a child" 2082  
2083

means either parent unless the parents are separated or divorced 2084  
or their marriage has been dissolved or annulled, in which case 2085  
"parent" means the parent who is the residential parent and legal 2086  
custodian of the child. If the child is in the legal or permanent 2087  
custody of a person or government agency, "parent" means that 2088  
person or government agency. When a child is a resident of a home, 2089  
as defined in section 3313.64 of the Revised Code, and the child's 2090  
parent is not a resident of this state, "parent," "guardian," or 2091  
"other person having charge or care of a child" means the head of 2092  
the home. 2093

A child between six and eighteen years of age is "of 2094  
compulsory school age" for the purpose of sections 3321.01 to 2095  
3321.13 of the Revised Code. A child under six years of age who 2096  
has been enrolled in kindergarten also shall be considered "of 2097  
compulsory school age" for the purpose of sections 3321.01 to 2098  
3321.13 of the Revised Code unless at any time the child's parent 2099  
or guardian, at the parent's or guardian's discretion and in 2100  
consultation with the child's teacher and principal, formally 2101  
withdraws the child from kindergarten. The compulsory school age 2102  
of a child shall not commence until the beginning of the term of 2103  
such schools, or other time in the school year fixed by the rules 2104  
of the board of the district in which the child resides. 2105

(2) No child shall be admitted to a kindergarten or a first 2106  
grade of a public school in a district in which all children are 2107  
admitted to kindergarten and the first grade in August or 2108  
September unless the child is five or six years of age, 2109  
respectively, by the thirtieth day of September of the year of 2110  
admittance, or by the first day of a term or semester other than 2111  
one beginning in August or September in school districts granting 2112  
admittance at the beginning of such term or semester, except that 2113  
in those school districts using or obtaining educationally 2114  
accepted standardized testing programs for determining entrance, 2115

as approved by the board of education of such districts, the board 2116  
shall admit a child to kindergarten or the first grade who fails 2117  
to meet the age requirement, provided the child meets necessary 2118  
standards as determined by such standardized testing programs. If 2119  
the board of education has not established a standardized testing 2120  
program, the board shall designate the necessary standards and a 2121  
testing program it will accept for the purpose of admitting a 2122  
child to kindergarten or first grade who fails to meet the age 2123  
requirement. Each child who will be the proper age for entrance to 2124  
kindergarten or first grade by the first day of January of the 2125  
school year for which admission is requested shall be so tested 2126  
upon the request of the child's parent. 2127

(3) Notwithstanding divisions (A)(2) and (D) of this section, 2128  
beginning with the school year that starts in 2001 and continuing 2129  
thereafter the board of education of any district may adopt a 2130  
resolution establishing the first day of August in lieu of the 2131  
thirtieth day of September as the required date by which students 2132  
must have attained the age specified in those divisions. 2133

(B) As used in divisions (C) and (D) of this section, 2134  
"successfully completed kindergarten" and "successful completion 2135  
of kindergarten" mean that the child has completed the 2136  
kindergarten requirements at one of the following: 2137

(1) A public or chartered nonpublic school; 2138

(2) A kindergarten class that is both of the following: 2139

(a) Offered by a day-care provider licensed under Chapter 2140  
5104. of the Revised Code; 2141

(b) If offered after July 1, 1991, is directly taught by a 2142  
teacher who holds one of the following: 2143

(i) A valid educator license issued under section 3319.22 of 2144  
the Revised Code; 2145

(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	2146 2147 2148
(iii) Certification determined under division (G) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;	2149 2150 2151
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	2152 2153
(C) Except as provided in division (D) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	2154 2155 2156
(D) Upon request of a parent, the requirement of division (C) of this section may be waived by the district's pupil personnel services committee in the case of a child who is at least six years of age by the thirtieth day of September of the year of admittance and who demonstrates to the satisfaction of the committee the possession of the social, emotional, and cognitive skills necessary for first grade.	2157 2158 2159 2160 2161 2162 2163
The board of education of each city, local, and exempted village school district shall establish a pupil personnel services committee. The committee shall be composed of all of the following to the extent such personnel are either employed by the district or employed by the governing board of the educational service center within whose territory the district is located and the educational service center generally furnishes the services of such personnel to the district:	2164 2165 2166 2167 2168 2169 2170 2171
(1) The director of pupil personnel services;	2172
(2) An elementary school counselor;	2173
(3) An elementary school principal;	2174
(4) A school psychologist;	2175

(5) A teacher assigned to teach first grade; 2176

(6) A gifted coordinator. 2177

The responsibilities of the pupil personnel services 2178  
committee shall be limited to the issuing of waivers allowing 2179  
admittance to the first grade without the successful completion of 2180  
kindergarten. The committee shall have no other authority except 2181  
as specified in this section. 2182

(E) The scheduling of times for kindergarten classes and 2183  
length of the school day for kindergarten shall be determined by 2184  
the board of education of a city, exempted village, or local 2185  
school district. 2186

(F) Any kindergarten class offered by a day-care provider or 2187  
school described by division (B)(1) or (B)(2)(a) of this section 2188  
shall be developmentally appropriate. 2189

(G) Upon written request of a day-care provider described by 2190  
division (B)(2)(a) of this section, the department of education 2191  
shall determine whether certification held by a teacher employed 2192  
by the provider meets the requirement of division (B)(2)(b)(iii) 2193  
of this section and, if so, shall furnish the provider a statement 2194  
to that effect. 2195

~~(H) As used in this division, "all day kindergarten" has the 2196  
same meaning as in section 3317.029 of the Revised Code. 2197~~

~~(1) Any school district that is not eligible to receive 2198  
poverty based assistance for all day kindergarten under division 2199  
(D) of section 3317.029 of the Revised Code may charge fees or 2200  
tuition for students enrolled in all day kindergarten. If a 2201  
district charges fees or tuition for all day kindergarten under 2202  
this division, the district shall develop a sliding fee scale 2203  
based on family incomes. 2204~~

~~(2) The department of education shall conduct an annual 2205~~



~~survey of each school district described in division (H)(1) of  
this section to determine the following:~~ 2206  
2207

~~(a) Whether the district charges fees or tuition for students  
enrolled in all day kindergarten;~~ 2208  
2209

~~(b) The amount of the fees or tuition charged;~~ 2210

~~(c) How many of the students for whom tuition is charged are  
eligible for free lunches under the "National School Lunch Act,"  
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended,  
and how many of the students for whom tuition is charged are  
eligible for reduced price lunches under those acts;~~ 2211  
2212  
2213  
2214  
2215  
2216

~~(d) How many students are enrolled in traditional half day  
kindergarten rather than all day kindergarten.~~ 2217  
2218

~~Each district shall report to the department, in the manner  
prescribed by the department, the information described in  
divisions (H)(2)(a) to (d) of this section.~~ 2219  
2220  
2221

~~The department shall issue an annual report on the results of  
the survey and shall post the report on its web site. The  
department shall issue the first report not later than April 30,  
2008, and shall issue a report not later than the thirtieth day of  
April each year thereafter.~~ 2222  
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2226

**Sec. 5727.84.** (A) As used in this section and sections 2227  
5727.85, 5727.86, and 5727.87 of the Revised Code: 2228

(1) "School district" means a city, local, or exempted 2229  
village school district. 2230

(2) "Joint vocational school district" means a joint 2231  
vocational school district created under section 3311.16 of the 2232  
Revised Code, and includes a cooperative education school district 2233  
created under section 3311.52 or 3311.521 of the Revised Code and 2234  
a county school financing district created under section 3311.50 2235

of the Revised Code. 2236

(3) "Local taxing unit" means a subdivision or taxing unit, 2237  
as defined in section 5705.01 of the Revised Code, a park district 2238  
created under Chapter 1545. of the Revised Code, or a township 2239  
park district established under section 511.23 of the Revised 2240  
Code, but excludes school districts and joint vocational school 2241  
districts. 2242

(4) "State education aid," for a school district, means the 2243  
sum of state aid amounts computed for the district under divisions 2244  
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 2245  
divisions (B), (C), and (D) of section 3317.023; divisions (G), 2246  
(L), and (N) of section 3317.024; and sections 3317.029, 2247  
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 2248  
the Revised Code; and the adjustments required by: division (C) of 2249  
section 3310.08; division (C)(2) of section 3310.41; division (C) 2250  
of section 3314.08; division (D)(2) of section 3314.091; ~~division~~ 2251  
~~(D) of section 3314.13;~~ divisions (E), (K), (L), (M), and (N) of 2252  
section 3317.023; division (C) of section 3317.20; and sections 2253  
3313.979 and 3313.981 of the Revised Code. However, when 2254  
calculating state education aid for a school district for fiscal 2255  
years 2008 and 2009, include the amount computed for the district 2256  
under Section 269.20.80 of H.B. 119 of the 127th general assembly, 2257  
as subsequently amended, instead of division (D) of section 2258  
3317.022 of the Revised Code; and include amounts calculated under 2259  
Section 269.30.80 of this act, as subsequently amended; ~~and~~ 2260  
~~account for adjustments under division (C)(2) of section 3310.41~~ 2261  
~~of the Revised Code.~~ 2262

2263

(5) "State education aid," for a joint vocational school 2264  
district, means the sum of the state aid amounts computed for the 2265  
district under division (N) of section 3317.024 and section 2266  
3317.16 of the Revised Code. However, when calculating state 2267

education aid for a joint vocational school district for fiscal 2268  
years 2008 and 2009, include the amount computed for the district 2269  
under Section 269.30.90 of H.B. 119 of the 127th general assembly, 2270  
as subsequently amended. 2271

(6) "State education aid offset" means the amount determined 2272  
for each school district or joint vocational school district under 2273  
division (A)(1) of section 5727.85 of the Revised Code. 2274

(7) "Recognized valuation" has the same meaning as in section 2275  
3317.02 of the Revised Code. 2276

(8) "Electric company tax value loss" means the amount 2277  
determined under division (D) of this section. 2278

(9) "Natural gas company tax value loss" means the amount 2279  
determined under division (E) of this section. 2280

(10) "Tax value loss" means the sum of the electric company 2281  
tax value loss and the natural gas company tax value loss. 2282

(11) "Fixed-rate levy" means any tax levied on property other 2283  
than a fixed-sum levy. 2284

(12) "Fixed-rate levy loss" means the amount determined under 2285  
division (G) of this section. 2286

(13) "Fixed-sum levy" means a tax levied on property at 2287  
whatever rate is required to produce a specified amount of tax 2288  
money or levied in excess of the ten-mill limitation to pay debt 2289  
charges, and includes school district emergency levies imposed 2290  
pursuant to section 5705.194 of the Revised Code. 2291

(14) "Fixed-sum levy loss" means the amount determined under 2292  
division (H) of this section. 2293

(15) "Consumer price index" means the consumer price index 2294  
(all items, all urban consumers) prepared by the bureau of labor 2295  
statistics of the United States department of labor. 2296

(B) The kilowatt-hour tax receipts fund is hereby created in 2297

the state treasury and shall consist of money arising from the tax 2298  
imposed by section 5727.81 of the Revised Code. All money in the 2299  
kilowatt-hour tax receipts fund shall be credited as follows: 2300

(1) Sixty-three per cent shall be credited to the general 2301  
revenue fund. 2302

(2) Twenty-five and four-tenths per cent shall be credited to 2303  
the school district property tax replacement fund, which is hereby 2304  
created in the state treasury for the purpose of making the 2305  
payments described in section 5727.85 of the Revised Code. 2306

(3) Eleven and six-tenths per cent shall be credited to the 2307  
local government property tax replacement fund, which is hereby 2308  
created in the state treasury for the purpose of making the 2309  
payments described in section 5727.86 of the Revised Code. 2310

(C) The natural gas tax receipts fund is hereby created in 2311  
the state treasury and shall consist of money arising from the tax 2312  
imposed by section 5727.811 of the Revised Code. All money in the 2313  
fund shall be credited as follows: 2314

(1) Sixty-eight and seven-tenths per cent shall be credited 2315  
to the school district property tax replacement fund for the 2316  
purpose of making the payments described in section 5727.85 of the 2317  
Revised Code. 2318

(2) Thirty-one and three-tenths per cent shall be credited to 2319  
the local government property tax replacement fund for the purpose 2320  
of making the payments described in section 5727.86 of the Revised 2321  
Code. 2322

(D) Not later than January 1, 2002, the tax commissioner 2323  
shall determine for each taxing district its electric company tax 2324  
value loss, which is the sum of the applicable amounts described 2325  
in divisions (D)(1) to (4) of this section: 2326

(1) The difference obtained by subtracting the amount 2327

described in division (D)(1)(b) from the amount described in 2328  
division (D)(1)(a) of this section. 2329

(a) The value of electric company and rural electric company 2330  
tangible personal property as assessed by the tax commissioner for 2331  
tax year 1998 on a preliminary assessment, or an amended 2332  
preliminary assessment if issued prior to March 1, 1999, and as 2333  
apportioned to the taxing district for tax year 1998; 2334

(b) The value of electric company and rural electric company 2335  
tangible personal property as assessed by the tax commissioner for 2336  
tax year 1998 had the property been apportioned to the taxing 2337  
district for tax year 2001, and assessed at the rates in effect 2338  
for tax year 2001. 2339

(2) The difference obtained by subtracting the amount 2340  
described in division (D)(2)(b) from the amount described in 2341  
division (D)(2)(a) of this section. 2342

(a) The three-year average for tax years 1996, 1997, and 1998 2343  
of the assessed value from nuclear fuel materials and assemblies 2344  
assessed against a person under Chapter 5711. of the Revised Code 2345  
from the leasing of them to an electric company for those 2346  
respective tax years, as reflected in the preliminary assessments; 2347

(b) The three-year average assessed value from nuclear fuel 2348  
materials and assemblies assessed under division (D)(2)(a) of this 2349  
section for tax years 1996, 1997, and 1998, as reflected in the 2350  
preliminary assessments, using an assessment rate of twenty-five 2351  
per cent. 2352

(3) In the case of a taxing district having a nuclear power 2353  
plant within its territory, any amount, resulting in an electric 2354  
company tax value loss, obtained by subtracting the amount 2355  
described in division (D)(1) of this section from the difference 2356  
obtained by subtracting the amount described in division (D)(3)(b) 2357  
of this section from the amount described in division (D)(3)(a) of 2358

this section. 2359

(a) The value of electric company tangible personal property 2360  
as assessed by the tax commissioner for tax year 2000 on a 2361  
preliminary assessment, or an amended preliminary assessment if 2362  
issued prior to March 1, 2001, and as apportioned to the taxing 2363  
district for tax year 2000; 2364

(b) The value of electric company tangible personal property 2365  
as assessed by the tax commissioner for tax year 2001 on a 2366  
preliminary assessment, or an amended preliminary assessment if 2367  
issued prior to March 1, 2002, and as apportioned to the taxing 2368  
district for tax year 2001. 2369

(4) In the case of a taxing district having a nuclear power 2370  
plant within its territory, the difference obtained by subtracting 2371  
the amount described in division (D)(4)(b) of this section from 2372  
the amount described in division (D)(4)(a) of this section, 2373  
provided that such difference is greater than ten per cent of the 2374  
amount described in division (D)(4)(a) of this section. 2375

(a) The value of electric company tangible personal property 2376  
as assessed by the tax commissioner for tax year 2005 on a 2377  
preliminary assessment, or an amended preliminary assessment if 2378  
issued prior to March 1, 2006, and as apportioned to the taxing 2379  
district for tax year 2005; 2380

(b) The value of electric company tangible personal property 2381  
as assessed by the tax commissioner for tax year 2006 on a 2382  
preliminary assessment, or an amended preliminary assessment if 2383  
issued prior to March 1, 2007, and as apportioned to the taxing 2384  
district for tax year 2006. 2385

(E) Not later than January 1, 2002, the tax commissioner 2386  
shall determine for each taxing district its natural gas company 2387  
tax value loss, which is the sum of the amounts described in 2388  
divisions (E)(1) and (2) of this section: 2389

(1) The difference obtained by subtracting the amount 2390  
described in division (E)(1)(b) from the amount described in 2391  
division (E)(1)(a) of this section. 2392

(a) The value of all natural gas company tangible personal 2393  
property, other than property described in division (E)(2) of this 2394  
section, as assessed by the tax commissioner for tax year 1999 on 2395  
a preliminary assessment, or an amended preliminary assessment if 2396  
issued prior to March 1, 2000, and apportioned to the taxing 2397  
district for tax year 1999; 2398

(b) The value of all natural gas company tangible personal 2399  
property, other than property described in division (E)(2) of this 2400  
section, as assessed by the tax commissioner for tax year 1999 had 2401  
the property been apportioned to the taxing district for tax year 2402  
2001, and assessed at the rates in effect for tax year 2001. 2403

(2) The difference in the value of current gas obtained by 2404  
subtracting the amount described in division (E)(2)(b) from the 2405  
amount described in division (E)(2)(a) of this section. 2406

(a) The three-year average assessed value of current gas as 2407  
assessed by the tax commissioner for tax years 1997, 1998, and 2408  
1999 on a preliminary assessment, or an amended preliminary 2409  
assessment if issued prior to March 1, 2001, and as apportioned in 2410  
the taxing district for those respective years; 2411

(b) The three-year average assessed value from current gas 2412  
under division (E)(2)(a) of this section for tax years 1997, 1998, 2413  
and 1999, as reflected in the preliminary assessment, using an 2414  
assessment rate of twenty-five per cent. 2415

(F) The tax commissioner may request that natural gas 2416  
companies, electric companies, and rural electric companies file a 2417  
report to help determine the tax value loss under divisions (D) 2418  
and (E) of this section. The report shall be filed within thirty 2419  
days of the commissioner's request. A company that fails to file 2420

the report or does not timely file the report is subject to the 2421  
penalty in section 5727.60 of the Revised Code. 2422

(G) Not later than January 1, 2002, the tax commissioner 2423  
shall determine for each school district, joint vocational school 2424  
district, and local taxing unit its fixed-rate levy loss, which is 2425  
the sum of its electric company tax value loss multiplied by the 2426  
tax rate in effect in tax year 1998 for fixed-rate levies and its 2427  
natural gas company tax value loss multiplied by the tax rate in 2428  
effect in tax year 1999 for fixed-rate levies. 2429

(H) Not later than January 1, 2002, the tax commissioner 2430  
shall determine for each school district, joint vocational school 2431  
district, and local taxing unit its fixed-sum levy loss, which is 2432  
the amount obtained by subtracting the amount described in 2433  
division (H)(2) of this section from the amount described in 2434  
division (H)(1) of this section: 2435

(1) The sum of the electric company tax value loss multiplied 2436  
by the tax rate in effect in tax year 1998, and the natural gas 2437  
company tax value loss multiplied by the tax rate in effect in tax 2438  
year 1999, for fixed-sum levies for all taxing districts within 2439  
each school district, joint vocational school district, and local 2440  
taxing unit. For the years 2002 through 2006, this computation 2441  
shall include school district emergency levies that existed in 2442  
1998 in the case of the electric company tax value loss, and 1999 2443  
in the case of the natural gas company tax value loss, and all 2444  
other fixed-sum levies that existed in 1998 in the case of the 2445  
electric company tax value loss and 1999 in the case of the 2446  
natural gas company tax value loss and continue to be charged in 2447  
the tax year preceding the distribution year. For the years 2007 2448  
through 2016 in the case of school district emergency levies, and 2449  
for all years after 2006 in the case of all other fixed-sum 2450  
levies, this computation shall exclude all fixed-sum levies that 2451  
existed in 1998 in the case of the electric company tax value loss 2452



and 1999 in the case of the natural gas company tax value loss, 2453  
but are no longer in effect in the tax year preceding the 2454  
distribution year. For the purposes of this section, an emergency 2455  
levy that existed in 1998 in the case of the electric company tax 2456  
value loss, and 1999 in the case of the natural gas company tax 2457  
value loss, continues to exist in a year beginning on or after 2458  
January 1, 2007, but before January 1, 2017, if, in that year, the 2459  
board of education levies a school district emergency levy for an 2460  
annual sum at least equal to the annual sum levied by the board in 2461  
tax year 1998 or 1999, respectively, less the amount of the 2462  
payment certified under this division for 2002. 2463

(2) The total taxable value in tax year 1999 less the tax 2464  
value loss in each school district, joint vocational school 2465  
district, and local taxing unit multiplied by one-fourth of one 2466  
mill. 2467

If the amount computed under division (H) of this section for 2468  
any school district, joint vocational school district, or local 2469  
taxing unit is greater than zero, that amount shall equal the 2470  
fixed-sum levy loss reimbursed pursuant to division (E) of section 2471  
5727.85 of the Revised Code or division (A)(2) of section 5727.86 2472  
of the Revised Code, and the one-fourth of one mill that is 2473  
subtracted under division (H)(2) of this section shall be 2474  
apportioned among all contributing fixed-sum levies in the 2475  
proportion of each levy to the sum of all fixed-sum levies within 2476  
each school district, joint vocational school district, or local 2477  
taxing unit. 2478

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 2479  
section, in computing the tax value loss, fixed-rate levy loss, 2480  
and fixed-sum levy loss, the tax commissioner shall use the 2481  
greater of the 1998 tax rate or the 1999 tax rate in the case of 2482  
levy losses associated with the electric company tax value loss, 2483  
but the 1999 tax rate shall not include for this purpose any tax 2484

levy approved by the voters after June 30, 1999, and the tax 2485  
commissioner shall use the greater of the 1999 or the 2000 tax 2486  
rate in the case of levy losses associated with the natural gas 2487  
company tax value loss. 2488

(J) Not later than January 1, 2002, the tax commissioner 2489  
shall certify to the department of education the tax value loss 2490  
determined under divisions (D) and (E) of this section for each 2491  
taxing district, the fixed-rate levy loss calculated under 2492  
division (G) of this section, and the fixed-sum levy loss 2493  
calculated under division (H) of this section. The calculations 2494  
under divisions (G) and (H) of this section shall separately 2495  
display the levy loss for each levy eligible for reimbursement. 2496

(K) Not later than September 1, 2001, the tax commissioner 2497  
shall certify the amount of the fixed-sum levy loss to the county 2498  
auditor of each county in which a school district with a fixed-sum 2499  
levy loss has territory. 2500

**Section 2.** That existing sections 3314.08, 3314.084, 3314.26, 2501  
3317.016, 3317.017, 3317.02, 3317.029, 3317.03, 3321.01, and 2502  
5727.84 and section 3314.13 of the Revised Code are hereby 2503  
repealed. 2504

**Section 3.** Sections 1 and 2 of this act take effect July 1, 2505  
2009. 2506