

As Introduced

**128th General Assembly
Regular Session
2009-2010**

H. B. No. 268

Representative Driehaus

**Cosponsors: Representatives Foley, Fende, Skindell, Belcher, Newcomb,
Boyd, Heard, Garland, Harris, Bolon, Slesnick**

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A B I L L

To amend section 3314.088 of the Revised Code to 1
temporarily reduce the per pupil base-cost 2
payments to community schools in academic watch or 3
academic emergency, to use the aggregate of those 4
reductions to make supplemental payments for 5
Auxiliary Services for chartered nonpublic school 6
students and for administrative cost reimbursement 7
to chartered nonpublic schools, and to make an 8
appropriation. 9

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

Section 1. That section 3314.088 of the Revised Code be 10
amended to read as follows: 11

Sec. 3314.088. (A) For purposes of applying sections 3314.08 12
and 3314.13 of the Revised Code to fiscal years 2010 and 2011: 13

(1) The base formula amount for community schools for fiscal 14
year 2010 is \$5,718 and for fiscal year 2011 is \$5,703. These 15
respective amounts shall be applied wherein sections 3314.08 and 16
3314.13 of the Revised Code the base formula amount is specified, 17
except for deducting and paying amounts for special education 18

weighted funding and vocational education weighted funding and 19
except as prescribed in division (C) of this section. 20

(2) The base funding supplements under section 3317.012 of 21
the Revised Code shall be deemed in each year to be the amounts 22
specified in that section for fiscal year 2009. 23

(3) Special education additional weighted funding shall be 24
calculated by multiplying the applicable weight specified in 25
section 3317.013 of the Revised Code for fiscal year 2009 times 26
\$5,732. 27

(4) Vocational education additional weighted funding shall be 28
calculated by multiplying the applicable weight specified in 29
section 3317.014 of the Revised Code for fiscal year 2009 times 30
\$5,732. 31

(5) The per pupil amounts paid to a school district under 32
sections 3317.029 and 3317.0217 of the Revised Code shall be 33
deemed to be the respective per pupil amounts paid under those 34
sections to that district for fiscal year 2009. 35

(6) A community school may receive all-day kindergarten 36
payments under section 3314.13 of the Revised Code only for 37
all-day kindergarten students who are entitled to attend school in 38
school districts that, for fiscal year 2009, met the eligibility 39
requirements of division (D) of section 3317.029 of the Revised 40
Code. For students entitled to attend school in such school 41
districts that actually received payment for all-day kindergarten 42
for fiscal year 2009, the payments to community schools under 43
section 3314.13 of the Revised Code shall be deducted from the 44
school district's state education aid. For students entitled to 45
attend school in such school districts that did not receive 46
payment for all-day kindergarten for fiscal year 2009, the 47
payments to community schools under section 3314.13 of the Revised 48
Code shall be paid out of the funds appropriated under 49

appropriation item 200550, foundation funding, as appropriated in 50
section 265.10 of Am. Sub. H.B. 1 of the 128th ~~General Assembly~~ 51
general assembly. As used in this division, "entitled to attend 52
school" has the same meaning as in section 3314.08 of the Revised 53
Code. 54

(B) For purposes of applying section 3314.085 of the Revised 55
Code to fiscal years 2010 and 2011, the minimum per pupil 56
expenditure required for pupil instruction under that section is 57
\$2,931, which equals the minimum amount required by that section 58
for fiscal year 2009. 59

(C) For each of fiscal years 2010 and 2011, in the case of a 60
community school that is rated as academic watch or academic 61
emergency on the school's report card published by the department 62
of education for the prior school year: 63

(1) The base formula amount for the purpose of the deductions 64
from school districts required by division (C) of section 3314.08 65
of the Revised Code, except for deductions for special education 66
weighted funding and vocational education weighted funding, shall 67
be the respective amount specified in division (A)(1) of this 68
section. 69

(2) The base formula amount for the purpose of the payments 70
to the community school required by division (D) of section 71
3314.08 of the Revised Code, except for payments for special 72
education weighted funding and vocational education weighted 73
funding, shall be \$5,018 for fiscal year 2010 and \$5,003 for 74
fiscal year 2011. 75

(3) The department shall pay into the auxiliary services and 76
administrative cost supplement fund, created by Section 3 of H.B. 77
..... of the 128th general assembly, an amount equal to \$700 for 78
each full-time equivalent student enrolled in the community 79
school. 80

Section 2. That existing section 3314.088 of the Revised Code 81
is hereby repealed. 82

Section 3. The Auxiliary Services and Administrative Cost 83
Supplement Fund is hereby created in the state treasury. The fund 84
shall consist of moneys described in division (C) of section 85
3314.088 of the Revised Code. The Department of Education shall 86
make payments from the fund as prescribed in Section 5 of this 87
act. 88

Section 4. All items in this section are hereby appropriated 89
as designated out of any moneys in the state treasury to the 90
credit of the State Special Revenue Fund. For all appropriations 91
made in this act, those in the first column are for fiscal year 92
2010 and those in the second column are for fiscal year 2011. The 93
appropriations made in this act are in addition to any other 94
appropriations made for the FY 2010-FY 2011 biennium. 95

Appropriations

EDU DEPARTMENT OF EDUCATION 96

State Special Revenue Fund 97

5HEO 200649	Auxiliary Services	\$	33,985,931	\$	33,493,921	98
	and Administrative					
	Cost Supplement					

TOTAL SSR State Special Revenue	\$	33,985,931	\$	33,493,921	99
Fund					

TOTAL ALL BUDGET FUND GROUPS	\$	33,985,931	\$	33,493,921	100
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AUXILIARY SERVICES AND ADMINISTRATIVE COST SUPPLEMENT 101

The foregoing appropriation item 200649, Auxiliary Services 102
and Administrative Cost Supplement, shall be used by the 103
Department of Education to make supplemental Auxiliary Service 104
payments to school districts and supplemental administrative cost 105
reimbursement payments to chartered nonpublic schools as described 106

in Section 5 of this act. 107

An amount equal to the unexpended, unencumbered portion of 108
appropriation item 200649, Auxiliary Services and Administrative 109
Cost Supplement, at the end of fiscal year 2010 is hereby 110
reappropriated to fiscal year 2011 for use under the same 111
appropriation item. 112

Section 5. (A) The Department of Education shall use up to 113
\$23,382,321, in fiscal year 2010, and up to \$23,043,817, in fiscal 114
year 2011, of the aggregate amount paid into the Auxiliary 115
Services and Administrative Cost Supplement Fund, created by 116
Section 3 of this act, to make supplemental Auxiliary Service 117
payments to school districts, which shall be administered in 118
accordance with section 3317.06 of the Revised Code and which 119
shall be used by the districts in accordance with that section. 120

(B) The Department shall use up to \$10,603,611, in fiscal 121
year 2010, and up to \$10,450,103, in fiscal year 2011, of the 122
aggregate amount paid into the Auxiliary Services and 123
Administrative Cost Supplement Fund, created by Section 3 of this 124
act, to make supplemental administrative cost reimbursement 125
payments to chartered nonpublic schools, which shall be 126
administered in accordance with section 3317.063 of the Revised 127
Code and which shall be used by chartered nonpublic schools in 128
accordance with that section. The combined amount paid to each 129
chartered nonpublic school for administrative cost reimbursement 130
under this division and under Section 265.30.10 of Am. Sub. H.B. 1 131
of the 128th General Assembly shall not exceed the maximum amount 132
prescribed in section 3317.063 of the Revised Code. 133

Section 6. Within the limits set forth in this act, the 134
Director of Budget and Management shall establish accounts 135
indicating the source and amount of funds for each appropriation 136

made in this act, and shall determine the form and manner in which 137
appropriation accounts shall be maintained. Expenditures from 138
appropriations contained in this act shall be accounted for as 139
though made in Am. Sub. H.B. 1 of the 128th General Assembly. 140

The appropriations made in this act are subject to all 141
provisions of Am. Sub. H.B. 1 of the 128th General Assembly that 142
are generally applicable to such appropriations. 143

Section 7. The sections of law contained in this act, and the 144
items of law of which the sections of law contained in this act 145
are composed, are not subject to the referendum. Therefore, under 146
Ohio Constitution, Article II, Section 1d and section 1.471 of the 147
Revised Code, the sections of law contained in this act, and the 148
items of law of which the sections of law contained in this act 149
are composed, go into immediate effect when this act becomes law. 150