

**As Introduced**

**128th General Assembly  
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**H. B. No. 275**

**Representative Huffman**

**Cosponsors: Representatives Adams, J., Ruhl, Burke, Stebelton, Domenick,  
Lehner, Adams, R., Grossman, Boose**

**—**

**A B I L L**

To amend section 3318.011 of the Revised Code to 1  
revise the method for calculating the annual 2  
school district equity rankings for classroom 3  
facilities assistance and to declare an emergency. 4

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

**Section 1.** That section 3318.011 of the Revised Code be 5  
amended to read as follows: 6

**Sec. 3318.011.** For purposes of providing assistance under 7  
sections 3318.01 to 3318.20 of the Revised Code, the department of 8  
education shall annually do all of the following: 9

(A) Calculate the adjusted valuation per pupil of each city, 10  
local, and exempted village school district according to the 11  
following formula: 12

The district's valuation per pupil - 13  
[\$30,000 X (1 - the district's income factor)]. 14

For purposes of this calculation: 15

(1) Except for a district with an open enrollment net gain 16  
that is ten per cent or more of its formula ADM, "valuation per 17

pupil" for a district means its average taxable value, divided by 18  
its formula ADM for the previous fiscal year. "Valuation per 19  
pupil," for a district with an open enrollment net gain that is 20  
ten per cent or more of its formula ADM, means its average taxable 21  
value, divided by the sum of its formula ADM for the previous 22  
fiscal year plus its open enrollment net gain for the previous 23  
fiscal year. 24

(2) ~~"Average Except for a tangible personal property 25  
phase-out impacted district, "average taxable value" means the 26  
average of the sum of the amounts certified for a district under 27  
divisions (A)(1) and (2) of section 3317.021 of the Revised Code 28  
in the second, third, and fourth preceding fiscal years under 29  
divisions (A)(1) and (2) of section 3317.021 of the Revised Code. 30  
For a tangible personal property phase-out impacted district, 31  
"average taxable value" means the average of the sum of the 32  
amounts certified for the district under division (A)(1) and as 33  
public utility personal property under division (A)(2) of section 34  
3317.021 of the Revised Code in the second, third, and fourth 35  
preceding fiscal years.~~ 36

(3) "Entitled to attend school" means entitled to attend 37  
school in a city, local, or exempted village school district under 38  
section 3313.64 or 3313.65 of the Revised Code. 39

(4) "Formula ADM" and "income factor" have the same meanings 40  
as in section 3317.02 of the Revised Code. 41

(5) "Native student" has the same meaning as in section 42  
3313.98 of the Revised Code. 43

(6) "Open enrollment net gain" for a district means (a) the 44  
number of the students entitled to attend school in another 45  
district but who are enrolled in the schools of the district under 46  
its open enrollment policy minus (b) the number of the district's 47  
native students who are enrolled in the schools of another 48

district under the other district's open enrollment policy, both 49  
numbers as certified to the department under section 3313.981 of 50  
the Revised Code. If the difference is a negative number, the 51  
district's "open enrollment net gain" is zero. 52

(7) "Open enrollment policy" means an interdistrict open 53  
enrollment policy adopted under section 3313.98 of the Revised 54  
Code. 55

(8) "Tangible personal property phase-out impacted district" 56  
means a school district for which the taxable value of its 57  
tangible personal property certified under division (A)(2) of 58  
section 3317.021 of the Revised Code for tax year 2005, excluding 59  
the taxable value of public utility personal property, made up 60  
twenty per cent or more of its total taxable value for tax year 61  
2005 as certified under that section. 62

(B) Calculate for each district the three-year average of the 63  
adjusted valuations per pupil calculated for the district for the 64  
current and two preceding fiscal years; 65

(C) Rank all such districts in order of adjusted valuation 66  
per pupil from the district with the lowest three-year average 67  
adjusted valuation per pupil to the district with the highest 68  
three-year average adjusted valuation per pupil; 69

(D) Divide such ranking into percentiles with the first 70  
percentile containing the one per cent of school districts having 71  
the lowest three-year average adjusted valuations per pupil and 72  
the one-hundredth percentile containing the one per cent of school 73  
districts having the highest three-year average adjusted 74  
valuations per pupil; 75

(E) Determine the school districts that have three-year 76  
average adjusted valuations per pupil that are greater than the 77  
median three-year average adjusted valuation per pupil for all 78  
school districts in the state; 79

(F) On or before the first day of September, certify the 80  
information described in divisions (A) to (E) of this section to 81  
the Ohio school facilities commission. 82

**Section 2.** That existing section 3318.011 of the Revised Code 83  
is hereby repealed. 84

**Section 3.** (A) As used in this section, "equity list" means 85  
the school district percentile rankings calculated under section 86  
3318.011 of the Revised Code. 87

(B) Not later than thirty days after the effective date of 88  
this section, the Department of Education shall create an 89  
alternate equity list for fiscal year 2010, for use in funding 90  
projects for fiscal year 2011, by recalculating each school 91  
district's percentile ranking under section 3318.011 of the 92  
Revised Code and shall certify the alternate equity list to the 93  
Ohio School Facilities Commission. For this purpose, the 94  
Department shall recalculate each school district's percentile 95  
ranking using the district's "average taxable value" as that term 96  
is defined in the version of section 3318.011 of the Revised Code, 97  
as it results from the amendments to that section enacted by this 98  
act. 99

(C) The Commission shall use the alternate equity list 100  
certified under division (B) of this section to determine the 101  
priority for assistance under sections 3318.01 to 3318.20 of the 102  
Revised Code for fiscal year 2011 for each school district that 103  
has not previously been offered funding under those sections. 104  
However, no district that already has been offered assistance 105  
under those sections for fiscal year 2011 prior to the 106  
Commission's receipt of the alternate equity list shall be denied 107  
the opportunity for assistance under those sections for that 108  
fiscal year. 109

(D) Notwithstanding any provision of Chapter 3318. of the 110  
Revised Code to the contrary, for each school district that 111  
receives the Commission's conditional approval of the district's 112  
project under sections 3318.01 to 3318.20 of the Revised Code for 113  
fiscal year 2011, the district's portion of the basic project cost 114  
shall be the lesser of the following: 115

(1) The amount required under section 3318.032 of the Revised 116  
Code calculated using the percentile in which the district ranks 117  
on the alternate equity list certified under division (B) of this 118  
section; 119

(2) The amount required under section 3318.032 of the Revised 120  
Code calculated using the percentile in which the district ranks 121  
on the original equity list for fiscal year 2010. 122

**Section 4.** This act is hereby declared to be an emergency 123  
measure necessary for the immediate preservation of the public 124  
peace, health, and safety. The reason for such necessity is to 125  
prevent delays in classroom construction projects by school 126  
districts that have substantial amounts of declining tangible 127  
personal property valuation. Therefore, this act shall go into 128  
immediate effect. 129