

As Introduced

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Representative Gardner

**Cosponsors: Representatives Burke, Morgan, Lehner, Ruhl, Boose,
Adams, J., Blessing, Derickson, McGregor, Hottinger, Blair, Uecker, Huffman,
Evans, Hackett, Zehringer, Wachtmann, Adams, R., Combs, Bacon, Amstutz,
Sears, Maag, Mecklenborg, Wagner, Martin**

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A B I L L

To amend sections 3306.25 and 3321.05 of the Revised 1
Code to allow school district boards to exempt 2
their districts from certain spending rules and 3
the requirement to provide all-day kindergarten 4
and to direct the duties of the Ohio School 5
Funding Advisory Council. 6

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

Section 1. That sections 3306.25 and 3321.05 of the Revised 7
Code be amended to read as follows: 8

Sec. 3306.25. (A) The superintendent of public instruction 9
shall adopt rules, in accordance with Chapter 119. of the Revised 10
Code, prescribing standards for the expenditure of funds 11
calculated under this chapter and for the reporting of 12
expenditures of those funds for particular funded components, as 13
determined by the superintendent, so that those funds are directed 14
toward the purposes for which they were calculated. 15

The superintendent shall classify the components into the 16

following categories: 17

(1) Core academic strategy components, which shall be 18
considered those components that are fundamental to successful 19
education practices in the twenty-first century for all students; 20

(2) Academic improvement components, which shall be 21
considered those components that have been demonstrated to make 22
the greatest improvement in the academic achievement of 23
underperforming students; 24

(3) Other components. 25

The superintendent shall determine the funded components 26
included in each category. 27

(B) The rules adopted for core academic strategy components 28
under division (A)(1) of this section shall prescribe standards 29
for expenditure and reporting. The rules shall afford districts 30
degrees of flexibility in determining how to spend funds 31
calculated for the components included in that category depending 32
on the district's current performance rating under section 3302.03 33
of the Revised Code. The higher the rating, the greater 34
flexibility the rules shall provide. Districts rated excellent 35
shall not be subject to the expenditure standards, but shall 36
comply with the reporting standards. 37

(C) The rules adopted for academic improvement components 38
under division (A)(2) of this section shall prescribe standards 39
for expenditure and reporting and shall apply only to school 40
districts that have been declared to be in academic emergency or 41
academic watch, under section 3302.03 of the Revised Code, for two 42
or more consecutive years, beginning with the ratings of districts 43
issued under that section in the fiscal year that begins two years 44
prior to the effective date of rules adopted under division (A)(2) 45
of this section. 46

(D) The rules adopted under division (A)(3) of this section 47

shall prescribe only reporting standards and shall not prescribe 48
spending requirements or standards. The rules shall apply to all 49
school districts. 50

(E) The rules shall take effect pursuant to a schedule 51
determined by the superintendent. However: 52

(1) The rules adopted under division (A)(1) of this section 53
prescribing reporting standards for core academic strategy 54
components shall not take effect before July 1, 2010. 55

(2) The rules adopted under division (A)(1) of this section 56
prescribing expenditure standards for core academic strategy 57
components shall not take effect before July 1, 2011. 58

(3) The rules adopted under division (A)(2) of this section 59
prescribing reporting standards for academic improvement 60
components shall not take effect before July 1, 2010. 61

(4) The rules adopted under division (A)(2) of this section 62
prescribing expenditure standards for academic improvement 63
components shall not take effect before July 1, 2011. 64

(5) The rules adopted under division (A)(3) of this section 65
prescribing reporting standards for other components shall not 66
take effect before July 1, 2010. 67

(F) ~~Each~~ (1) Except as provided in division (F)(2) of this 68
section, each school district shall comply with each applicable 69
rule adopted under this section beginning on the effective date of 70
that rule. 71

(2) A district board of education, by a majority vote, may 72
adopt a resolution exempting the district from any applicable rule 73
regarding the expenditure of funds calculated for the core teacher 74
factor and the specialist teacher factor under section 3306.05 of 75
the Revised Code. The resolution shall include a statement 76
identifying cost or space concerns as the basis for adopting the 77

resolution. If a board adopts such a resolution, the board shall 78
not be required to apply for a waiver under section 3306.40 of the 79
Revised Code to receive an exemption from the rule. The board 80
shall adopt a new resolution in each fiscal year that the board 81
seeks an exemption from the rule. 82

Sec. 3321.05. (A) As used in this section, "all-day 83
kindergarten" means a kindergarten class that is in session five 84
days per week for not less than the same number of clock hours 85
each day as for students in grades one through six. 86

(B) Any school district may operate all-day kindergarten or 87
extended kindergarten, but beginning in fiscal year 2011, each 88
city, local, and exempted village school district shall provide 89
all-day kindergarten to each student enrolled in kindergarten, 90
except as specified in divisions (C) and (D) of this section. 91

(C) The board of education of a school district, by a 92
majority vote, ~~may apply to the superintendent of public~~ 93
~~instruction for a waiver of~~ adopt a resolution exempting the 94
district from the requirement to provide all-day kindergarten for 95
all kindergarten students. ~~In making the determination to grant or~~ 96
~~deny the waiver, the state superintendent may consider space~~ 97
~~concerns or alternative delivery approaches used by the school~~ 98
~~district~~ The board shall adopt a new resolution in each fiscal 99
year that the board seeks an exemption from the requirement. The 100
resolution shall include a statement identifying cost or space 101
concerns as the basis for adopting the resolution. 102

(D) No district shall require any student to attend 103
kindergarten for more than one-half of the number of clock hours 104
required each day for grades one through six by the minimum 105
standards adopted under division (D) of section 3301.07 of the 106
Revised Code. Each school district shall accommodate kindergarten 107
students whose parents or guardians elect to enroll them for 108

one-half of the minimum number of hours required each day for 109
grades one through six. 110

(E) A school district may use space in child day-care centers 111
licensed under Chapter 5104. of the Revised Code to provide 112
all-day kindergarten under this section. 113

Section 2. That existing sections 3306.25 and 3321.05 of the 114
Revised Code are hereby repealed. 115

Section 3. The Ohio School Funding Advisory Council 116
established in section 3306.29 of the Revised Code shall identify 117
unfunded or underfunded school funding mandates enacted in Am. 118
Sub. H.B. 1 of the 128th General Assembly and imposed on local 119
schools, community schools, chartered nonpublic schools, and the 120
Department of Education. Following an evaluation of these 121
provisions, the Council shall identify the costs of the mandates 122
and recommend to the Governor and the General Assembly what action 123
the Council deems appropriate, if any, to amend or repeal the 124
mandates. The Council shall convene a meeting for these purposes 125
as soon as practicable following the effective date of this act. 126
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