

**As Reported by the House Education Committee**

**129th General Assembly**

**Regular Session**

**2011-2012**

**Sub. H. B. No. 191**

**Representatives Hayes, Patmon**

**Cosponsors: Representatives Ruhl, Thompson, Adams, J., Kozlowski,**

**Derickson, Roegner, Beck, Barnes**

—

**A B I L L**

To amend sections 2151.011, 3313.48, 3313.533, 1  
3313.62, 3313.88, 3317.01, 3317.03, 3321.05, 2  
3326.11, and 3327.01; to amend, for the purpose of 3  
adopting a new section number as indicated in 4  
parentheses, section 3313.88 (3313.482); to enact 5  
new section 3313.481 and section 3314.092; and to 6  
repeal sections 3313.481 and 3313.482 of the 7  
Revised Code to establish a minimum school year 8  
for school districts, STEM schools, and chartered 9  
nonpublic schools based on hours, rather than 10  
days, of instruction. 11

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

**Section 1.** That sections 2151.011, 3313.48, 3313.533, 12  
3313.62, 3313.88, 3317.01, 3317.03, 3321.05, 3326.11, and 3327.01 13  
be amended; section 3313.88 (3313.482) be amended for the purpose 14  
of adopting a new section number as indicated in parentheses; and 15  
new section 3313.481 and section 3314.092 of the Revised Code be 16  
enacted to read as follows: 17

**Sec. 2151.011.** (A) As used in the Revised Code: 18

(1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:

(a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;

(b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;

(c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.

(2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.

(3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.

(4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following:

(a) Receives and cares for children for two or more consecutive weeks;

(b) Participates in the placement of children in certified foster homes;

(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.	49 50
(B) As used in this chapter:	51
(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.	52 53 54 55 56 57
(2) "Adult" means an individual who is eighteen years of age or older.	58 59
(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.	60 61 62 63
(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.	64 65 66 67 68 69
(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.	70 71 72
(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of	73 74 75 76 77 78 79

age.	80
(7) "Child day camp," "child care," "child day-care center,"	81
"part-time child day-care center," "type A family day-care home,"	82
"certified type B family day-care home," "type B home,"	83
"administrator of a child day-care center," "administrator of a	84
type A family day-care home," "in-home aide," and "authorized	85
provider" have the same meanings as in section 5104.01 of the	86
Revised Code.	87
(8) "Child care provider" means an individual who is a	88
child-care staff member or administrator of a child day-care	89
center, a type A family day-care home, or a type B family day-care	90
home, or an in-home aide or an individual who is licensed, is	91
regulated, is approved, operates under the direction of, or	92
otherwise is certified by the department of job and family	93
services, department of developmental disabilities, or the early	94
childhood programs of the department of education.	95
(9) "Chronic truant" has the same meaning as in section	96
2152.02 of the Revised Code.	97
(10) "Commit" means to vest custody as ordered by the court.	98
(11) "Counseling" includes both of the following:	99
(a) General counseling services performed by a public	100
children services agency or shelter for victims of domestic	101
violence to assist a child, a child's parents, and a child's	102
siblings in alleviating identified problems that may cause or have	103
caused the child to be an abused, neglected, or dependent child.	104
(b) Psychiatric or psychological therapeutic counseling	105
services provided to correct or alleviate any mental or emotional	106
illness or disorder and performed by a licensed psychiatrist,	107
licensed psychologist, or a person licensed under Chapter 4757. of	108
the Revised Code to engage in social work or professional	109
counseling.	110

(12) "Custodian" means a person who has legal custody of a	111
child or a public children services agency or private child	112
placing agency that has permanent, temporary, or legal custody of	113
a child.	114
(13) "Delinquent child" has the same meaning as in section	115
2152.02 of the Revised Code.	116
(14) "Detention" means the temporary care of children pending	117
court adjudication or disposition, or execution of a court order,	118
in a public or private facility designed to physically restrict	119
the movement and activities of children.	120
(15) "Developmental disability" has the same meaning as in	121
section 5123.01 of the Revised Code.	122
(16) "Differential response approach" means an approach that	123
a public children services agency may use to respond to accepted	124
reports of child abuse or neglect with either an alternative	125
response or a traditional response.	126
(17) "Foster caregiver" has the same meaning as in section	127
5103.02 of the Revised Code.	128
(18) "Guardian" means a person, association, or corporation	129
that is granted authority by a probate court pursuant to Chapter	130
2111. of the Revised Code to exercise parental rights over a child	131
to the extent provided in the court's order and subject to the	132
residual parental rights of the child's parents.	133
(19) "Habitual truant" means any child of compulsory school	134
age who is absent without legitimate excuse for absence from the	135
public school the child is supposed to attend for five or more	136
consecutive school days, seven or more school days in one school	137
month, or twelve or more school days in a school year.	138
(20) "Juvenile traffic offender" has the same meaning as in	139
section 2152.02 of the Revised Code.	140

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to provide the child with food, shelter, education, and medical care, all subject to any residual parental rights, privileges, and responsibilities. An individual granted legal custody shall exercise the rights and responsibilities personally unless otherwise authorized by any section of the Revised Code or by the court.

(22) A "legitimate excuse for absence from the public school the child is supposed to attend" includes, but is not limited to, any of the following:

(a) The fact that the child in question has enrolled in and is attending another public or nonpublic school in this or another state;

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code;

(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code.

(23) "Mental illness" and "mentally ill person subject to hospitalization by court order" have the same meanings as in section 5122.01 of the Revised Code.

(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.

(25) "Mentally retarded person" has the same meaning as in

section 5123.01 of the Revised Code.	172
(26) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.	173 174 175 176
(27) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	177 178
(28) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.	179 180 181 182 183 184
(29) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, child care provided by type B family day-care home providers and by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, public schools, chartered nonpublic schools, educational service centers, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.	185 186 187 188 189 190 191 192 193 194 195 196
(30) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care:	197 198 199
(a) Engaging in sexual activity with a child in the person's care;	200 201
(b) Denial to a child, as a means of punishment, of proper or	202

necessary subsistence, education, medical care, or other care	203
necessary for a child's health;	204
(c) Use of restraint procedures on a child that cause injury	205
or pain;	206
(d) Administration of prescription drugs or psychotropic	207
medication to the child without the written approval and ongoing	208
supervision of a licensed physician;	209
(e) Commission of any act, other than by accidental means,	210
that results in any injury to or death of the child in out-of-home	211
care or commission of any act by accidental means that results in	212
an injury to or death of a child in out-of-home care and that is	213
at variance with the history given of the injury or death.	214
(31) "Out-of-home care child neglect" means any of the	215
following when committed by a person responsible for the care of a	216
child in out-of-home care:	217
(a) Failure to provide reasonable supervision according to	218
the standards of care appropriate to the age, mental and physical	219
condition, or other special needs of the child;	220
(b) Failure to provide reasonable supervision according to	221
the standards of care appropriate to the age, mental and physical	222
condition, or other special needs of the child, that results in	223
sexual or physical abuse of the child by any person;	224
(c) Failure to develop a process for all of the following:	225
(i) Administration of prescription drugs or psychotropic	226
drugs for the child;	227
(ii) Assuring that the instructions of the licensed physician	228
who prescribed a drug for the child are followed;	229
(iii) Reporting to the licensed physician who prescribed the	230
drug all unfavorable or dangerous side effects from the use of the	231
drug.	232



(d) Failure to provide proper or necessary subsistence,	233
education, medical care, or other individualized care necessary	234
for the health or well-being of the child;	235
(e) Confinement of the child to a locked room without	236
monitoring by staff;	237
(f) Failure to provide ongoing security for all prescription	238
and nonprescription medication;	239
(g) Isolation of a child for a period of time when there is	240
substantial risk that the isolation, if continued, will impair or	241
retard the mental health or physical well-being of the child.	242
(32) "Permanent custody" means a legal status that vests in a	243
public children services agency or a private child placing agency,	244
all parental rights, duties, and obligations, including the right	245
to consent to adoption, and divests the natural parents or	246
adoptive parents of all parental rights, privileges, and	247
obligations, including all residual rights and obligations.	248
(33) "Permanent surrender" means the act of the parents or,	249
if a child has only one parent, of the parent of a child, by a	250
voluntary agreement authorized by section 5103.15 of the Revised	251
Code, to transfer the permanent custody of the child to a public	252
children services agency or a private child placing agency.	253
(34) "Person" means an individual, association, corporation,	254
or partnership and the state or any of its political subdivisions,	255
departments, or agencies.	256
(35) "Person responsible for a child's care in out-of-home	257
care" means any of the following:	258
(a) Any foster caregiver, in-home aide, or provider;	259
(b) Any administrator, employee, or agent of any of the	260
following: a public or private detention facility; shelter	261
facility; certified children's crisis care facility; organization;	262

certified organization; child day-care center; type A family 263  
day-care home; certified type B family day-care home; group home; 264  
institution; state institution; residential facility; residential 265  
care facility; residential camp; day camp; school district; 266  
community school; chartered nonpublic school; educational service 267  
center; hospital; or medical clinic; 268

(c) Any person who supervises or coaches children as part of 269  
an extracurricular activity sponsored by a school district, public 270  
school, or chartered nonpublic school; 271

(d) Any other person who performs a similar function with 272  
respect to, or has a similar relationship to, children. 273

(36) "Physically impaired" means having one or more of the 274  
following conditions that substantially limit one or more of an 275  
individual's major life activities, including self-care, receptive 276  
and expressive language, learning, mobility, and self-direction: 277

(a) A substantial impairment of vision, speech, or hearing; 278

(b) A congenital orthopedic impairment; 279

(c) An orthopedic impairment caused by disease, rheumatic 280  
fever or any other similar chronic or acute health problem, or 281  
amputation or another similar cause. 282

(37) "Placement for adoption" means the arrangement by a 283  
public children services agency or a private child placing agency 284  
with a person for the care and adoption by that person of a child 285  
of whom the agency has permanent custody. 286

(38) "Placement in foster care" means the arrangement by a 287  
public children services agency or a private child placing agency 288  
for the out-of-home care of a child of whom the agency has 289  
temporary custody or permanent custody. 290

(39) "Planned permanent living arrangement" means an order of 291  
a juvenile court pursuant to which both of the following apply: 292

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.	293 294 295
(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.	296 297 298 299
(40) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	300 301 302
(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.	303 304 305 306
(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	307 308 309 310 311 312 313 314
(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.	315 316
(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	317 318
(45) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.	319 320 321
(46) "Residential care facility" means an institution,	322

residence, or facility that is licensed by the department of 323  
mental health under section 5119.22 of the Revised Code and that 324  
provides care for a child. 325

(47) "Residential facility" means a home or facility that is 326  
licensed by the department of developmental disabilities under 327  
section 5123.19 of the Revised Code and in which a child with a 328  
developmental disability resides. 329

(48) "Residual parental rights, privileges, and 330  
responsibilities" means those rights, privileges, and 331  
responsibilities remaining with the natural parent after the 332  
transfer of legal custody of the child, including, but not 333  
necessarily limited to, the privilege of reasonable visitation, 334  
consent to adoption, the privilege to determine the child's 335  
religious affiliation, and the responsibility for support. 336

(49) "School day" means the school day established by the 337  
~~state~~ board of education of the applicable school district 338  
pursuant to section ~~3313.48~~ 3313.481 of the Revised Code. 339

(50) "School ~~month~~ and "school year" ~~have~~ has the same 340  
~~meanings~~ meaning as in section 3313.62 of the Revised Code. 341

(51) "Secure correctional facility" means a facility under 342  
the direction of the department of youth services that is designed 343  
to physically restrict the movement and activities of children and 344  
used for the placement of children after adjudication and 345  
disposition. 346

(52) "Sexual activity" has the same meaning as in section 347  
2907.01 of the Revised Code. 348

(53) "Shelter" means the temporary care of children in 349  
physically unrestricted facilities pending court adjudication or 350  
disposition. 351

(54) "Shelter for victims of domestic violence" has the same 352

meaning as in section 3113.33 of the Revised Code. 353

(55) "Temporary custody" means legal custody of a child who 354  
is removed from the child's home, which custody may be terminated 355  
at any time at the discretion of the court or, if the legal 356  
custody is granted in an agreement for temporary custody, by the 357  
person who executed the agreement. 358

(56) "Traditional response" means a public children services 359  
agency's response to a report of child abuse or neglect that 360  
encourages engagement of the family in a comprehensive evaluation 361  
of the child's current and future safety needs and a fact-finding 362  
process to determine whether child abuse or neglect occurred and 363  
the circumstances surrounding the alleged harm or risk of harm. 364

(C) For the purposes of this chapter, a child shall be 365  
presumed abandoned when the parents of the child have failed to 366  
visit or maintain contact with the child for more than ninety 367  
days, regardless of whether the parents resume contact with the 368  
child after that period of ninety days. 369

**Sec. 3313.48.** (A) The board of education of each city, 370  
exempted village, local, and joint vocational school district 371  
shall provide for the free education of the youth of school age 372  
within the district under its jurisdiction, at such places as will 373  
be most convenient for the attendance of the largest number 374  
thereof. ~~Except as provided in section 3313.481 of the Revised~~ 375  
~~Code, each~~ Each school so provided and each chartered nonpublic 376  
school shall be open for instruction with pupils in attendance, 377  
including scheduled classes, supervised activities, and approved 378  
education options but excluding lunch and breakfast periods and 379  
extracurricular activities, for not less than ~~one hundred~~ 380  
~~eighty two days~~ four hundred fifty-five hours in the case of 381  
pupils in kindergarten unless such pupils are provided all-day 382  
kindergarten, as defined in section 3321.05 of the Revised Code, 383

in which case the pupils shall be in attendance for nine hundred 384  
ten hours; nine hundred ten hours in the case of pupils in grades 385  
one through six; and one thousand one hours in the case of pupils 386  
in grades seven through twelve in each school year, which may 387  
include all of the following: 388

~~(A)(1) Up to four the equivalent of two school days per year~~ 389  
~~in which classes are dismissed one half day early or the~~ 390  
~~equivalent amount of time during a different number of days during~~ 391  
~~which pupils would otherwise be in attendance but are not required~~ 392  
~~to attend for the purpose of individualized parent-teacher~~ 393  
~~conferences and reporting periods;~~ 394

~~(B)(2) Up to the equivalent of two school days per year~~ 395  
~~during which pupils would otherwise be in attendance but are not~~ 396  
~~required to attend for professional meetings of teachers when such~~ 397  
~~days occur during a regular school week and schools are not in~~ 398  
~~session;~~ 399

~~(C) The number of days the school is closed as a result of~~ 400  
~~public calamity, as provided in section 3317.01 of the Revised~~ 401  
~~Code (3) Morning and afternoon recess periods of not more than~~ 402  
~~fifteen minutes duration per period for pupils in grades~~ 403  
~~kindergarten through six.~~ 404

~~The state board of education shall adopt standards for~~ 405  
~~defining "school day" as used in sections 3313.48 and 3317.01 of~~ 406  
~~the Revised Code.~~ 407

~~Except as otherwise provided in this section, each day for~~ 408  
~~grades seven through twelve shall consist of not less than five~~ 409  
~~o'clock hours with pupils in attendance, except in such emergency~~ 410  
~~situations, including lack of classroom space, as are approved by~~ 411  
~~the state board of education. Except as otherwise provided in this~~ 412  
~~section, each day for grades one through six shall consist of not~~ 413  
~~less than five o'clock hours with pupils in attendance which may~~ 414

~~include fifteen minute morning and afternoon recess periods, 415  
except in such emergency situations, including lack of classroom 416  
space, as are approved by the state board of education. 417~~

(B) Not later than thirty days prior to adopting a school 418  
calendar, the board of education of each city, exempted village, 419  
and local school district shall hold a public hearing on the 420  
school calendar, addressing topics that include, but are not 421  
limited to, the total number of hours in a school year, length of 422  
school day, and beginning and end dates of instruction. Each board 423  
shall publish notice of the hearing in a newspaper of general 424  
circulation in the district not later than thirty days prior to 425  
the hearing. 426

(C) No school operated by a city, exempted village, local, or 427  
joint vocational school district shall reduce the number of hours 428  
in each school year that the school is scheduled to be open for 429  
instruction from the number of hours per year the school was open 430  
for instruction during the previous school year unless the 431  
reduction is approved by a resolution adopted by the district 432  
board of education. Any reduction so approved shall not result in 433  
fewer hours of instruction per school year than the applicable 434  
number of hours required under division (A) of this section. 435

(D) Prior to making any change in the hours or days in which 436  
a high school under its jurisdiction is open for instruction, the 437  
board of education of each city, exempted village, and local 438  
school district shall consider the compatibility of the proposed 439  
change with the scheduling needs of any joint vocational school 440  
district in which any of the high school's students are also 441  
enrolled. The board shall consider the impact of the proposed 442  
change on student access to the instructional programs offered by 443  
the joint vocational school district, incentives for students to 444  
participate in career-technical education, transportation, and the 445  
timing of graduation. The board shall provide the joint vocational 446

school district board with advance notice of the proposed change 447  
and the two boards shall enter into a written agreement 448  
prescribing reasonable accommodations to meet the scheduling needs 449  
of the joint vocational school district prior to implementation of 450  
the change. 451

(E) Prior to making any change in the hours or days in which 452  
a school under its jurisdiction is open for instruction, the board 453  
of education of each city, exempted village, and local school 454  
district shall consider the compatibility of the proposed change 455  
with the scheduling needs of any community school established 456  
under Chapter 3314. of the Revised Code to which the district is 457  
required to transport students under sections 3314.09 and 3327.01 458  
of the Revised Code. The board shall consider the impact of the 459  
proposed change on student access to the instructional programs 460  
offered by the community school, transportation, and the timing of 461  
graduation. The board shall provide the sponsor, governing 462  
authority, and operator of the community school with advance 463  
notice of the proposed change, and the board and the governing 464  
authority, or operator if such authority is delegated to the 465  
operator, shall enter into a written agreement prescribing 466  
reasonable accommodations to meet the scheduling needs of the 467  
community school prior to implementation of the change. 468

(F) Prior to making any change in the hours or days in which 469  
the schools under its jurisdiction are open for instruction, the 470  
board of education of each city, exempted village, and local 471  
school district shall consult with the chartered nonpublic schools 472  
to which the district is required to transport students under 473  
section 3327.01 of the Revised Code and shall consider the effect 474  
of the proposed change on the schedule for transportation of those 475  
students to their nonpublic schools. The governing authority of a 476  
chartered nonpublic school shall consult with each school district 477  
board of education that transports students to the chartered 478



nonpublic school under section 3327.01 of the Revised Code prior 479  
to making any change in the hours or days in which the nonpublic 480  
school is open for instruction. 481

(G) The state board of education shall not adopt or enforce 482  
any rule or standard that imposes on chartered nonpublic schools 483  
the procedural requirements imposed on school districts by 484  
divisions (B), (C), (D), and (E) of this section. 485

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code 486  
the term "school day" is used, unless otherwise specified, that 487  
term shall be construed to mean the time during a calendar day 488  
that a school is open for instruction pursuant to the schedule 489  
adopted by the board of education of the school district or the 490  
governing authority of the chartered nonpublic school in 491  
accordance with section 3313.48 of the Revised Code. 492

Sec. ~~3313.88~~ 3313.482. (A)(1) Prior to the first day of 493  
August of each school year, the board of education of any school 494  
district or the governing authority of any chartered nonpublic 495  
school may submit to the department of education a plan to require 496  
students to access and complete classroom lessons posted on the 497  
district's or nonpublic school's web portal or web site in order 498  
to make up ~~days~~ hours in that school year on which it is necessary 499  
to close schools for ~~any of the reasons specified in division (B)~~ 500  
~~of section 3317.01 of the Revised Code in excess of the number of~~ 501  
~~days permitted under sections 3313.48, 3313.481, and 3317.01 of~~ 502  
~~the Revised Code~~ disease epidemic, hazardous weather conditions, 503  
inoperability of school buses or other equipment necessary to the 504  
school's operation, damage to a school building, or other 505  
temporary circumstances due to utility failure rendering the 506  
school building unfit for school use. 507

Prior to the first day of August of each school year, the 508

governing authority of any community school established under 509  
Chapter 3314. that is not an internet- or computer-based community 510  
school, as defined in section 3314.02 of the Revised Code, may 511  
submit to the department a plan to require students to access and 512  
complete classroom lessons posted on the school's web portal or 513  
web site in order to make up ~~days or~~ hours in that school year on 514  
which it is necessary to close the school for any of the reasons 515  
specified in division (L)(4) of section 3314.08 of the Revised 516  
Code so that the school is in compliance with the minimum number 517  
of hours required under Chapter 3314. of the Revised Code. 518

A plan submitted by a school district board ~~or~~, chartered 519  
nonpublic school governing authority ~~shall provide for making up~~ 520  
~~any number of days, up to a maximum of three days. A plan~~ 521  
~~submitted by a, or~~ community school governing authority shall 522  
provide for making up any number of hours, up to a maximum of the 523  
number of hours that are the equivalent of three school days. 524  
Provided the plan meets all requirements of this section, the 525  
department shall permit the board or governing authority to 526  
implement the plan for the applicable school year. 527

(2) Each plan submitted under this section by a school 528  
district board of education shall include the written consent of 529  
the teachers' employee representative designated under division 530  
(B) of section 4117.04 of the Revised Code. 531

(3) Each plan submitted under this section shall provide for 532  
the following: 533

(a) Not later than the first day of November of the school 534  
year, each classroom teacher shall develop a sufficient number of 535  
lessons for each course taught by the teacher that school year to 536  
cover the number of make-up ~~days or~~ hours specified in the plan. 537  
The teacher shall designate the order in which the lessons are to 538  
be posted on the district's, community school's, or nonpublic 539  
school's web portal or web site in the event of a school closure. 540

Teachers may be granted up to one professional development day to 541  
create lesson plans for those lessons. 542

(b) To the extent possible and necessary, a classroom teacher 543  
shall update or replace, based on current instructional progress, 544  
one or more of the lesson plans developed under division (A)(3)(a) 545  
of this section before they are posted on the web portal or web 546  
site under division (A)(3)(c) of this section or distributed under 547  
division (B) of this section. 548

(c) As soon as practicable after a school closure, a district 549  
or school employee responsible for web portal or web site 550  
operations shall make the designated lessons available to students 551  
on the district's, community school's, or nonpublic school's 552  
portal or site. A lesson shall be posted for each course that was 553  
scheduled to meet on the day or hours of the closure. 554

(d) Each student enrolled in a course for which a lesson is 555  
posted on the portal or site shall be granted a two-week period 556  
from the date of posting to complete the lesson. The student's 557  
classroom teacher shall grade the lesson in the same manner as 558  
other lessons. The student may receive an incomplete or failing 559  
grade if the lesson is not completed on time. 560

(e) If a student does not have access to a computer at the 561  
student's residence and the plan does not include blizzard bags 562  
under division (B) of this section, the student shall be permitted 563  
to work on the posted lessons at school after the student's school 564  
reopens. If the lessons were posted prior to the reopening, the 565  
student shall be granted a two-week period from the date of the 566  
reopening, rather than from the date of posting as otherwise 567  
required under division (A)(3)(d) of this section, to complete the 568  
lessons. The district board or community school or nonpublic 569  
school governing authority may provide the student access to a 570  
computer before, during, or after the regularly scheduled school 571  
day or may provide a substantially similar paper lesson in order 572

to complete the lessons. 573

(B)(1) In addition to posting classroom lessons online under 574  
division (A) of this section, the board of education of any school 575  
district or governing authority of any community or chartered 576  
nonpublic school may include in the plan distribution of "blizzard 577  
bags," which are paper copies of the lessons posted online. 578

(2) If a school opts to use blizzard bags, teachers shall 579  
prepare paper copies in conjunction with the lessons to be posted 580  
online and update the paper copies whenever the teacher updates 581  
the online lesson plans. 582

(3) The board of education of any school district or 583  
governing authority of any community or chartered nonpublic school 584  
that opts to use blizzard bags shall specify in the plan the 585  
method of distribution of blizzard bag lessons, which may include, 586  
but not be limited to, requiring distribution by a specific 587  
deadline or requiring distribution prior to anticipated school 588  
closure as directed by the superintendent of a school district or 589  
the principal, director, chief administrative officer, or the 590  
equivalent, of a school. 591

(4) Students shall turn in completed lessons in accordance 592  
with division (A)(3)(d) of this section. 593

(C)(1) No school district that implements a plan in 594  
accordance with this section shall be considered to have failed to 595  
comply with division (B) of section 3317.01 of the Revised Code 596  
with respect to the number of make-up ~~days~~ hours specified in the 597  
plan. 598

(2) No community school that implements a plan in accordance 599  
with this section shall be considered to have failed to comply 600  
with the minimum number of hours required under Chapter 3314. of 601  
the Revised Code with respect to the number of make-up hours 602  
specified in the plan. 603

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

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

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

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

(a) Specification of the reasons for which students will be accepted for assignment to the school and any criteria for admission that are to be used by the board to approve or disapprove the assignment of students to the school;

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

(c) An evaluation plan for assessing the effectiveness of the school and its educational program and reporting the results of

the evaluation to the public. 634

(B) Notwithstanding any provision of Title XXXIII of the 635  
Revised Code to the contrary, the alternative school plan may 636  
include any of the following: 637

(1) A requirement that on each school day students must 638  
attend school or participate in other programs specified in the 639  
plan or by the chief administrative officer of the school for a 640  
period equal to the minimum school day set by the ~~state~~ board of 641  
education under section 3313.48 of the Revised Code plus any 642  
additional time required in the plan or by the chief 643  
administrative officer; 644

(2) Restrictions on student participation in extracurricular 645  
or interscholastic activities; 646

(3) A requirement that students wear uniforms prescribed by 647  
the district board of education. 648

(C) In accordance with the alternative school plan, the 649  
district board of education may employ teachers and nonteaching 650  
employees necessary to carry out its duties and fulfill its 651  
responsibilities or may contract with a nonprofit or for profit 652  
entity to operate the alternative school, including the provision 653  
of personnel, supplies, equipment, or facilities. 654

(D) An alternative school may be established in all or part 655  
of a school building. 656

(E) If a district board of education elects under this 657  
section, or is required by section 3313.534 of the Revised Code, 658  
to establish an alternative school, the district board may join 659  
with the board of education of one or more other districts to form 660  
a joint alternative school by forming a cooperative education 661  
school district under section 3311.52 or 3311.521 of the Revised 662  
Code, or a joint educational program under section 3313.842 of the 663  
Revised Code. The authority to employ personnel or to contract 664

with a nonprofit or for profit entity under division (C) of this 665  
section applies to any alternative school program established 666  
under this division. 667

(F) Any individual employed as a teacher at an alternative 668  
school operated by a nonprofit or for profit entity under this 669  
section shall be licensed and shall be subject to background 670  
checks, as described in section 3319.39 of the Revised Code, in 671  
the same manner as an individual employed by a school district. 672

(G) Division (G) of this section applies only to any 673  
alternative school that is operated by a nonprofit or for profit 674  
entity under contract with the school district. 675

(1) In addition to the specifications authorized under 676  
division (B) of this section, any plan adopted under that division 677  
for an alternative school to which division (G) of this section 678  
also applies shall include the following: 679

(a) A description of the educational program provided at the 680  
alternative school, which shall include: 681

(i) Provisions for the school to be configured in clusters or 682  
small learning communities; 683

(ii) Provisions for the incorporation of education technology 684  
into the curriculum; 685

(iii) Provisions for accelerated learning programs in reading 686  
and mathematics. 687

(b) A method to determine the reading and mathematics level 688  
of each student assigned to the alternative school and a method to 689  
continuously monitor each student's progress in those areas. The 690  
methods employed under this division shall be aligned with the 691  
curriculum adopted by the school district board of education under 692  
section 3313.60 of the Revised Code. 693

(c) A plan for social services to be provided at the 694

alternative school, such as, but not limited to, counseling 695  
services, psychological support services, and enrichment programs; 696

(d) A plan for a student's transition from the alternative 697  
school back to a school operated by the school district; 698

(e) A requirement that the alternative school maintain 699  
financial records in a manner that is compatible with the form 700  
prescribed for school districts by the auditor of state to enable 701  
the district to comply with any rules adopted by the auditor of 702  
state. 703

(2) Notwithstanding division (A)(2) of this section, any 704  
alternative school to which division (G) of this section applies 705  
shall include only grades six through twelve. 706

(3) Notwithstanding anything in division (A)(3)(a) of this 707  
section to the contrary, the characteristics of students who may 708  
be assigned to an alternative school to which division (G) of this 709  
section applies shall include only disruptive and low-performing 710  
students. 711

(H) When any district board of education determines to 712  
contract with a nonprofit or for profit entity to operate an 713  
alternative school under this section, the board shall use the 714  
procedure set forth in this division. 715

(1) The board shall publish notice of a request for proposals 716  
in a newspaper of general circulation in the district once each 717  
week for a period of two consecutive weeks, or as provided in 718  
section 7.16 of the Revised Code, prior to the date specified by 719  
the board for receiving proposals. Notices of requests for 720  
proposals shall contain a general description of the subject of 721  
the proposed contract and the location where the request for 722  
proposals may be obtained. The request for proposals shall include 723  
all of the following information: 724

(a) Instructions and information to respondents concerning 725



the submission of proposals, including the name and address of the office where proposals are to be submitted;

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

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

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

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

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

(2) After the date specified for receiving proposals, the board shall evaluate the submitted proposals and may hold discussions with any respondent to ensure a complete understanding of the proposal and the qualifications of such respondent to execute the proposed contract. Such qualifications shall include, but are not limited to, all of the following:

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

(b) Demonstrated performance in the areas of cost

containment, the provision of educational services of a high 756  
quality, and any other areas determined by the board; 757

(c) Whether the respondent has the resources to undertake the 758  
operation of the alternative school and to provide qualified 759  
personnel to staff the school; 760

(d) Financial responsibility. 761

(3) The board shall select for further review at least three 762  
proposals from respondents the board considers qualified to 763  
operate the alternative school in the best interests of the 764  
students and the district. If fewer than three proposals are 765  
submitted, the board shall select each proposal submitted. The 766  
board may cancel a request for proposals or reject all proposals 767  
at any time prior to the execution of a contract. 768

The board may hold discussions with any of the three selected 769  
respondents to clarify or revise the provisions of a proposal or 770  
the proposed contract to ensure complete understanding between the 771  
board and the respondent of the terms under which a contract will 772  
be entered. Respondents shall be accorded fair and equal treatment 773  
with respect to any opportunity for discussion regarding 774  
clarifications or revisions. The board may terminate or 775  
discontinue any further discussion with a respondent upon written 776  
notice. 777

(4) Upon further review of the three proposals selected by 778  
the board, the board shall award a contract to the respondent the 779  
board considers to have the most merit, taking into consideration 780  
the scope, complexity, and nature of the services to be performed 781  
by the respondent under the contract. 782

(5) Except as provided in division (H)(6) of this section, 783  
the request for proposals, submitted proposals, and related 784  
documents shall become public records under section 149.43 of the 785  
Revised Code after the award of the contract. 786

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

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

**Sec. 3313.62.** The school year shall begin on the first day of July of each calendar year and close on the thirtieth day of June of the succeeding calendar year. A school week shall consist of five days, ~~and a school month of four school weeks.~~ A chartered nonpublic school may be open for instruction with pupils in attendance on any day of the week, including Saturday or Sunday.

**Sec. 3314.092.** The governing authority of a community school established under this chapter shall consult with each school district board of education that transports students to the community school under sections 3314.09 and 3327.01 of the Revised Code prior to making any change in the hours or days in which the community school is open for instruction.

**Sec. 3317.01.** As used in this section, "school district," unless otherwise specified, means any city, local, exempted

village, joint vocational, or cooperative education school 817  
district and any educational service center. 818

This chapter shall be administered by the state board of 819  
education. The superintendent of public instruction shall 820  
calculate the amounts payable to each school district and shall 821  
certify the amounts payable to each eligible district to the 822  
treasurer of the district as provided by this chapter. As soon as 823  
possible after such amounts are calculated, the superintendent 824  
shall certify to the treasurer of each school district the 825  
district's adjusted charge-off increase, as defined in section 826  
5705.211 of the Revised Code. No moneys shall be distributed 827  
pursuant to this chapter without the approval of the controlling 828  
board. 829

The state board of education shall, in accordance with 830  
appropriations made by the general assembly, meet the financial 831  
obligations of this chapter. 832

Moneys distributed pursuant to this chapter shall be 833  
calculated and paid on a fiscal year basis, beginning with the 834  
first day of July and extending through the thirtieth day of June. 835  
The moneys appropriated for each fiscal year shall be distributed 836  
periodically to each school district unless otherwise provided 837  
for. The state board, in June of each year, shall submit to the 838  
controlling board the state board's year-end distributions 839  
pursuant to this chapter. 840

Except as otherwise provided, payments under this chapter 841  
shall be made only to those school districts in which: 842

(A) The school district, except for any educational service 843  
center and any joint vocational or cooperative education school 844  
district, levies for current operating expenses at least twenty 845  
mills. Levies for joint vocational or cooperative education school 846  
districts or county school financing districts, limited to or to 847

the extent apportioned to current expenses, shall be included in 848  
this qualification requirement. School district income tax levies 849  
under Chapter 5748. of the Revised Code, limited to or to the 850  
extent apportioned to current operating expenses, shall be 851  
included in this qualification requirement to the extent 852  
determined by the tax commissioner under division (D) of section 853  
3317.021 of the Revised Code. 854

(B) The school year next preceding the fiscal year for which 855  
such payments are authorized meets the requirement of section 856  
3313.48 ~~or 3313.481~~ of the Revised Code, with regard to the 857  
minimum number of ~~days or~~ hours school must be open for 858  
instruction with pupils in attendance, for individualized 859  
parent-teacher conference and reporting periods, and for 860  
professional meetings of teachers. ~~This requirement shall be~~ 861  
~~waived by the superintendent of public instruction if it had been~~ 862  
~~necessary for a school to be closed because of disease epidemic,~~ 863  
~~hazardous weather conditions, inoperability of school buses or~~ 864  
~~other equipment necessary to the school's operation, damage to a~~ 865  
~~school building, or other temporary circumstances due to utility~~ 866  
~~failure rendering the school building unfit for school use,~~ 867  
~~provided that for those school districts operating pursuant to~~ 868  
~~section 3313.48 of the Revised Code the number of days the school~~ 869  
~~was actually open for instruction with pupils in attendance and~~ 870  
~~for individualized parent teacher conference and reporting periods~~ 871  
~~is not less than one hundred seventy five, or for those school~~ 872  
~~districts operating on a trimester plan the number of days the~~ 873  
~~school was actually open for instruction with pupils in attendance~~ 874  
~~not less than seventy nine days in any trimester, for those school~~ 875  
~~districts operating on a quarterly plan the number of days the~~ 876  
~~school was actually open for instruction with pupils in attendance~~ 877  
~~not less than fifty nine days in any quarter, or for those school~~ 878  
~~districts operating on a pentamester plan the number of days the~~ 879  
~~school was actually open for instruction with pupils in attendance~~ 880

~~not less than forty four days in any pentamester.~~ 881

A school district shall not be considered to have failed to 882  
comply with this division ~~or section 3313.481 of the Revised Code~~ 883  
because schools were open for instruction but either twelfth grade 884  
students were excused from attendance for up to the equivalent of 885  
three school days or only a portion of the kindergarten students 886  
were in attendance for up to the equivalent of three school days 887  
in order to allow for the gradual orientation to school of such 888  
students. 889

~~The superintendent of public instruction shall waive the 890  
requirements of this section with reference to the minimum number 891  
of days or hours school must be in session with pupils in 892  
attendance for the school year succeeding the school year in which 893  
a board of education initiates a plan of operation pursuant to 894  
section 3313.481 of the Revised Code. The minimum requirements of 895  
this section shall again be applicable to such a district 896  
beginning with the school year commencing the second July 897  
succeeding the initiation of one such plan, and for each school 898  
year thereafter.~~ 899

~~A school district shall not be considered to have failed to 900  
comply with this division or section 3313.48 or 3313.481 of the 901  
Revised Code because schools were open for instruction but the 902  
length of the regularly scheduled school day, for any number of 903  
days during the school year, was reduced by not more than two 904  
hours due to hazardous weather conditions.~~ 905

A board of education or governing board of an educational 906  
service center which has not conformed with other law and the 907  
rules pursuant thereto, shall not participate in the distribution 908  
of funds authorized by this chapter, except for good and 909  
sufficient reason established to the satisfaction of the state 910  
board of education and the state controlling board. 911

All funds allocated to school districts under this chapter, 912  
except those specifically allocated for other purposes, shall be 913  
used to pay current operating expenses only. 914

**Sec. 3317.03.** (A) The superintendent of each city, local, and 915  
exempted village school district and of each educational service 916  
center shall, for the schools under the superintendent's 917  
supervision, certify to the state board of education on or before 918  
the fifteenth day of October in each year for the first full 919  
school week in October the average daily membership of students 920  
receiving services from schools under the superintendent's 921  
supervision, and the numbers of other students entitled to attend 922  
school in the district under section 3313.64 or 3313.65 of the 923  
Revised Code the superintendent is required to report under this 924  
section, so that the department of education can calculate the 925  
district's formula ADM. If a school under the superintendent's 926  
supervision is closed for one or more days during that week due to 927  
hazardous weather conditions or other circumstances described in 928  
~~the first paragraph of division (B)(A)(1) of section 3317.01~~ 929  
3313.482 of the Revised Code, the superintendent may apply to the 930  
superintendent of public instruction for a waiver, under which the 931  
superintendent of public instruction may exempt the district 932  
superintendent from certifying the average daily membership for 933  
that school for that week and specify an alternate week for 934  
certifying the average daily membership of that school. 935

The average daily membership during such week shall consist 936  
of the sum of the following: 937

(1) On an FTE basis, the number of students in grades 938  
kindergarten through twelve receiving any educational services 939  
from the district, except that the following categories of 940  
students shall not be included in the determination: 941

(a) Students enrolled in adult education classes; 942

(b) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;	943 944 945
(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;	946 947 948 949
(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code;	950 951
(e) Students receiving services in the district through a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	952 953 954
(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:	955 956 957 958 959
(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;	960 961 962 963
(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;	964 965 966
(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	967 968 969 970 971
(d) An adjacent or other school district under an open	972



enrollment policy adopted pursuant to section 3313.98 of the Revised Code;	973 974
(e) An educational service center or cooperative education district;	975 976
(f) Another school district under a cooperative education agreement, compact, or contract;	977 978
(g) A chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;	979 980
(h) An alternative public provider or a registered private provider with a scholarship awarded under either section 3310.41 or sections 3310.51 to 3310.64 of the Revised Code.	981 982 983
As used in this section, "alternative public provider" and "registered private provider" have the same meanings as in section 3310.41 or 3310.51 of the Revised Code, as applicable.	984 985 986
(i) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;	987 988 989 990
(j) A college-preparatory boarding school established under Chapter 3328. of the Revised Code.	991 992
(3) The number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;	993 994 995 996 997 998 999 1000
(4) The number of children with disabilities, other than preschool children with disabilities, entitled to attend school in	1001 1002

the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are placed by the district with a county DD board, minus the number of such children placed with a county DD board in fiscal year 1998. If this calculation produces a negative number, the number reported under division (A)(4) of this section shall be zero.

(B) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the average daily membership, each superintendent shall report separately the following student counts for the same week for which average daily membership is certified:

(1) The total average daily membership in regular learning day classes included in the report under division (A)(1) or (2) of this section for each of the individual grades kindergarten through twelve in schools under the superintendent's supervision;

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

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

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

(b) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. or a

science, technology, engineering, and mathematics school	1034
established under Chapter 3326. of the Revised Code;	1035
(c) Enrolled in an adjacent or other school district under	1036
section 3313.98 of the Revised Code;	1037
(d) Enrolled in a community school established under Chapter	1038
3314. of the Revised Code that is not an internet- or	1039
computer-based community school as defined in section 3314.02 of	1040
the Revised Code, including any participation in a college	1041
pursuant to Chapter 3365. of the Revised Code while enrolled in	1042
such community school;	1043
(e) Enrolled in an internet- or computer-based community	1044
school, as defined in section 3314.02 of the Revised Code,	1045
including any participation in a college pursuant to Chapter 3365.	1046
of the Revised Code while enrolled in the school;	1047
(f) Enrolled in a chartered nonpublic school with a	1048
scholarship paid under section 3310.08 of the Revised Code;	1049
(g) Enrolled in kindergarten through grade twelve in an	1050
alternative public provider or a registered private provider with	1051
a scholarship awarded under section 3310.41 of the Revised Code;	1052
(h) Enrolled as a preschool child with a disability in an	1053
alternative public provider or a registered private provider with	1054
a scholarship awarded under section 3310.41 of the Revised Code;	1055
(i) Participating in a program operated by a county DD board	1056
or a state institution;	1057
(j) Enrolled in a science, technology, engineering, and	1058
mathematics school established under Chapter 3326. of the Revised	1059
Code, including any participation in a college pursuant to Chapter	1060
3365. of the Revised Code while enrolled in the school;	1061
(k) Enrolled in a college-preparatory boarding school	1062
established under Chapter 3328. of the Revised Code.	1063

(4) The number of pupils enrolled in joint vocational schools;	1064 1065
(5) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	1066 1067 1068 1069 1070 1071 1072 1073
(6) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category two disabilities described in division (B) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	1074 1075 1076 1077 1078 1079 1080 1081
(7) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code;	1082 1083 1084 1085 1086 1087 1088 1089
(8) The combined average daily membership of children with disabilities reported under division (A)(1) or (2) of this section receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered	1090 1091 1092 1093 1094 1095

private provider with a scholarship awarded under sections 3310.51 1096  
to 3310.64 of the Revised Code; 1097

(9) The combined average daily membership of children with 1098  
disabilities reported under division (A)(1) or (2) of this section 1099  
receiving special education services for the category five 1100  
disabilities described in division (E) of section 3317.013 of the 1101  
Revised Code, including children attending a special education 1102  
program operated by an alternative public provider or a registered 1103  
private provider with a scholarship awarded under sections 3310.51 1104  
to 3310.64 of the Revised Code; 1105

(10) The combined average daily membership of children with 1106  
disabilities reported under division (A)(1) or (2) and under 1107  
division (B)(3)(h) of this section receiving special education 1108  
services for category six disabilities described in division (F) 1109  
of section 3317.013 of the Revised Code, including children 1110  
attending a special education program operated by an alternative 1111  
public provider or a registered private provider with a 1112  
scholarship awarded under either section 3310.41 or sections 1113  
3310.51 to 3310.64 of the Revised Code; 1114

(11) The average daily membership of pupils reported under 1115  
division (A)(1) or (2) of this section enrolled in category one 1116  
vocational education programs or classes, described in division 1117  
(A) of section 3317.014 of the Revised Code, operated by the 1118  
school district or by another district, other than a joint 1119  
vocational school district, or by an educational service center, 1120  
excluding any student reported under division (B)(3)(e) of this 1121  
section as enrolled in an internet- or computer-based community 1122  
school, notwithstanding division (C) of section 3317.02 of the 1123  
Revised Code and division (C)(3) of this section; 1124

(12) The average daily membership of pupils reported under 1125  
division (A)(1) or (2) of this section enrolled in category two 1126  
vocational education programs or services, described in division 1127

(B) of section 3317.014 of the Revised Code, operated by the 1128  
school district or another school district, other than a joint 1129  
vocational school district, or by an educational service center, 1130  
excluding any student reported under division (B)(3)(e) of this 1131  
section as enrolled in an internet- or computer-based community 1132  
school, notwithstanding division (C) of section 3317.02 of the 1133  
Revised Code and division (C)(3) of this section; 1134

Beginning with fiscal year 2010, vocational education ADM 1135  
shall not be used to calculate a district's funding but shall be 1136  
reported under divisions (B)(11) and (12) of this section for 1137  
statistical purposes. 1138

(13) The average number of children transported by the school 1139  
district on board-owned or contractor-owned and -operated buses, 1140  
reported in accordance with rules adopted by the department of 1141  
education; 1142

(14)(a) The number of children, other than preschool children 1143  
with disabilities, the district placed with a county DD board in 1144  
fiscal year 1998; 1145

(b) The number of children with disabilities, other than 1146  
preschool children with disabilities, placed with a county DD 1147  
board in the current fiscal year to receive special education 1148  
services for the category one disability described in division (A) 1149  
of section 3317.013 of the Revised Code; 1150

(c) The number of children with disabilities, other than 1151  
preschool children with disabilities, placed with a county DD 1152  
board in the current fiscal year to receive special education 1153  
services for category two disabilities described in division (B) 1154  
of section 3317.013 of the Revised Code; 1155

(d) The number of children with disabilities, other than 1156  
preschool children with disabilities, placed with a county DD 1157  
board in the current fiscal year to receive special education 1158

services for category three disabilities described in division (C) 1159  
of section 3317.013 of the Revised Code; 1160

(e) The number of children with disabilities, other than 1161  
preschool children with disabilities, placed with a county DD 1162  
board in the current fiscal year to receive special education 1163  
services for category four disabilities described in division (D) 1164  
of section 3317.013 of the Revised Code; 1165

(f) The number of children with disabilities, other than 1166  
preschool children with disabilities, placed with a county DD 1167  
board in the current fiscal year to receive special education 1168  
services for the category five disabilities described in division 1169  
(E) of section 3317.013 of the Revised Code; 1170

(g) The number of children with disabilities, other than 1171  
preschool children with disabilities, placed with a county DD 1172  
board in the current fiscal year to receive special education 1173  
services for category six disabilities described in division (F) 1174  
of section 3317.013 of the Revised Code. 1175

(C)(1) The average daily membership in divisions (B)(1) to 1176  
(12) of this section shall be based upon the number of full-time 1177  
equivalent students. The state board of education shall adopt 1178  
rules defining full-time equivalent students and for determining 1179  
the average daily membership therefrom for the purposes of 1180  
divisions (A), (B), and (D) of this section. Each student enrolled 1181  
in kindergarten shall be counted as one full-time equivalent 1182  
student regardless of whether the student is enrolled in a 1183  
part-day or all-day kindergarten class. 1184

(2) A student enrolled in a community school established 1185  
under Chapter 3314., a science, technology, engineering, and 1186  
mathematics school established under Chapter 3326., or a 1187  
college-preparatory boarding school established under Chapter 1188  
3328. of the Revised Code shall be counted in the formula ADM and, 1189

if applicable, the category one, two, three, four, five, or six 1190  
special education ADM of the school district in which the student 1191  
is entitled to attend school under section 3313.64 or 3313.65 of 1192  
the Revised Code for the same proportion of the school year that 1193  
the student is counted in the enrollment of the community school, 1194  
the science, technology, engineering, and mathematics school, or 1195  
the college-preparatory boarding school for purposes of section 1196  
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 1197  
the number of students reported pursuant to division (B)(3)(d), 1198  
(e), (j), or (k) of this section, the department may adjust the 1199  
formula ADM of a school district to account for students entitled 1200  
to attend school in the district under section 3313.64 or 3313.65 1201  
of the Revised Code who are enrolled in a community school, a 1202  
science, technology, engineering, and mathematics school, or a 1203  
college-preparatory boarding school for only a portion of the 1204  
school year. 1205

(3) No child shall be counted as more than a total of one 1206  
child in the sum of the average daily memberships of a school 1207  
district under division (A), divisions (B)(1) to (12), or division 1208  
(D) of this section, except as follows: 1209

(a) A child with a disability described in section 3317.013 1210  
of the Revised Code may be counted both in formula ADM and in 1211  
category one, two, three, four, five, or six special education ADM 1212  
and, if applicable, in category one or two vocational education 1213  
ADM. As provided in division (C) of section 3317.02 of the Revised 1214  
Code, such a child shall be counted in category one, two, three, 1215  
four, five, or six special education ADM in the same proportion 1216  
that the child is counted in formula ADM. 1217

(b) A child enrolled in vocational education programs or 1218  
classes described in section 3317.014 of the Revised Code may be 1219  
counted both in formula ADM and category one or two vocational 1220  
education ADM and, if applicable, in category one, two, three, 1221



four, five, or six special education ADM. Such a child shall be 1222  
counted in category one or two vocational education ADM in the 1223  
same proportion as the percentage of time that the child spends in 1224  
the vocational education programs or classes. 1225

(4) Based on the information reported under this section, the 1226  
department of education shall determine the total student count, 1227  
as defined in section 3301.011 of the Revised Code, for each 1228  
school district. 1229

(D)(1) The superintendent of each joint vocational school 1230  
district shall certify to the superintendent of public instruction 1231  
on or before the fifteenth day of October in each year for the 1232  
first full school week in October the formula ADM, for purposes of 1233  
section 3318.42 of the Revised Code and for any other purpose 1234  
prescribed by law for which "formula ADM" of the joint vocational 1235  
district is a factor. If a school operated by the joint vocational 1236  
school district is closed for one or more days during that week 1237  
due to hazardous weather conditions or other circumstances 1238  
described in ~~the first paragraph of division (B)(A)(1) of section~~ 1239  
~~3317.01~~ 3313.482 of the Revised Code, the superintendent may apply 1240  
to the superintendent of public instruction for a waiver, under 1241  
which the superintendent of public instruction may exempt the 1242  
district superintendent from certifying the formula ADM for that 1243  
school for that week and specify an alternate week for certifying 1244  
the formula ADM of that school. 1245

The formula ADM, except as otherwise provided in this 1246  
division, shall consist of the average daily membership during 1247  
such week, on an FTE basis, of the number of students receiving 1248  
any educational services from the district, including students 1249  
enrolled in a community school established under Chapter 3314. or 1250  
a science, technology, engineering, and mathematics school 1251  
established under Chapter 3326. of the Revised Code who are 1252  
attending the joint vocational district under an agreement between 1253

the district board of education and the governing authority of the 1254  
community school or the governing body of the science, technology, 1255  
engineering, and mathematics school and are entitled to attend 1256  
school in a city, local, or exempted village school district whose 1257  
territory is part of the territory of the joint vocational 1258  
district. 1259

The following categories of students shall not be included in 1260  
the determination made under division (D)(1) of this section: 1261

(a) Students enrolled in adult education classes; 1262

(b) Adjacent or other district joint vocational students 1263  
enrolled in the district under an open enrollment policy pursuant 1264  
to section 3313.98 of the Revised Code; 1265

(c) Students receiving services in the district pursuant to a 1266  
compact, cooperative education agreement, or a contract, but who 1267  
are entitled to attend school in a city, local, or exempted 1268  
village school district whose territory is not part of the 1269  
territory of the joint vocational district; 1270

(d) Students for whom tuition is payable pursuant to sections 1271  
3317.081 and 3323.141 of the Revised Code. 1272

(2) To enable the department of education to obtain the data 1273  
needed to complete the calculation of payments pursuant to this 1274  
chapter, in addition to the formula ADM, each superintendent shall 1275  
report separately the average daily membership included in the 1276  
report under division (D)(1) of this section for each of the 1277  
following categories of students for the same week for which 1278  
formula ADM is certified: 1279

(a) Students enrolled in each individual grade included in 1280  
the joint vocational district schools; 1281

(b) Children with disabilities receiving special education 1282  
services for the category one disability described in division (A) 1283

of section 3317.013 of the Revised Code;	1284
(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;	1285 1286 1287
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	1288 1289 1290
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	1291 1292 1293
(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;	1294 1295 1296
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	1297 1298 1299
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	1300 1301 1302
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	1303 1304 1305
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 to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code.	1306 1307 1308 1309 1310
(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	1311 1312 1313

shall accurately show, for each day the school is in session, the 1314  
actual membership enrolled in regular day classes. For the purpose 1315  
of determining average daily membership, the membership figure of 1316  
any school shall not include any pupils except those pupils 1317  
described by division (A) of this section. The record of 1318  
membership for each school shall be maintained in such manner that 1319  
no pupil shall be counted as in membership prior to the actual 1320  
date of entry in the school and also in such manner that where for 1321  
any cause a pupil permanently withdraws from the school that pupil 1322  
shall not be counted as in membership from and after the date of 1323  
such withdrawal. There shall not be included in the membership of 1324  
any school any of the following: 1325

(1) Any pupil who has graduated from the twelfth grade of a 1326  
public or nonpublic high school; 1327

(2) Any pupil who is not a resident of the state; 1328

(3) Any pupil who was enrolled in the schools of the district 1329  
during the previous school year when assessments were administered 1330  
under section 3301.0711 of the Revised Code but did not take one 1331  
or more of the assessments required by that section and was not 1332  
excused pursuant to division (C)(1) or (3) of that section; 1333

(4) Any pupil who has attained the age of twenty-two years, 1334  
except for veterans of the armed services whose attendance was 1335  
interrupted before completing the recognized twelve-year course of 1336  
the public schools by reason of induction or enlistment in the 1337  
armed forces and who apply for reenrollment in the public school 1338  
system of their residence not later than four years after 1339  
termination of war or their honorable discharge. 1340

If, however, any veteran described by division (E)(4) of this 1341  
section elects to enroll in special courses organized for veterans 1342  
for whom tuition is paid under the provisions of federal laws, or 1343  
otherwise, that veteran shall not be included in average daily 1344

membership. 1345

Notwithstanding division (E)(3) of this section, the 1346  
membership of any school may include a pupil who did not take an 1347  
assessment required by section 3301.0711 of the Revised Code if 1348  
the superintendent of public instruction grants a waiver from the 1349  
requirement to take the assessment to the specific pupil and a 1350  
parent is not paying tuition for the pupil pursuant to section 1351  
3313.6410 of the Revised Code. The superintendent may grant such a 1352  
waiver only for good cause in accordance with rules adopted by the 1353  
state board of education. 1354

Except as provided in divisions (B)(2) and (F) of this 1355  
section, the average daily membership figure of any local, city, 1356  
exempted village, or joint vocational school district shall be 1357  
determined by dividing the figure representing the sum of the 1358  
number of pupils enrolled during each day the school of attendance 1359  
is actually open for instruction during the week for which the 1360  
average daily membership is being certified by the total number of 1361  
days the school was actually open for instruction during that 1362  
week. For purposes of state funding, "enrolled" persons are only 1363  
those pupils who are attending school, those who have attended 1364  
school during the current school year and are absent for 1365  
authorized reasons, and those children with disabilities currently 1366  
receiving home instruction. 1367

The average daily membership figure of any cooperative 1368  
education school district shall be determined in accordance with 1369  
rules adopted by the state board of education. 1370

(F)(1) If the formula ADM for the first full school week in 1371  
February is at least three per cent greater than that certified 1372  
for the first full school week in the preceding October, the 1373  
superintendent of schools of any city, exempted village, or joint 1374  
vocational school district or educational service center shall 1375  
certify such increase to the superintendent of public instruction. 1376

Such certification shall be submitted no later than the fifteenth 1377  
day of February. For the balance of the fiscal year, beginning 1378  
with the February payments, the superintendent of public 1379  
instruction shall use the increased formula ADM in calculating or 1380  
recalculating the amounts to be allocated in accordance with 1381  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 1382  
the superintendent use an increased membership certified to the 1383  
superintendent after the fifteenth day of February. Division 1384  
(F)(1) of this section does not apply after fiscal year 2006. 1385

(2) If on the first school day of April the total number of 1386  
classes or units for preschool children with disabilities that are 1387  
eligible for approval under division (B) of section 3317.05 of the 1388  
Revised Code exceeds the number of units that have been approved 1389  
for the year under that division, the superintendent of schools of 1390  
any city, exempted village, or cooperative education school 1391  
district or educational service center shall make the 1392  
certifications required by this section for that day. If the 1393  
department determines additional units can be approved for the 1394  
fiscal year within any limitations set forth in the acts 1395  
appropriating moneys for the funding of such units, the department 1396  
shall approve additional units for the fiscal year on the basis of 1397  
such average daily membership. For each unit so approved, the 1398  
department shall pay an amount computed in the manner prescribed 1399  
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 1400  
Code. 1401

(3) If a student attending a community school under Chapter 1402  
3314., a science, technology, engineering, and mathematics school 1403  
established under Chapter 3326., or a college-preparatory boarding 1404  
school established under Chapter 3328. of the Revised Code is not 1405  
included in the formula ADM certified for the school district in 1406  
which the student is entitled to attend school under section 1407  
3313.64 or 3313.65 of the Revised Code, the department of 1408

education shall adjust the formula ADM of that school district to 1409  
include the student in accordance with division (C)(2) of this 1410  
section, and shall recalculate the school district's payments 1411  
under this chapter for the entire fiscal year on the basis of that 1412  
adjusted formula ADM. This requirement applies regardless of 1413  
whether the student was enrolled, as defined in division (E) of 1414  
this section, in the community school, the science, technology, 1415  
engineering, and mathematics school, or the college-preparatory 1416  
boarding school during the week for which the formula ADM is being 1417  
certified. 1418

(4) If a student awarded an educational choice scholarship is 1419  
not included in the formula ADM of the school district from which 1420  
the department deducts funds for the scholarship under section 1421  
3310.08 of the Revised Code, the department shall adjust the 1422  
formula ADM of that school district to include the student to the 1423  
extent necessary to account for the deduction, and shall 1424  
recalculate the school district's payments under this chapter for 1425  
the entire fiscal year on the basis of that adjusted formula ADM. 1426  
This requirement applies regardless of whether the student was 1427  
enrolled, as defined in division (E) of this section, in the 1428  
chartered nonpublic school, the school district, or a community 1429  
school during the week for which the formula ADM is being 1430  
certified. 1431

(5) If a student awarded a scholarship under the Jon Peterson 1432  
special needs scholarship program is not included in the formula 1433  
ADM of the school district from which the department deducts funds 1434  
for the scholarship under section 3310.55 of the Revised Code, the 1435  
department shall adjust the formula ADM of that school district to 1436  
include the student to the extent necessary to account for the 1437  
deduction, and shall recalculate the school district's payments 1438  
under this chapter for the entire fiscal year on the basis of that 1439  
adjusted formula ADM. This requirement applies regardless of 1440

whether the student was enrolled, as defined in division (E) of 1441  
this section, in an alternative public provider, a registered 1442  
private provider, or the school district during the week for which 1443  
the formula ADM is being certified. 1444

(G)(1)(a) The superintendent of an institution operating a 1445  
special education program pursuant to section 3323.091 of the 1446  
Revised Code shall, for the programs under such superintendent's 1447  
supervision, certify to the state board of education, in the 1448  
manner prescribed by the superintendent of public instruction, 1449  
both of the following: 1450

(i) The average daily membership of all children with 1451  
disabilities other than preschool children with disabilities 1452  
receiving services at the institution for each category of 1453  
disability described in divisions (A) to (F) of section 3317.013 1454  
of the Revised Code; 1455

(ii) The average daily membership of all preschool children 1456  
with disabilities in classes or programs approved annually by the 1457  
department of education for unit funding under section 3317.05 of 1458  
the Revised Code. 1459

(b) The superintendent of an institution with vocational 1460  
education units approved under division (A) of section 3317.05 of 1461  
the Revised Code shall, for the units under the superintendent's 1462  
supervision, certify to the state board of education the average 1463  
daily membership in those units, in the manner prescribed by the 1464  
superintendent of public instruction. 1465

(2) The superintendent of each county DD board that maintains 1466  
special education classes under section 3317.20 of the Revised 1467  
Code or units approved pursuant to section 3317.05 of the Revised 1468  
Code shall do both of the following: 1469

(a) Certify to the state board, in the manner prescribed by 1470  
the board, the average daily membership in classes under section 1471



3317.20 of the Revised Code for each school district that has 1472  
placed children in the classes; 1473

(b) Certify to the state board, in the manner prescribed by 1474  
the board, the number of all preschool children with disabilities 1475  
enrolled as of the first day of December in classes eligible for 1476  
approval under division (B) of section 3317.05 of the Revised 1477  
Code, and the number of those classes. 1478

(3)(a) If on the first school day of April the number of 1479  
classes or units maintained for preschool children with 1480  
disabilities by the county DD board that are eligible for approval 1481  
under division (B) of section 3317.05 of the Revised Code is 1482  
greater than the number of units approved for the year under that 1483  
division, the superintendent shall make the certification required 1484  
by this section for that day. 1485

(b) If the department determines that additional classes or 1486  
units can be approved for the fiscal year within any limitations 1487  
set forth in the acts appropriating moneys for the funding of the 1488  
classes and units described in division (G)(3)(a) of this section, 1489  
the department shall approve and fund additional units for the 1490  
fiscal year on the basis of such average daily membership. For 1491  
each unit so approved, the department shall pay an amount computed 1492  
in the manner prescribed in sections 3317.052 and 3317.053 of the 1493  
Revised Code. 1494

(H) Except as provided in division (I) of this section, when 1495  
any city, local, or exempted village school district provides 1496  
instruction for a nonresident pupil whose attendance is 1497  
unauthorized attendance as defined in section 3327.06 of the 1498  
Revised Code, that pupil's membership shall not be included in 1499  
that district's membership figure used in the calculation of that 1500  
district's formula ADM or included in the determination of any 1501  
unit approved for the district under section 3317.05 of the 1502  
Revised Code. The reporting official shall report separately the 1503

average daily membership of all pupils whose attendance in the district is unauthorized attendance, and the membership of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

(I)(1) A city, local, exempted village, or joint vocational school district admitting a scholarship student of a pilot project district pursuant to division (C) of section 3313.976 of the Revised Code may count such student in its average daily membership.

(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:

(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;

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

(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.

(K) If the superintendent of public instruction determines

that a component of the average daily membership certified or 1535  
reported by a district superintendent, or other reporting entity, 1536  
is not correct, the superintendent of public instruction may order 1537  
that the formula ADM used for the purposes of payments under any 1538  
section of Title XXXVIII of the Revised Code be adjusted in the 1539  
amount of the error. 1540

**Sec. 3321.05.** (A) As used in this section, "all-day 1541  
kindergarten" means a kindergarten class that is in session ~~five~~ 1542  
~~days per week~~ for not less than the same number of clock hours 1543  
each ~~day~~ week as for students in grades one through six. 1544

(B) Any school district may operate all-day kindergarten or 1545  
extended kindergarten, but no district shall require any student 1546  
to attend kindergarten for more than the number of clock hours 1547  
required each day for traditional kindergarten by the minimum 1548  
standards adopted under division (D) of section 3301.07 of the 1549  
Revised Code. Each school district that operates all-day or 1550  
extended kindergarten shall accommodate kindergarten students 1551  
whose parents or guardians elect to enroll them for the minimum 1552  
number of hours. 1553

(C) A school district may use space in child day-care centers 1554  
licensed under Chapter 5104. of the Revised Code to provide 1555  
all-day kindergarten under this section. 1556

**Sec. 3326.11.** Each science, technology, engineering, and 1557  
mathematics school established under this chapter and its 1558  
governing body shall comply with sections 9.90, 9.91, 109.65, 1559  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 1560  
3301.0714, 3301.0715, 3313.14, 3313.15, 3313.16, 3313.18, 1561  
3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 3313.50, 1562  
3313.536, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 1563  
3313.61, 3313.611, 3313.614, 3313.615, 3313.643, 3313.648, 1564

3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 1565  
3313.671, 3313.672, 3313.673, 3313.674, 3313.69, 3313.71, 1566  
3313.716, 3313.718, 3313.719, 3313.80, 3313.801, 3313.814, 1567  
3313.816, 3313.817, 3313.86, ~~3313.88~~, 3313.96, 3319.073, 3319.21, 1568  
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 1569  
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 1570  
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 1571  
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 1572  
4123., 4141., and 4167. of the Revised Code as if it were a school 1573  
district. 1574

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 1575  
and division (D) of section 3311.52 of the Revised Code, this 1576  
section and sections 3327.011, 3327.012, and 3327.02 of the 1577  
Revised Code do not apply to any joint vocational or cooperative 1578  
education school district. 1579

In all city, local, and exempted village school districts 1580  
where resident school pupils in grades kindergarten through eight 1581  
live more than two miles from the school for which the state board 1582  
of education prescribes minimum standards pursuant to division (D) 1583  
of section 3301.07 of the Revised Code and to which they are 1584  
assigned by the board of education of the district of residence or 1585  
to and from the nonpublic or community school which they attend 1586  
the board of education shall provide transportation for such 1587  
pupils to and from such school except as provided in section 1588  
3327.02 of the Revised Code. 1589

In all city, local, and exempted village school districts 1590  
where pupil transportation is required under a career-technical 1591  
plan approved by the state board of education under section 1592  
3313.90 of the Revised Code, for any student attending a 1593  
career-technical program operated by another school district, 1594  
including a joint vocational school district, as prescribed under 1595

that section, the board of education of the student's district of 1596  
residence shall provide transportation from the public high school 1597  
operated by that district to which the student is assigned to the 1598  
career-technical program. 1599

In all city, local, and exempted village school districts the 1600  
board may provide transportation for resident school pupils in 1601  
grades nine through twelve to and from the high school to which 1602  
they are assigned by the board of education of the district of 1603  
residence or to and from the nonpublic or community high school 1604  
which they attend for which the state board of education 1605  
prescribes minimum standards pursuant to division (D) of section 1606  
3301.07 of the Revised Code. 1607

A board of education shall not be required to transport 1608  
elementary or high school pupils to and from a nonpublic or 1609  
community school where such transportation would require more than 1610  
thirty minutes of direct travel time as measured by school bus 1611  
from the public school building to which the pupils would be 1612  
assigned if attending the public school designated by the district 1613  
of residence. 1614

A board of education shall not be required to transport 1615  
elementary or high school pupils to and from a nonpublic or 1616  
community school on Saturday or Sunday, unless a board of 1617  
education and a nonpublic or community school have an agreement in 1618  
place to do so before the effective date of this amendment. 1619

Where it is impractical to transport a pupil by school 1620  
conveyance, a board of education may offer payment, in lieu of 1621  
providing such transportation in accordance with section 3327.02 1622  
of the Revised Code. 1623

In all city, local, and exempted village school districts the 1624  
board shall provide transportation for all children who are so 1625  
disabled that they are unable to walk to and from the school for 1626

which the state board of education prescribes minimum standards 1627  
pursuant to division (D) of section 3301.07 of the Revised Code 1628  
and which they attend. In case of dispute whether the child is 1629  
able to walk to and from the school, the health commissioner shall 1630  
be the judge of such ability. In all city, exempted village, and 1631  
local school districts the board shall provide transportation to 1632  
and from school or special education classes for educable mentally 1633  
retarded children in accordance with standards adopted by the 1634  
state board of education. 1635

When transportation of pupils is provided the conveyance 1636  
shall be run on a time schedule that shall be adopted and put in 1637  
force by the board not later than ten days after the beginning of 1638  
the school term. 1639

The cost of any transportation service authorized by this 1640  
section shall be paid first out of federal funds, if any, 1641  
available for the purpose of pupil transportation, and secondly 1642  
out of state appropriations, in accordance with regulations 1643  
adopted by the state board of education. 1644

No transportation of any pupils shall be provided by any 1645  
board of education to or from any school which in the selection of 1646  
pupils, faculty members, or employees, practices discrimination 1647  
against any person on the grounds of race, color, religion, or 1648  
national origin. 1649

**Section 2.** That existing sections 2151.011, 3313.48, 1650  
3313.533, 3313.62, 3313.88, 3317.01, 3317.03, 3321.05, 3326.11, 1651  
and 3327.01 and sections 3313.481 and 3313.482 of the Revised Code 1652  
are hereby repealed. 1653

**Section 3.** Sections 1 and 2 of this act shall take effect 1654  
July 1, 2013. However, to determine whether a school district 1655  
satisfied the minimum school year in the 2012-2013 school year in 1656

order to qualify for state funding under Chapter 3317. of the 1657  
Revised Code for fiscal year 2014, the Department of Education 1658  
shall apply the criteria prescribed in the version of division (B) 1659  
of section 3317.01 of the Revised Code in effect prior to July 1, 1660  
2013. 1661

**Section 4.** The amendments to sections 3313.48, 3313.533, 1662  
3313.62, 3317.01, and 3321.05; the repeal and reenactment of 1663  
section 3313.481; and the repeal of section 3313.482 of the 1664  
Revised Code made by this act do not apply to any collective 1665  
bargaining agreement executed under Chapter 4117. of the Revised 1666  
Code prior to the effective date of this section. Any collective 1667  
bargaining agreement or renewal executed after that date shall 1668  
comply with the changes provided for in this act. 1669

**Section 5.** The reference to section 3313.674 of the Revised 1670  
Code in section 3326.11 of the Revised Code is presented in this 1671  
act as law in conformity with the expressed intent of the 1672  
Governor's veto message for Am. Sub. H.B. 153 of the 129th General 1673  
Assembly to veto the repeal of the body mass index screening 1674  
program. 1675