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Representatives Kozlowski, Carey

**Cosponsors: Representatives Boose, Burke, Dovilla, Grossman, Hayes,
Johnson, McKenney, Roegner, Rosenberger, Ruhl, Slaby, Stautberg,
Stebelton, Thompson, Young, Combs, Balderson, Gonzales, Martin, Baker,
Hottinger, Derickson, Anielski, Ashford, Barnes, Beck, Blessing, Bulp,
Buchy, Coley, Duffey, Fedor, Hagan, C., Landis, Milkovich, Newbold, O'Brien,
Schuring, Uecker, Yuko**

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A B I L L

To amend sections 3313.482, 3314.08, and 3317.01 of 1
the Revised Code to excuse up to five, instead of 2
three, calamity days for the 2010-2011 school 3
year, to broaden schools' authority to make up 4
calamity days by lengthening remaining days in the 5
school year, to waive the number of hours a 6
community school is closed for a public calamity 7
if it meets certain requirements, and to declare 8
an emergency. 9

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

Section 1. That sections 3313.482, 3314.08, and 3317.01 of 10
the Revised Code be amended to read as follows: 11

Sec. 3313.482. (A) Annually, prior to the first day of 12
September, the board of education of each city, local, and 13
exempted village school district shall adopt a resolution 14

specifying a contingency plan under which the district's students 15
will make up days on which it was necessary to close schools for 16
any of the reasons specified in division (A)(2) of section 3306.01 17
and division (B) of section 3317.01 of the Revised Code, if any 18
such days must be made up in order to comply with the requirements 19
of ~~that section and~~ sections 3306.01, 3313.48 and, 3313.481, and 20
3317.01 of the Revised Code. The ~~resolution plan~~ shall provide ~~in~~ 21
~~the plan~~ for making up at least five full school days. The plan 22
may provide for making up some or all of the days a school is 23
closed by increasing the length of other school days in the manner 24
authorized in division (B) of this section. No resolution adopted 25
pursuant to this division shall conflict with any collective 26
bargaining agreement into which a board has entered pursuant to 27
Chapter 4117. of the Revised Code and that is in effect in the 28
district. 29

(B) Notwithstanding ~~the content of anything to the contrary~~ 30
in the contingency plan it adopts under division (A) of this 31
section, if a school district closes or evacuates any school 32
building for any of the reasons specified in division (A)(2) of 33
section 3306.01 and division (B) of section 3317.01 of the Revised 34
Code, or as a result of a bomb threat or any other report of an 35
alleged or impending explosion, and if, as a result of the closing 36
or evacuation, the school district would be unable to meet the 37
requirements of sections 3306.01, 3313.48, 3313.481, and 3317.01 38
of the Revised Code regarding the number of days schools must be 39
open for instruction or the requirements of the state minimum 40
standards for the school day that are established by the 41
department of education regarding the number of hours there must 42
be in the school day, the school district may increase the length 43
of one or more other school days for the school that was closed or 44
evacuated, in increments of one-half hour, to make up the number 45
of hours or days that the school building in question was so 46
closed or evacuated for the purpose of satisfying the requirements 47

~~of those sections regarding the number of days schools must be 48
open for instruction or the requirements of those standards 49
regarding the number of hours there must be in the school day. 50~~

~~(C) If a school district closes or evacuates any school 51
building for any of the reasons specified in division (B) of 52
section 3317.01 of the Revised Code, and if for that school the 53
total number of full school days specified in the district's 54
contingency plan adopted under division (A) of this section is 55
insufficient to enable the school district to meet the 56
requirements of sections 3313.48, 3313.481, and 3317.01 of the 57
Revised Code regarding the number of days schools must be open for 58
instruction or the requirements of the state minimum standards for 59
the school day that are established by the department of education 60
regarding the number of hours there must be in the school day, the 61
school district may increase the length of one or more other 62
school days for the school that was closed or evacuated, in 63
increments of one half hour, to make up the number of hours or 64
days that the school building in question was so closed or 65
evacuated for the purpose of satisfying the requirements of those 66
sections regarding the number of days schools must be open for 67
instruction or the requirements of those standards regarding the 68
number of hours there must be in the school day. The district 69
shall not be required to actually make up any of the days 70
specified in the district's contingency plan prior to increasing 71
the length of one or more school days to make up the shortage of 72
hours or days caused by the school's closure or evacuation, but in 73
no case shall the district fail to make up the total number of 74
full school days specified in the contingency plan in accordance 75
with that plan. 76~~

~~(D) If a school district closes or evacuates a school 77
building as a result of a bomb threat or any other report of an 78
alleged or impending explosion and also closes or evacuates that 79~~

~~school building on a different day for any of the reasons 80
specified in division (B) of section 3317.01 of the Revised Code, 81
division (B) of this section applies regarding the closing or 82
evacuation of the school building as a result of the bomb threat 83
or report of an alleged or impending explosion and division (C) of 84
this section applies regarding the closing or evacuation of the 85
school building for the reason specified in division (B) of 86
section 3317.01 of the Revised Code. 87~~

~~Notwithstanding the provisions of sections 3313.48, 3313.481, 88
and 3317.01 of the Revised Code and the requirements of the state 89
minimum standards for the school day that are established by the 90
department of education and notwithstanding the content of the 91
contingency plan it adopts under division (A) of this section 92
regarding the closing or evacuation of a school building as a 93
result of a bomb threat or any other report of an alleged or 94
impending explosion, a A school district that makes up, as 95
described in this division (B) or (C) of this section, all of the 96
hours or days that its school buildings were closed or evacuated 97
for any of the reasons identified in this division (B) or (C) of 98
this section shall be deemed to have complied with the 99
requirements of ~~those~~ sections 3306.01, 3313.48, 3313.481, and 100
3317.01 of the Revised Code regarding the number of days schools 101
must be open for instruction and the requirements of ~~those~~ the 102
state minimum standards regarding the number of hours there must 103
be in the school day. 104~~

Sec. 3314.08. The deductions under division (C) and the 105
payments under division (D) of this section for fiscal years 2010 106
and 2011 shall be made in accordance with section 3314.088 of the 107
Revised Code. 108

(A) As used in this section: 109

(1) "Base formula amount" means the amount specified as such 110

in a community school's financial plan for a school year pursuant	111
to division (A)(15) of section 3314.03 of the Revised Code.	112
(2) "IEP" has the same meaning as in section 3323.01 of the	113
Revised Code.	114
(3) "Applicable special education weight" means the multiple	115
specified in section 3317.013 of the Revised Code for a disability	116
described in that section.	117
(4) "Applicable vocational education weight" means:	118
(a) For a student enrolled in vocational education programs	119
or classes described in division (A) of section 3317.014 of the	120
Revised Code, the multiple specified in that division;	121
(b) For a student enrolled in vocational education programs	122
or classes described in division (B) of section 3317.014 of the	123
Revised Code, the multiple specified in that division.	124
(5) "Entitled to attend school" means entitled to attend	125
school in a district under section 3313.64 or 3313.65 of the	126
Revised Code.	127
(6) A community school student is "included in the poverty	128
student count" of a school district if the student is entitled to	129
attend school in the district and the student's family receives	130
assistance under the Ohio works first program.	131
(7) "Poverty-based assistance reduction factor" means the	132
percentage figure, if any, for reducing the per pupil amount of	133
poverty-based assistance a community school is entitled to receive	134
pursuant to divisions (D)(5) to (9) of this section in any year,	135
as specified in the school's financial plan for the year pursuant	136
to division (A)(15) of section 3314.03 of the Revised Code.	137
(8) "All-day kindergarten" has the same meaning as in section	138
3317.029 of the Revised Code.	139
(9) "State education aid" has the same meaning as in section	140

5751.20 of the Revised Code.	141
(B) The state board of education shall adopt rules requiring both of the following:	142 143
(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in grades one through twelve in a community school established under this chapter, the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school, the number of those kindergartners who are enrolled in all-day kindergarten in their community school, and for each child, the community school in which the child is enrolled.	144 145 146 147 148 149 150 151 152 153
(2) The governing authority of each community school established under this chapter to annually report all of the following:	154 155 156
(a) The number of students enrolled in grades one through twelve and the number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;	157 158 159 160
(b) The number of enrolled students in grades one through twelve and the number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;	161 162 163 164
(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;	165 166 167 168
(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in vocational education programs or classes described in each of	169 170 171

divisions (A) and (B) of section 3317.014 of the Revised Code that 172
are provided by the community school; 173

(e) Twenty per cent of the number of students reported under 174
divisions (B)(2)(a) and (b) of this section who are not reported 175
under division (B)(2)(d) of this section but who are enrolled in 176
vocational education programs or classes described in each of 177
divisions (A) and (B) of section 3317.014 of the Revised Code at a 178
joint vocational school district under a contract between the 179
community school and the joint vocational school district and are 180
entitled to attend school in a city, local, or exempted village 181
school district whose territory is part of the territory of the 182
joint vocational district; 183

(f) The number of enrolled preschool children with 184
disabilities receiving special education services in a 185
state-funded unit; 186

(g) The community school's base formula amount; 187

(h) For each student, the city, exempted village, or local 188
school district in which the student is entitled to attend school; 189

(i) Any poverty-based assistance reduction factor that 190
applies to a school year. 191

(C) From the state education aid calculated for a city, 192
exempted village, or local school district and, if necessary, from 193
the payment made to the district under sections 321.24 and 323.156 194
of the Revised Code, the department of education shall annually 195
subtract the sum of the amounts described in divisions (C)(1) to 196
(9) of this section. However, when deducting payments on behalf of 197
students enrolled in internet- or computer-based community 198
schools, the department shall deduct only those amounts described 199
in divisions (C)(1) and (2) of this section. Furthermore, the 200
aggregate amount deducted under this division shall not exceed the 201
sum of the district's state education aid and its payment under 202

sections 321.24 and 323.156 of the Revised Code. 203

(1) An amount equal to the sum of the amounts obtained when, 204
for each community school where the district's students are 205
enrolled, the number of the district's students reported under 206
divisions (B)(2)(a), (b), and (e) of this section who are enrolled 207
in grades one through twelve, and one-half the number of students 208
reported under those divisions who are enrolled in kindergarten, 209
in that community school is multiplied by the sum of the base 210
formula amount of that community school plus the per pupil amount 211
of the base funding supplements specified in divisions (C)(1) to 212
(4) of section 3317.012 of the Revised Code. 213

(2) The sum of the amounts calculated under divisions 214
(C)(2)(a) and (b) of this section: 215

(a) For each of the district's students reported under 216
division (B)(2)(c) of this section as enrolled in a community 217
school in grades one through twelve and receiving special 218
education and related services pursuant to an IEP for a disability 219
described in section 3317.013 of the Revised Code, the product of 220
the applicable special education weight times the community 221
school's base formula amount; 222

(b) For each of the district's students reported under 223
division (B)(2)(c) of this section as enrolled in kindergarten in 224
a community school and receiving special education and related 225
services pursuant to an IEP for a disability described in section 226
3317.013 of the Revised Code, one-half of the amount calculated as 227
prescribed in division (C)(2)(a) of this section. 228

(3) For each of the district's students reported under 229
division (B)(2)(d) of this section for whom payment is made under 230
division (D)(4) of this section, the amount of that payment; 231

(4) An amount equal to the sum of the amounts obtained when, 232
for each community school where the district's students are 233

enrolled, the number of the district's students enrolled in that 234
community school who are included in the district's poverty 235
student count is multiplied by the per pupil amount of 236
poverty-based assistance the school district receives that year 237
pursuant to division (C) of section 3317.029 of the Revised Code, 238
as adjusted by any poverty-based assistance reduction factor of 239
that community school. The per pupil amount of that aid for the 240
district shall be calculated by the department. 241

(5) An amount equal to the sum of the amounts obtained when, 242
for each community school where the district's students are 243
enrolled, the district's per pupil amount of aid received under 244
division (E) of section 3317.029 of the Revised Code, as adjusted 245
by any poverty-based assistance reduction factor of the community 246
school, is multiplied by the sum of the following: 247

(a) The number of the district's students reported under 248
division (B)(2)(a) of this section who are enrolled in grades one 249
to three in that community school and who are not receiving 250
special education and related services pursuant to an IEP; 251

(b) One-half of the district's students who are enrolled in 252
all-day or any other kindergarten class in that community school 253
and who are not receiving special education and related services 254
pursuant to an IEP; 255

(c) One-half of the district's students who are enrolled in 256
all-day kindergarten in that community school and who are not 257
receiving special education and related services pursuant to an 258
IEP. 259

The district's per pupil amount of aid under division (E) of 260
section 3317.029 of the Revised Code is the quotient of the amount 261
the district received under that division divided by the 262
district's kindergarten through third grade ADM, as defined in 263
that section. 264

(6) An amount equal to the sum of the amounts obtained when, 265
for each community school where the district's students are 266
enrolled, the district's per pupil amount received under division 267
(F) of section 3317.029 of the Revised Code, as adjusted by any 268
poverty-based assistance reduction factor of that community 269
school, is multiplied by the number of the district's students 270
enrolled in the community school who are identified as 271
limited-English proficient. 272

(7) An amount equal to the sum of the amounts obtained when, 273
for each community school where the district's students are 274
enrolled, the district's per pupil amount received under division 275
(G) of section 3317.029 of the Revised Code, as adjusted by any 276
poverty-based assistance reduction factor of that community 277
school, is multiplied by the sum of the following: 278

(a) The number of the district's students enrolled in grades 279
one through twelve in that community school; 280

(b) One-half of the number of the district's students 281
enrolled in kindergarten in that community school. 282

The district's per pupil amount under division (G) of section 283
3317.029 of the Revised Code is the district's amount per teacher 284
calculated under division (G)(1) or (2) of that section divided by 285
17. 286

(8) An amount equal to the sum of the amounts obtained when, 287
for each community school where the district's students are 288
enrolled, the district's per pupil amount received under divisions 289
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 290
by any poverty-based assistance reduction factor of that community 291
school, is multiplied by the sum of the following: 292

(a) The number of the district's students enrolled in grades 293
one through twelve in that community school; 294

(b) One-half of the number of the district's students 295

enrolled in kindergarten in that community school. 296

The district's per pupil amount under divisions (H) and (I) 297
of section 3317.029 of the Revised Code is the amount calculated 298
under each division divided by the district's formula ADM, as 299
defined in section 3317.02 of the Revised Code. 300

(9) An amount equal to the per pupil state parity aid funding 301
calculated for the school district under either division (C) or 302
(D) of section 3317.0217 of the Revised Code multiplied by the sum 303
of the number of students in grades one through twelve, and 304
one-half of the number of students in kindergarten, who are 305
entitled to attend school in the district and are enrolled in a 306
community school as reported under division (B)(1) of this 307
section. 308

(D) The department shall annually pay to a community school 309
established under this chapter the sum of the amounts described in 310
divisions (D)(1) to (10) of this section. However, the department 311
shall calculate and pay to each internet- or computer-based 312
community school only the amounts described in divisions (D)(1) to 313
(3) of this section. Furthermore, the sum of the payments to all 314
community schools under divisions (D)(1), (2), and (4) to (10) of 315
this section for the students entitled to attend school in any 316
particular school district shall not exceed the sum of that 317
district's state education aid and its payment under sections 318
321.24 and 323.156 of the Revised Code. If the sum of the payments 319
calculated under those divisions for the students entitled to 320
attend school in a particular school district exceeds the sum of 321
that district's state education aid and its payment under sections 322
321.24 and 323.156 of the Revised Code, the department shall 323
calculate and apply a proration factor to the payments to all 324
community schools under those divisions for the students entitled 325
to attend school in that district. 326

(1) Subject to section 3314.085 of the Revised Code, an 327

amount equal to the sum of the amounts obtained when the number of 328
students enrolled in grades one through twelve, plus one-half of 329
the kindergarten students in the school, reported under divisions 330
(B)(2)(a), (b), and (e) of this section who are not receiving 331
special education and related services pursuant to an IEP for a 332
disability described in section 3317.013 of the Revised Code is 333
multiplied by the sum of the community school's base formula 334
amount plus the per pupil amount of the base funding supplements 335
specified in divisions (C)(1) to (4) of section 3317.012 of the 336
Revised Code. 337

(2) Prior to fiscal year 2007, the greater of the amount 338
calculated under division (D)(2)(a) or (b) of this section, and in 339
fiscal year 2007 and thereafter, the amount calculated under 340
division (D)(2)(b) of this section: 341

(a) The aggregate amount that the department paid to the 342
community school in fiscal year 1999 for students receiving 343
special education and related services pursuant to IEPs, excluding 344
federal funds and state disadvantaged pupil impact aid funds; 345

(b) The sum of the amounts calculated under divisions 346
(D)(2)(b)(i) and (ii) of this section: 347

(i) For each student reported under division (B)(2)(c) of 348
this section as enrolled in the school in grades one through 349
twelve and receiving special education and related services 350
pursuant to an IEP for a disability described in section 3317.013 351
of the Revised Code, the following amount: 352

(the school's base formula amount plus 353
the per pupil amount of the base funding supplements specified in 354
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 355
+ (the applicable special education weight X the 356
community school's base formula amount); 357

(ii) For each student reported under division (B)(2)(c) of 358

this section as enrolled in kindergarten and receiving special 359
education and related services pursuant to an IEP for a disability 360
described in section 3317.013 of the Revised Code, one-half of the 361
amount calculated under the formula prescribed in division 362
(D)(2)(b)(i) of this section. 363

(3) An amount received from federal funds to provide special 364
education and related services to students in the community 365
school, as determined by the superintendent of public instruction. 366

(4) For each student reported under division (B)(2)(d) of 367
this section as enrolled in vocational education programs or 368
classes that are described in section 3317.014 of the Revised 369
Code, are provided by the community school, and are comparable as 370
determined by the superintendent of public instruction to school 371
district vocational education programs and classes eligible for 372
state weighted funding under section 3317.014 of the Revised Code, 373
an amount equal to the applicable vocational education weight 374
times the community school's base formula amount times the 375
percentage of time the student spends in the vocational education 376
programs or classes. 377

(5) An amount equal to the sum of the amounts obtained when, 378
for each school district where the community school's students are 379
entitled to attend school, the number of that district's students 380
enrolled in the community school who are included in the 381
district's poverty student count is multiplied by the per pupil 382
amount of poverty-based assistance that school district receives 383
that year pursuant to division (C) of section 3317.029 of the 384
Revised Code, as adjusted by any poverty-based assistance 385
reduction factor of the community school. The per pupil amount of 386
aid shall be determined as described in division (C)(4) of this 387
section. 388

(6) An amount equal to the sum of the amounts obtained when, 389
for each school district where the community school's students are 390

entitled to attend school, the district's per pupil amount of aid 391
received under division (E) of section 3317.029 of the Revised 392
Code, as adjusted by any poverty-based assistance reduction factor 393
of the community school, is multiplied by the sum of the 394
following: 395

(a) The number of the district's students reported under 396
division (B)(2)(a) of this section who are enrolled in grades one 397
to three in that community school and who are not receiving 398
special education and related services pursuant to an IEP; 399

(b) One-half of the district's students who are enrolled in 400
all-day or any other kindergarten class in that community school 401
and who are not receiving special education and related services 402
pursuant to an IEP; 403

(c) One-half of the district's students who are enrolled in 404
all-day kindergarten in that community school and who are not 405
receiving special education and related services pursuant to an 406
IEP. 407

The district's per pupil amount of aid under division (E) of 408
section 3317.029 of the Revised Code shall be determined as 409
described in division (C)(5) of this section. 410

(7) An amount equal to the sum of the amounts obtained when, 411
for each school district where the community school's students are 412
entitled to attend school, the number of that district's students 413
enrolled in the community school who are identified as 414
limited-English proficient is multiplied by the district's per 415
pupil amount received under division (F) of section 3317.029 of 416
the Revised Code, as adjusted by any poverty-based assistance 417
reduction factor of the community school. 418

(8) An amount equal to the sum of the amounts obtained when, 419
for each school district where the community school's students are 420
entitled to attend school, the district's per pupil amount 421

received under division (G) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of the community school, is multiplied by the sum of the following:

(a) The number of the district's students enrolled in grades one through twelve in that community school;

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

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

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

(a) The number of the district's students enrolled in grades one through twelve in that community school;

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

The district's per pupil amount under divisions (H) and (I) of section 3317.029 of the Revised Code shall be determined as described in division (C)(8) of this section.

(10) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of state parity aid funding calculated under either division (C) or (D) of section 3317.0217 of the Revised Code is multiplied by the

sum of the number of that district's students enrolled in grades 452
one through twelve, and one-half of the number of that district's 453
students enrolled in kindergarten, in the community school as 454
reported under division (B)(2)(a) and (b) of this section. 455

(E)(1) If a community school's costs for a fiscal year for a 456
student receiving special education and related services pursuant 457
to an IEP for a disability described in divisions (B) to (F) of 458
section 3317.013 of the Revised Code exceed the threshold 459
catastrophic cost for serving the student as specified in division 460
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 461
submit to the superintendent of public instruction documentation, 462
as prescribed by the superintendent, of all its costs for that 463
student. Upon submission of documentation for a student of the 464
type and in the manner prescribed, the department shall pay to the 465
community school an amount equal to the school's costs for the 466
student in excess of the threshold catastrophic costs. 467

(2) The community school shall only report under division 468
(E)(1) of this section, and the department shall only pay for, the 469
costs of educational expenses and the related services provided to 470
the student in accordance with the student's individualized 471
education program. Any legal fees, court costs, or other costs 472
associated with any cause of action relating to the student may 473
not be included in the amount. 474

(F) A community school may apply to the department of 475
education for preschool children with disabilities or gifted unit 476
funding the school would receive if it were a school district. 477
Upon request of its governing authority, a community school that 478
received unit funding as a school district-operated school before 479
it became a community school shall retain any units awarded to it 480
as a school district-operated school provided the school continues 481
to meet eligibility standards for the unit. 482

A community school shall be considered a school district and 483

its governing authority shall be considered a board of education 484
for the purpose of applying to any state or federal agency for 485
grants that a school district may receive under federal or state 486
law or any appropriations act of the general assembly. The 487
governing authority of a community school may apply to any private 488
entity for additional funds. 489

(G) A board of education sponsoring a community school may 490
utilize local funds to make enhancement grants to the school or 491
may agree, either as part of the contract or separately, to 492
provide any specific services to the community school at no cost 493
to the school. 494

(H) A community school may not levy taxes or issue bonds 495
secured by tax revenues. 496

(I) No community school shall charge tuition for the 497
enrollment of any student. 498

(J)(1)(a) A community school may borrow money to pay any 499
necessary and actual expenses of the school in anticipation of the 500
receipt of any portion of the payments to be received by the 501
school pursuant to division (D) of this section. The school may 502
issue notes to evidence such borrowing. The proceeds of the notes 503
shall be used only for the purposes for which the anticipated 504
receipts may be lawfully expended by the school. 505

(b) A school may also borrow money for a term not to exceed 506
fifteen years for the purpose of acquiring facilities. 507

(2) Except for any amount guaranteed under section 3318.50 of 508
the Revised Code, the state is not liable for debt incurred by the 509
governing authority of a community school. 510

(K) For purposes of determining the number of students for 511
which divisions (D)(5) and (6) of this section applies in any 512
school year, a community school may submit to the department of 513
job and family services, no later than the first day of March, a 514

list of the students enrolled in the school. For each student on 515
the list, the community school shall indicate the student's name, 516
address, and date of birth and the school district where the 517
student is entitled to attend school. Upon receipt of a list under 518
this division, the department of job and family services shall 519
determine, for each school district where one or more students on 520
the list is entitled to attend school, the number of students 521
residing in that school district who were included in the 522
department's report under section 3317.10 of the Revised Code. The 523
department shall make this determination on the basis of 524
information readily available to it. Upon making this 525
determination and no later than ninety days after submission of 526
the list by the community school, the department shall report to 527
the state department of education the number of students on the 528
list who reside in each school district who were included in the 529
department's report under section 3317.10 of the Revised Code. In 530
complying with this division, the department of job and family 531
services shall not report to the state department of education any 532
personally identifiable information on any student. 533

(L) The department of education shall adjust the amounts 534
subtracted and paid under divisions (C) and (D) of this section to 535
reflect any enrollment of students in community schools for less 536
than the equivalent of a full school year. The state board of 537
education within ninety days after April 8, 2003, shall adopt in 538
accordance with Chapter 119. of the Revised Code rules governing 539
the payments to community schools under this section and section 540
3314.13 of the Revised Code including initial payments in a school 541
year and adjustments and reductions made in subsequent periodic 542
payments to community schools and corresponding deductions from 543
school district accounts as provided under divisions (C) and (D) 544
of this section and section 3314.13 of the Revised Code. For 545
purposes of this section and section 3314.13 of the Revised Code: 546

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

(2) A student shall be considered to be enrolled in a community school during a school year for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and ~~division~~ divisions (L)(3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee of the community school. A student's enrollment shall be considered to cease on the date on which any of the following occur:

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

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

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

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

(4) With respect to the calculation of full-time equivalency under division (L)(3) of this section, the department shall waive the number of hours or days of learning opportunities not offered to a student because the community school was closed during the school year due to disease epidemic, hazardous weather conditions, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, so long as the school was actually open for instruction with students in attendance during that school year for not less than the minimum number of hours required by this chapter. The department shall treat the school as if it were open for instruction with students in attendance during the hours or days waived under this division.

(M) The department of education shall reduce the amounts paid under division (D) of this section to reflect payments made to colleges under division (B) of section 3365.07 of the Revised Code or through alternative funding agreements entered into under rules adopted under section 3365.12 of the Revised Code.

(N)(1) No student shall be considered enrolled in any internet- or computer-based community school or, if applicable to the student, in any community school that is required to provide the student with a computer pursuant to division (C) of section 3314.22 of the Revised Code, unless both of the following conditions are satisfied:

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

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

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

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

The superintendent, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and

academic accountability for such schools. 642

(O)(1) If the department determines that a review of a 643
community school's enrollment is necessary, such review shall be 644
completed and written notice of the findings shall be provided to 645
the governing authority of the community school and its sponsor 646
within ninety days of the end of the community school's fiscal 647
year, unless extended for a period not to exceed thirty additional 648
days for one of the following reasons: 649

(a) The department and the community school mutually agree to 650
the extension. 651

(b) Delays in data submission caused by either a community 652
school or its sponsor. 653

(2) If the review results in a finding that additional 654
funding is owed to the school, such payment shall be made within 655
thirty days of the written notice. If the review results in a 656
finding that the community school owes moneys to the state, the 657
following procedure shall apply: 658

(a) Within ten business days of the receipt of the notice of 659
findings, the community school may appeal the department's 660
determination to the state board of education or its designee. 661

(b) The board or its designee shall conduct an informal 662
hearing on the matter within thirty days of receipt of such an 663
appeal and shall issue a decision within fifteen days of the 664
conclusion of the hearing. 665

(c) If the board has enlisted a designee to conduct the 666
hearing, the designee shall certify its decision to the board. The 667
board may accept the decision of the designee or may reject the 668
decision of the designee and issue its own decision on the matter. 669

(d) Any decision made by the board under this division is 670
final. 671

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

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

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

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

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

(4) Any student who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for enrollment in a community school not later than four years after termination of war or their honorable discharge. If, however, any such veteran elects to enroll in special courses organized for veterans for whom tuition is paid under federal law, or otherwise, the department shall not

subtract from a school district's state aid account under division 703
(C) of this section and shall not pay to a community school under 704
division (D) of this section any amount for that veteran. 705

Sec. 3317.01. As used in this section and section 3317.011 of 706
the Revised Code, "school district," unless otherwise specified, 707
means any city, local, exempted village, joint vocational, or 708
cooperative education school district and any educational service 709
center. 710

This chapter shall be administered by the state board of 711
education. The superintendent of public instruction shall 712
calculate the amounts payable to each school district and shall 713
certify the amounts payable to each eligible district to the 714
treasurer of the district as provided by this chapter. As soon as 715
possible after such amounts are calculated, the superintendent 716
shall certify to the treasurer of each school district the 717
district's adjusted charge-off increase, as defined in section 718
5705.211 of the Revised Code. No moneys shall be distributed 719
pursuant to this chapter without the approval of the controlling 720
board. 721

The state board of education shall, in accordance with 722
appropriations made by the general assembly, meet the financial 723
obligations of this chapter. 724

Moneys distributed pursuant to this chapter shall be 725
calculated and paid on a fiscal year basis, beginning with the 726
first day of July and extending through the thirtieth day of June. 727
The moneys appropriated for each fiscal year shall be distributed 728
periodically to each school district unless otherwise provided 729
for. The state board shall submit a yearly distribution plan to 730
the controlling board at its first meeting in July. The state 731
board shall submit any proposed midyear revision of the plan to 732
the controlling board in January. Any year-end revision of the 733

plan shall be submitted to the controlling board in June. If 734
moneys appropriated for each fiscal year are distributed other 735
than monthly, such distribution shall be on the same basis for 736
each school district. 737

Except as otherwise provided, payments under this chapter 738
shall be made only to those school districts in which: 739

(A) The school district, except for any educational service 740
center and any joint vocational or cooperative education school 741
district, levies for current operating expenses at least twenty 742
mills. Levies for joint vocational or cooperative education school 743
districts or county school financing districts, limited to or to 744
the extent apportioned to current expenses, shall be included in 745
this qualification requirement. School district income tax levies 746
under Chapter 5748. of the Revised Code, limited to or to the 747
extent apportioned to current operating expenses, shall be 748
included in this qualification requirement to the extent 749
determined by the tax commissioner under division (D) of section 750
3317.021 of the Revised Code. 751

(B) The school year next preceding the fiscal year for which 752
such payments are authorized meets the requirement of section 753
3313.48 or 3313.481 of the Revised Code, with regard to the 754
minimum number of days or hours school must be open for 755
instruction with pupils in attendance, for individualized 756
parent-teacher conference and reporting periods, and for 757
professional meetings of teachers. This requirement shall be 758
waived by the superintendent of public instruction if it had been 759
necessary for a school to be closed because of disease epidemic, 760
hazardous weather conditions, inoperability of school buses or 761
other equipment necessary to the school's operation, damage to a 762
school building, or other temporary circumstances due to utility 763
failure rendering the school building unfit for school use, 764
provided that for those school districts operating pursuant to 765

section 3313.48 of the Revised Code the number of days the school 766
was actually open for instruction with pupils in attendance and 767
for individualized parent-teacher conference and reporting periods 768
is not less than one hundred seventy-five, or for those school 769
districts operating on a trimester plan the number of days the 770
school was actually open for instruction with pupils in attendance 771
not less than seventy-nine days in any trimester, for those school 772
districts operating on a quarterly plan the number of days the 773
school was actually open for instruction with pupils in attendance 774
not less than fifty-nine days in any quarter, or for those school 775
districts operating on a pentamester plan the number of days the 776
school was actually open for instruction with pupils in attendance 777
not less than forty-four days in any pentamester. ~~However, for 778~~
~~fiscal year 2012, the superintendent shall waive two fewer such 779~~
~~days for the 2010-2011 school year.~~ 780

A school district shall not be considered to have failed to 781
comply with this division or section 3313.481 of the Revised Code 782
because schools were open for instruction but either twelfth grade 783
students were excused from attendance for up to three days or only 784
a portion of the kindergarten students were in attendance for up 785
to three days in order to allow for the gradual orientation to 786
school of such students. 787

The superintendent of public instruction shall waive the 788
requirements of this section with reference to the minimum number 789
of days or hours school must be in session with pupils in 790
attendance for the school year succeeding the school year in which 791
a board of education initiates a plan of operation pursuant to 792
section 3313.481 of the Revised Code. The minimum requirements of 793
this section shall again be applicable to such a district 794
beginning with the school year commencing the second July 795
succeeding the initiation of one such plan, and for each school 796
year thereafter. 797

A school district shall not be considered to have failed to 798
comply with this division or section 3313.48 or 3313.481 of the 799
Revised Code because schools were open for instruction but the 800
length of the regularly scheduled school day, for any number of 801
days during the school year, was reduced by not more than two 802
hours due to hazardous weather conditions. 803

(C) The school district has on file, and is paying in 804
accordance with, a teachers' salary schedule which complies with 805
section 3317.13 of the Revised Code. 806

A board of education or governing board of an educational 807
service center which has not conformed with other law and the 808
rules pursuant thereto, shall not participate in the distribution 809
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 810
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 811
and sufficient reason established to the satisfaction of the state 812
board of education and the state controlling board. 813

All funds allocated to school districts under this chapter, 814
except those specifically allocated for other purposes, shall be 815
used to pay current operating expenses only. 816

Section 2. That existing sections 3313.482, 3314.08, and 817
3317.01 of the Revised Code are hereby repealed. 818

Section 3. This act is hereby declared to be an emergency 819
measure necessary for the immediate preservation of the public 820
peace, health, and safety. The reason for such necessity is to 821
provide schools with adequate time to address unavoidable school 822
closures due to public calamities, such as hazardous weather 823
conditions, during the current school year. Therefore, this act 824
shall go into immediate effect. 825