

**As Introduced**

**129th General Assembly  
Regular Session  
2011-2012**

**S. B. No. 220**

**Senator Sawyer**

**Cosponsors: Senators Turner, Tavares, Smith, Kearney, Wagoner**

—

**A B I L L**

To enact section 3313.984 of the Revised Code to 1  
require a study of interdistrict open enrollment, 2  
and to amend sections 3310.01, 3310.06, 3313.64, 3  
3313.97, 3313.974, 3313.982, 3314.07, 3315.18, 4  
3317.03, 3318.011, 3323.143, 3326.51, 3327.05, and 5  
3365.01 and to repeal sections 3313.98, 3313.981, 6  
3313.983, and 3313.984 of the Revised Code 7  
effective July 1, 2015, to terminate interdistrict 8  
open enrollment on that date with the possibility 9  
of renewal following the General Assembly's 10  
examination of the study's findings. 11

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

**Section 1.** That section 3313.984 of the Revised Code be 12  
enacted to read as follows: 13

**Sec. 3313.984.** The department of education shall conduct a 14  
study on the implementation and effectiveness of the interdistrict 15  
open enrollment policies under sections 3313.98, 3313.981, and 16  
3313.983 of the Revised Code. The study shall focus on the effects 17  
of open enrollment in providing educational benefit to students 18  
and the fiscal impact on school districts. In addition, the study 19

shall closely assess the impact of open enrollment on low-wealth school districts. 20  
21

Through the course of the study, the department shall: 22

(A) Investigate the ramifications of requiring each school district to maintain an adjacent district or statewide open enrollment policy; 23  
24  
25

(B) Compare the fiscal and administrative effects of counting open enrollment students where those students are educated versus counting students where they reside; 26  
27  
28

(C) Consider other funding model alternatives; 29

(D) Examine whether an amount representing only the state share of funding should be transferred to a school district that enrolls open enrollment students, if students continue to be counted where they reside. 30  
31  
32  
33

**Section 2.** That sections 3310.01, 3310.06, 3313.64, 3313.97, 3313.974, 3313.982, 3314.07, 3315.18, 3317.03, 3318.011, 3323.143, 3326.51, 3327.05, and 3365.01 of the Revised Code be amended to read as follows: 34  
35  
36  
37

**Sec. 3310.01.** As used in sections 3310.01 to 3310.17 of the Revised Code: 38  
39

(A) "Chartered nonpublic school" means a nonpublic school that holds a valid charter issued by the state board of education under section 3301.16 of the Revised Code and meets the standards established for such schools in rules adopted by the state board. 40  
41  
42  
43

(B) An "eligible student" is a student who satisfies the conditions specified in section 3310.03 of the Revised Code. 44  
45

(C) "Parent" ~~has the same meaning as in section 3313.98 of the Revised Code~~ means either of the natural or adoptive parents 46  
47

of a student, except under the following conditions: 48

(1) When the marriage of the natural or adoptive parents of 49  
the student has been terminated by a divorce, dissolution of 50  
marriage, or annulment or the natural or adoptive parents of the 51  
student are living separate and apart under a legal separation 52  
decree and the court has issued an order allocating the parental 53  
rights and responsibilities with respect to the student, "parent" 54  
means the residential parent as designated by the court except 55  
that "parent" means either parent when the court issues a shared 56  
parenting decree. 57

(2) When a court has granted temporary or permanent custody 58  
of the student to an individual or agency other than either of the 59  
natural or adoptive parents of the student, "parent" means the 60  
legal custodian of the child. 61

(3) When a court has appointed a guardian for the student, 62  
"parent" means the guardian of the student. 63

(D) "Resident district" means the school district in which a 64  
student is entitled to attend school under section 3313.64 or 65  
3313.65 of the Revised Code. 66

(E) "School year" has the same meaning as in section 3313.62 67  
of the Revised Code. 68

**Sec. 3310.06.** It is the policy adopted by the general 69  
assembly that the educational choice scholarship pilot program 70  
shall be construed as one of several educational options available 71  
for students enrolled in academic emergency or academic watch 72  
school buildings. Students may be enrolled in the schools of the 73  
student's resident district, in a community school established 74  
under Chapter 3314. of the Revised Code, ~~in the schools of another~~ 75  
~~school district pursuant to an open enrollment policy adopted~~ 76  
~~under section 3313.98 of the Revised Code,~~ in a chartered 77

nonpublic school with or without a scholarship under the 78  
educational choice scholarship pilot program, or in other schools 79  
as the law may provide. 80

**Sec. 3313.64.** (A) As used in this section and in section 81  
3313.65 of the Revised Code: 82

(1)(a) Except as provided in division (A)(1)(b) of this 83  
section, "parent" means either parent, unless the parents are 84  
separated or divorced or their marriage has been dissolved or 85  
annulled, in which case "parent" means the parent who is the 86  
residential parent and legal custodian of the child. When a child 87  
is in the legal custody of a government agency or a person other 88  
than the child's natural or adoptive parent, "parent" means the 89  
parent with residual parental rights, privileges, and 90  
responsibilities. When a child is in the permanent custody of a 91  
government agency or a person other than the child's natural or 92  
adoptive parent, "parent" means the parent who was divested of 93  
parental rights and responsibilities for the care of the child and 94  
the right to have the child live with the parent and be the legal 95  
custodian of the child and all residual parental rights, 96  
privileges, and responsibilities. 97

(b) When a child is the subject of a power of attorney 98  
executed under sections 3109.51 to 3109.62 of the Revised Code, 99  
"parent" means the grandparent designated as attorney in fact 100  
under the power of attorney. When a child is the subject of a 101  
caretaker authorization affidavit executed under sections 3109.64 102  
to 3109.73 of the Revised Code, "parent" means the grandparent 103  
that executed the affidavit. 104

(2) "Legal custody," "permanent custody," and "residual 105  
parental rights, privileges, and responsibilities" have the same 106  
meanings as in section 2151.011 of the Revised Code. 107

|  |     |
|--|-----|
| (3) "School district" or "district" means a city, local, or        | 108 |
| exempted village school district and excludes any school operated  | 109 |
| in an institution maintained by the department of youth services.  | 110 |
| (4) Except as used in division (C)(2) of this section, "home"      | 111 |
| means a home, institution, foster home, group home, or other       | 112 |
| residential facility in this state that receives and cares for     | 113 |
| children, to which any of the following applies:                   | 114 |
| (a) The home is licensed, certified, or approved for such          | 115 |
| purpose by the state or is maintained by the department of youth   | 116 |
| services.  | 117 |
| (b) The home is operated by a person who is licensed,              | 118 |
| certified, or approved by the state to operate the home for such   | 119 |
| purpose.   | 120 |
| (c) The home accepted the child through a placement by a           | 121 |
| person licensed, certified, or approved to place a child in such a | 122 |
| home by the state.   | 123 |
| (d) The home is a children's home created under section            | 124 |
| 5153.21 or 5153.36 of the Revised Code.                            | 125 |
| (5) "Agency" means all of the following:                           | 126 |
| (a) A public children services agency;                             | 127 |
| (b) An organization that holds a certificate issued by the         | 128 |
| Ohio department of job and family services in accordance with the  | 129 |
| requirements of section 5103.03 of the Revised Code and assumes    | 130 |
| temporary or permanent custody of children through commitment,     | 131 |
| agreement, or surrender, and places children in family homes for   | 132 |
| the purpose of adoption;   | 133 |
| (c) Comparable agencies of other states or countries that          | 134 |
| have complied with applicable requirements of section 2151.39 of   | 135 |
| the Revised Code or as applicable, sections 5103.20 to 5103.22 or  | 136 |
| 5103.23 to 5103.237 of the Revised Code.                           | 137 |

|   |     |
|---|-----|
| (6) A child is placed for adoption if either of the following     | 138 |
| occurs:   | 139 |
| (a) An agency to which the child has been permanently             | 140 |
| committed or surrendered enters into an agreement with a person   | 141 |
| pursuant to section 5103.16 of the Revised Code for the care and  | 142 |
| adoption of the child.  | 143 |
| (b) The child's natural parent places the child pursuant to       | 144 |
| section 5103.16 of the Revised Code with a person who will care   | 145 |
| for and adopt the child.  | 146 |
| (7) "Preschool child with a disability" has the same meaning      | 147 |
| as in section 3323.01 of the Revised Code.                        | 148 |
| (8) "Child," unless otherwise indicated, includes preschool       | 149 |
| children with disabilities.                                       | 150 |
| (9) "Active duty" means active duty pursuant to an executive      | 151 |
| order of the president of the United States, an act of the        | 152 |
| congress of the United States, or section 5919.29 or 5923.21 of   | 153 |
| the Revised Code.   | 154 |
| (B) Except as otherwise provided in section 3321.01 of the        | 155 |
| Revised Code for admittance to kindergarten and first grade, a    | 156 |
| child who is at least five but under twenty-two years of age and  | 157 |
| any preschool child with a disability shall be admitted to school | 158 |
| as provided in this division.                                     | 159 |
| (1) A child shall be admitted to the schools of the school        | 160 |
| district in which the child's parent resides.                     | 161 |
| (2) A child who does not reside in the district where the         | 162 |
| child's parent resides shall be admitted to the schools of the    | 163 |
| district in which the child resides if any of the following       | 164 |
| applies:  | 165 |
| (a) The child is in the legal or permanent custody of a           | 166 |
| government agency or a person other than the child's natural or   | 167 |

|  |     |
|--|-----|
| adoptive parent.   | 168 |
| (b) The child resides in a home.   | 169 |
| (c) The child requires special education.  | 170 |
| (3) A child who is not entitled under division (B)(2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:                                  | 171 |
| (a) The placement for adoption has been terminated.  | 172 |
| (b) Another school district is required to admit the child under division (B)(1) of this section.  | 173 |
| (c) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child:                               | 174 |
| (1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home. | 175 |
| (d) Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.  | 176 |
| (e) Another school district is required to admit the child under division (B)(1) of this section.  | 177 |
| (f) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child:                               | 178 |
| (1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home. | 179 |

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:

(a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;

(b) If the parent's residence at the time the court removed the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education has determined, pursuant



to division (A)(2) of section 2151.362 of the Revised Code, that a 229  
school district other than the one named in the court's initial 230  
order, or in a prior determination of the department, is 231  
responsible to bear the cost of educating the child, the district 232  
so determined shall be responsible for that cost. 233

(3) If the child is not in the permanent or legal custody of 234  
a government agency or person other than the child's parent and 235  
the child resides in a home, tuition shall be paid by one of the 236  
following: 237

(a) The school district in which the child's parent resides; 238

(b) If the child's parent is not a resident of this state, 239  
the home in which the child resides. 240

(4) Division (C)(4) of this section applies to any child who 241  
is admitted to a school district under division (B)(2) of this 242  
section, resides in a home that is not a foster home or a home 243  
maintained by the department of youth services, receives 244  
educational services at the home in which the child resides 245  
pursuant to a contract between the home and the school district 246  
providing those services, and does not receive special education. 247

In the case of a child to which division (C)(4) of this 248  
section applies, the total educational cost to be paid for the 249  
child shall be determined by a formula approved by the department 250  
of education, which formula shall be designed to calculate a per 251  
diem cost for the educational services provided to the child for 252  
each day the child is served and shall reflect the total actual 253  
cost incurred in providing those services. The department shall 254  
certify the total educational cost to be paid for the child to 255  
both the school district providing the educational services and, 256  
if different, the school district that is responsible to pay 257  
tuition for the child. The department shall deduct the certified 258  
amount from the state basic aid funds payable under Chapter 3317. 259

of the Revised Code to the district responsible to pay tuition and 260  
shall pay that amount to the district providing the educational 261  
services to the child. 262

(D) Tuition required to be paid under divisions (C)(2) and 263  
(3)(a) of this section shall be computed in accordance with 264  
section 3317.08 of the Revised Code. Tuition required to be paid 265  
under division (C)(3)(b) of this section shall be computed in 266  
accordance with section 3317.081 of the Revised Code. If a home 267  
fails to pay the tuition required by division (C)(3)(b) of this 268  
section, the board of education providing the education may 269  
recover in a civil action the tuition and the expenses incurred in 270  
prosecuting the action, including court costs and reasonable 271  
attorney's fees. If the prosecuting attorney or city director of 272  
law represents the board in such action, costs and reasonable 273  
attorney's fees awarded by the court, based upon the prosecuting 274  
attorney's, director's, or one of their designee's time spent 275  
preparing and presenting the case, shall be deposited in the 276  
county or city general fund. 277

(E) A board of education may enroll a child free of any 278  
tuition obligation for a period not to exceed sixty days, on the 279  
sworn statement of an adult resident of the district that the 280  
resident has initiated legal proceedings for custody of the child. 281

(F) In the case of any individual entitled to attend school 282  
under this division, no tuition shall be charged by the school 283  
district of attendance and no other school district shall be 284  
required to pay tuition for the individual's attendance. 285  
Notwithstanding division (B), (C), or (E) of this section: 286

(1) All persons at least eighteen but under twenty-two years 287  
of age who live apart from their parents, support themselves by 288  
their own labor, and have not successfully completed the high 289  
school curriculum or the individualized education program 290  
developed for the person by the high school pursuant to section 291

3323.08 of the Revised Code, are entitled to attend school in the 292  
district in which they reside. 293

(2) Any child under eighteen years of age who is married is 294  
entitled to attend school in the child's district of residence. 295

(3) A child is entitled to attend school in the district in 296  
which either of the child's parents is employed if the child has a 297  
medical condition that may require emergency medical attention. 298  
The parent of a child entitled to attend school under division 299  
(F)(3) of this section shall submit to the board of education of 300  
the district in which the parent is employed a statement from the 301  
child's physician certifying that the child's medical condition 302  
may require emergency medical attention. The statement shall be 303  
supported by such other evidence as the board may require. 304

(4) Any child residing with a person other than the child's 305  
parent is entitled, for a period not to exceed twelve months, to 306  
attend school in the district in which that person resides if the 307  
child's parent files an affidavit with the superintendent of the 308  
district in which the person with whom the child is living resides 309  
stating all of the following: 310

(a) That the parent is serving outside of the state in the 311  
armed services of the United States; 312

(b) That the parent intends to reside in the district upon 313  
returning to this state; 314

(c) The name and address of the person with whom the child is 315  
living while the parent is outside the state. 316

(5) Any child under the age of twenty-two years who, after 317  
the death of a parent, resides in a school district other than the 318  
district in which the child attended school at the time of the 319  
parent's death is entitled to continue to attend school in the 320  
district in which the child attended school at the time of the 321  
parent's death for the remainder of the school year, subject to 322

approval of that district board. 323

(6) A child under the age of twenty-two years who resides 324  
with a parent who is having a new house built in a school district 325  
outside the district where the parent is residing is entitled to 326  
attend school for a period of time in the district where the new 327  
house is being built. In order to be entitled to such attendance, 328  
the parent shall provide the district superintendent with the 329  
following: 330

(a) A sworn statement explaining the situation, revealing the 331  
location of the house being built, and stating the parent's 332  
intention to reside there upon its completion; 333

(b) A statement from the builder confirming that a new house 334  
is being built for the parent and that the house is at the 335  
location indicated in the parent's statement. 336

(7) A child under the age of twenty-two years residing with a 337  
parent who has a contract to purchase a house in a school district 338  
outside the district where the parent is residing and who is 339  
waiting upon the date of closing of the mortgage loan for the 340  
purchase of such house is entitled to attend school for a period 341  
of time in the district where the house is being purchased. In 342  
order to be entitled to such attendance, the parent shall provide 343  
the district superintendent with the following: 344

(a) A sworn statement explaining the situation, revealing the 345  
location of the house being purchased, and stating the parent's 346  
intent to reside there; 347

(b) A statement from a real estate broker or bank officer 348  
confirming that the parent has a contract to purchase the house, 349  
that the parent is waiting upon the date of closing of the 350  
mortgage loan, and that the house is at the location indicated in 351  
the parent's statement. 352

The district superintendent shall establish a period of time 353

not to exceed ninety days during which the child entitled to 354  
attend school under division (F)(6) or (7) of this section may 355  
attend without tuition obligation. A student attending a school 356  
under division (F)(6) or (7) of this section shall be eligible to 357  
participate in interscholastic athletics under the auspices of 358  
that school, provided the board of education of the school 359  
district where the student's parent resides, by a formal action, 360  
releases the student to participate in interscholastic athletics 361  
at the school where the student is attending, and provided the 362  
student receives any authorization required by a public agency or 363  
private organization of which the school district is a member 364  
exercising authority over interscholastic sports. 365

(8) A child whose parent is a full-time employee of a city, 366  
local, or exempted village school district, or of an educational 367  
service center, may be admitted to the schools of the district 368  
where the child's parent is employed, or in the case of a child 369  
whose parent is employed by an educational service center, in the 370  
district that serves the location where the parent's job is 371  
primarily located, provided the district board of education 372  
establishes such an admission policy by resolution adopted by a 373  
majority of its members. Any such policy shall take effect on the 374  
first day of the school year and the effective date of any 375  
amendment or repeal may not be prior to the first day of the 376  
subsequent school year. The policy shall be uniformly applied to 377  
all such children and shall provide for the admission of any such 378  
child upon request of the parent. No child may be admitted under 379  
this policy after the first day of classes of any school year. 380

(9) A child who is with the child's parent under the care of 381  
a shelter for victims of domestic violence, as defined in section 382  
3113.33 of the Revised Code, is entitled to attend school free in 383  
the district in which the child is with the child's parent, and no 384  
other school district shall be required to pay tuition for the 385

child's attendance in that school district. 386

The enrollment of a child in a school district under this 387  
division shall not be denied due to a delay in the school 388  
district's receipt of any records required under section 3313.672 389  
of the Revised Code or any other records required for enrollment. 390  
Any days of attendance and any credits earned by a child while 391  
enrolled in a school district under this division shall be 392  
transferred to and accepted by any school district in which the 393  
child subsequently enrolls. The state board of education shall 394  
adopt rules to ensure compliance with this division. 395

(10) Any child under the age of twenty-two years whose parent 396  
has moved out of the school district after the commencement of 397  
classes in the child's senior year of high school is entitled, 398  
subject to the approval of that district board, to attend school 399  
in the district in which the child attended school at the time of 400  
the parental move for the remainder of the school year and for one 401  
additional semester or equivalent term. A district board may also 402  
adopt a policy specifying extenuating circumstances under which a 403  
student may continue to attend school under division (F)(10) of 404  
this section for an additional period of time in order to 405  
successfully complete the high school curriculum for the 406  
individualized education program developed for the student by the 407  
high school pursuant to section 3323.08 of the Revised Code. 408

(11) As used in this division, "grandparent" means a parent 409  
of a parent of a child. A child under the age of twenty-two years 410  
who is in the custody of the child's parent, resides with a 411  
grandparent, and does not require special education is entitled to 412  
attend the schools of the district in which the child's 413  
grandparent resides, provided that, prior to such attendance in 414  
any school year, the board of education of the school district in 415  
which the child's grandparent resides and the board of education 416  
of the school district in which the child's parent resides enter 417

into a written agreement specifying that good cause exists for 418  
such attendance, describing the nature of this good cause, and 419  
consenting to such attendance. 420

In lieu of a consent form signed by a parent, a board of 421  
education may request the grandparent of a child attending school 422  
in the district in which the grandparent resides pursuant to 423  
division (F)(11) of this section to complete any consent form 424  
required by the district, including any authorization required by 425  
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 426  
Code. Upon request, the grandparent shall complete any consent 427  
form required by the district. A school district shall not incur 428  
any liability solely because of its receipt of a consent form from 429  
a grandparent in lieu of a parent. 430

Division (F)(11) of this section does not create, and shall 431  
not be construed as creating, a new cause of action or substantive 432  
legal right against a school district, a member of a board of 433  
education, or an employee of a school district. This section does 434  
not affect, and shall not be construed as affecting, any 435  
immunities from defenses to tort liability created or recognized 436  
by Chapter 2744. of the Revised Code for a school district, 437  
member, or employee. 438

(12) A child under the age of twenty-two years is entitled to 439  
attend school in a school district other than the district in 440  
which the child is entitled to attend school under division (B), 441  
(C), or (E) of this section provided that, prior to such 442  
attendance in any school year, both of the following occur: 443

(a) The superintendent of the district in which the child is 444  
entitled to attend school under division (B), (C), or (E) of this 445  
section contacts the superintendent of another district for 446  
purposes of this division; 447

(b) The superintendents of both districts enter into a 448

written agreement that consents to the attendance and specifies 449  
that the purpose of such attendance is to protect the student's 450  
physical or mental well-being or to deal with other extenuating 451  
circumstances deemed appropriate by the superintendents. 452

While an agreement is in effect under this division for a 453  
student who is not receiving special education under Chapter 3323. 454  
of the Revised Code and notwithstanding Chapter 3327. of the 455  
Revised Code, the board of education of neither school district 456  
involved in the agreement is required to provide transportation 457  
for the student to and from the school where the student attends. 458

A student attending a school of a district pursuant to this 459  
division shall be allowed to participate in all student 460  
activities, including interscholastic athletics, at the school 461  
where the student is attending on the same basis as any student 462  
who has always attended the schools of that district while of 463  
compulsory school age. 464

(13) All school districts shall comply with the 465  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 466  
seq., for the education of homeless children. Each city, local, 467  
and exempted village school district shall comply with the 468  
requirements of that act governing the provision of a free, 469  
appropriate public education, including public preschool, to each 470  
homeless child. 471

When a child loses permanent housing and becomes a homeless 472  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 473  
such a homeless person changes temporary living arrangements, the 474  
child's parent or guardian shall have the option of enrolling the 475  
child in either of the following: 476

(a) The child's school of origin, as defined in 42 U.S.C.A. 477  
11432(g)(3)(C); 478

(b) The school that is operated by the school district in 479



which the shelter where the child currently resides is located and 480  
that serves the geographic area in which the shelter is located. 481

(14) A child under the age of twenty-two years who resides 482  
with a person other than the child's parent is entitled to attend 483  
school in the school district in which that person resides if both 484  
of the following apply: 485

(a) That person has been appointed, through a military power 486  
of attorney executed under section 574(a) of the "National Defense 487  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 488  
U.S.C. 1044b, or through a comparable document necessary to 489  
complete a family care plan, as the parent's agent for the care, 490  
custody, and control of the child while the parent is on active 491  
duty as a member of the national guard or a reserve unit of the 492  
armed forces of the United States or because the parent is a 493  
member of the armed forces of the United States and is on a duty 494  
assignment away from the parent's residence. 495

(b) The military power of attorney or comparable document 496  
includes at least the authority to enroll the child in school. 497

The entitlement to attend school in the district in which the 498  
parent's agent under the military power of attorney or comparable 499  
document resides applies until the end of the school year in which 500  
the military power of attorney or comparable document expires. 501

(G) A board of education, after approving admission, may 502  
waive tuition for students who will temporarily reside in the 503  
district and who are either of the following: 504

(1) Residents or domiciliaries of a foreign nation who 505  
request admission as foreign exchange students; 506

(2) Residents or domiciliaries of the United States but not 507  
of Ohio who request admission as participants in an exchange 508  
program operated by a student exchange organization. 509

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 510  
3327.04, and 3327.06 of the Revised Code, a child may attend 511  
school or participate in a special education program in a school 512  
district other than in the district where the child is entitled to 513  
attend school under division (B) of this section. 514

(I)(1) Notwithstanding anything to the contrary in this 515  
section or section 3313.65 of the Revised Code, a child under 516  
twenty-two years of age may attend school in the school district 517  
in which the child, at the end of the first full week of October 518  
of the school year, was entitled to attend school as otherwise 519  
provided under this section or section 3313.65 of the Revised 520  
Code, if at that time the child was enrolled in the schools of the 521  
district but since that time the child or the child's parent has 522  
relocated to a new address located outside of that school district 523  
and within the same county as the child's or parent's address 524  
immediately prior to the relocation. The child may continue to 525  
attend school in the district, and at the school to which the 526  
child was assigned at the end of the first full week of October of 527  
the current school year, for the balance of the school year. 528  
Division (I)(1) of this section applies only if both of the 529  
following conditions are satisfied: 530

(a) The board of education of the school district in which 531  
the child was entitled to attend school at the end of the first 532  
full week in October and of the district to which the child or 533  
child's parent has relocated each has adopted a policy to enroll 534  
children described in division (I)(1) of this section. 535

(b) The child's parent provides written notification of the 536  
relocation outside of the school district to the superintendent of 537  
each of the two school districts. 538

(2) At the beginning of the school year following the school 539  
year in which the child or the child's parent relocated outside of 540  
the school district as described in division (I)(1) of this 541

section, the child is not entitled to attend school in the school 542  
district under that division. 543

(3) Any person or entity owing tuition to the school district 544  
on behalf of the child at the end of the first full week in 545  
October, as provided in division (C) of this section, shall 546  
continue to owe such tuition to the district for the child's 547  
attendance under division (I)(1) of this section for the lesser of 548  
the balance of the school year or the balance of the time that the 549  
child attends school in the district under division (I)(1) of this 550  
section. 551

(4)(a) A pupil who may attend school in the district under 552  
division (I)(1) of this section shall be entitled to 553  
transportation services pursuant to an agreement between the 554  
district and the district in which the child or child's parent has 555  
relocated ~~unless~~. 556

~~(b) If the districts have not entered into such an agreement,~~ 557  
~~in which case the child shall be entitled to transportation~~ 558  
~~services in the same manner as a pupil attending school in the~~ 559  
~~district under interdistrict open enrollment as described in~~ 560  
~~division (H) of section 3313.981 of the Revised Code, regardless~~ 561  
~~of whether the district has adopted an open enrollment policy as~~ 562  
~~described in division (B)(1)(b) or (c) of section 3313.98 of the~~ 563  
~~Revised Code~~ the district in which the pupil is attending school 564  
shall provide transportation for the pupil within the boundaries 565  
of that district upon the request of a parent, provided the 566  
district offers transportation to pupils of the same grade level 567  
and distance from school under section 3327.01 of the Revised 568  
Code, and provided that the district shall be required to pick up 569  
and drop off a nondisabled student only at a regular school bus 570  
stop designated in accordance with the district's transportation 571  
policy. Pursuant to rules of the state board of education, the 572  
district may reimburse the parent from funds received under 573

section 3317.0212 of the Revised Code for the reasonable cost of 574  
transportation from the pupil's home to the designated school bus 575  
stop if the pupil's family has an income below the federal poverty 576  
line. 577

(J) This division does not apply to a child receiving special 578  
education. 579

A school district required to pay tuition pursuant to 580  
division (C)(2) or (3) of this section or section 3313.65 of the 581  
Revised Code shall have an amount deducted under division (C) of 582  
section 3317.023 of the Revised Code equal to its own tuition rate 583  
for the same period of attendance. A school district entitled to 584  
receive tuition pursuant to division (C)(2) or (3) of this section 585  
or section 3313.65 of the Revised Code shall have an amount 586  
credited under division (C) of section 3317.023 of the Revised 587  
Code equal to its own tuition rate for the same period of 588  
attendance. If the tuition rate credited to the district of 589  
attendance exceeds the rate deducted from the district required to 590  
pay tuition, the department of education shall pay the district of 591  
attendance the difference from amounts deducted from all 592  
districts' payments under division (C) of section 3317.023 of the 593  
Revised Code but not credited to other school districts under such 594  
division and from appropriations made for such purpose. The 595  
treasurer of each school district shall, by the fifteenth day of 596  
January and July, furnish the superintendent of public instruction 597  
a report of the names of each child who attended the district's 598  
schools under divisions (C)(2) and (3) of this section or section 599  
3313.65 of the Revised Code during the preceding six calendar 600  
months, the duration of the attendance of those children, the 601  
school district responsible for tuition on behalf of the child, 602  
and any other information that the superintendent requires. 603

Upon receipt of the report the superintendent, pursuant to 604  
division (C) of section 3317.023 of the Revised Code, shall deduct 605

each district's tuition obligations under divisions (C)(2) and (3) 606  
of this section or section 3313.65 of the Revised Code and pay to 607  
the district of attendance that amount plus any amount required to 608  
be paid by the state. 609

(K) In the event of a disagreement, the superintendent of 610  
public instruction shall determine the school district in which 611  
the parent resides. 612

(L) Nothing in this section requires or authorizes, or shall 613  
be construed to require or authorize, the admission to a public 614  
school in this state of a pupil who has been permanently excluded 615  
from public school attendance by the superintendent of public 616  
instruction pursuant to sections 3301.121 and 3313.662 of the 617  
Revised Code. 618

(M) In accordance with division (B)(1) of this section, a 619  
child whose parent is a member of the national guard or a reserve 620  
unit of the armed forces of the United States and is called to 621  
active duty, or a child whose parent is a member of the armed 622  
forces of the United States and is ordered to a temporary duty 623  
assignment outside of the district, may continue to attend school 624  
in the district in which the child's parent lived before being 625  
called to active duty or ordered to a temporary duty assignment 626  
outside of the district, as long as the child's parent continues 627  
to be a resident of that district, and regardless of where the 628  
child lives as a result of the parent's active duty status or 629  
temporary duty assignment. However, the district is not 630  
responsible for providing transportation for the child if the 631  
child lives outside of the district as a result of the parent's 632  
active duty status or temporary duty assignment. 633

**Sec. 3313.97.** Notwithstanding division (D) of section 3311.19 634  
and division (D) of section 3311.52 of the Revised Code, this 635  
section does not apply to any joint vocational or cooperative 636

|  |     |
|--|-----|
| education school district.   | 637 |
| (A) As used in this section:                                       | 638 |
| (1) "Parent" has the same meaning as in section <del>3313.64</del> | 639 |
| <u>3310.01</u> of the Revised Code.                                | 640 |
| (2) "Alternative school" means a school building other than        | 641 |
| the one to which a student is assigned by the district             | 642 |
| superintendent.  | 643 |
| (3) "IEP" has the same meaning as in section 3323.01 of the        | 644 |
| Revised Code.  | 645 |
| (B) The board of education of each city, local, and exempted       | 646 |
| village school district shall adopt an open enrollment policy      | 647 |
| allowing students entitled to attend school in the district        | 648 |
| pursuant to section 3313.64 or 3313.65 of the Revised Code to      | 649 |
| enroll in an alternative school. Each policy shall provide for the | 650 |
| following:   | 651 |
| (1) Application procedures, including deadlines for                | 652 |
| application and for notification of students and principals of     | 653 |
| alternative schools whenever a student's application is accepted.  | 654 |
| The policy shall require a student to apply only if the student    | 655 |
| wishes to attend an alternative school.                            | 656 |
| (2) The establishment of district capacity limits by grade         | 657 |
| level, school building, and education program;                     | 658 |
| (3) A requirement that students enrolled in a school building      | 659 |
| or living in any attendance area of the school building            | 660 |
| established by the superintendent or board be given preference     | 661 |
| over applicants;   | 662 |
| (4) Procedures to ensure that an appropriate racial balance        | 663 |
| is maintained in the district schools.                             | 664 |
| Each policy may permit a student to permanently transfer to        | 665 |
| an alternative school so that the student need not reapply         | 666 |

annually for permission to attend the alternative school. 667

(C) Except as provided in section 3313.982 of the Revised 668  
Code, the procedures for admitting applicants to alternative 669  
schools shall not include: 670

(1) Any requirement of academic ability, or any level of 671  
athletic, artistic, or other extracurricular skills; 672

(2) Limitations on admitting applicants because of disabling 673  
conditions, except that a board may require a student receiving 674  
services under Chapter 3323. of the Revised Code to attend school 675  
where the services described in the student's IEP are available; 676

(3) A requirement that the student be proficient in the 677  
English language; 678

(4) Rejection of any applicant because the student has been 679  
subject to disciplinary proceedings, except that if an applicant 680  
has been suspended or expelled for ten consecutive days or more in 681  
the term for which admission is sought or in the term immediately 682  
preceding the term for which admission is sought, the procedures 683  
may include a provision denying admission of such applicant to an 684  
alternative school. 685

(D)(1) Notwithstanding Chapter 3327. of the Revised Code, and 686  
except as provided in division (D)(2) of this section, a district 687  
board is not required to provide transportation to a nondisabled 688  
student enrolled in an alternative school unless such student can 689  
be picked up and dropped off at a regular school bus stop 690  
designated in accordance with the board's transportation policy or 691  
unless the board is required to provide additional transportation 692  
to the student in accordance with a court-approved desegregation 693  
plan. 694

(2) A district board shall provide transportation to any 695  
student described in 20 U.S.C. 6316(b)(1)(F) to the extent 696  
required by division (E) of section 3302.04 of the Revised Code, 697

except that no district board shall be required to provide 698  
transportation to any such student after the school in which the 699  
student was enrolled immediately prior to enrolling in the 700  
alternative school makes adequate yearly progress, as defined in 701  
section 3302.01 of the Revised Code, for two consecutive school 702  
years. 703

(E) Each school board shall provide information about the 704  
policy adopted under this section and the application procedures 705  
and deadlines to the parent of each student in the district and to 706  
the general public. 707

(F) The state board of education shall monitor school 708  
districts to ensure compliance with this section and the 709  
districts' policies. 710

**Sec. 3313.974.** As used in this section and in sections 711  
3313.975 to 3313.979 of the Revised Code: 712

(A) "Individualized education program" and "child with a 713  
disability" have the same meanings as in section 3323.01 of the 714  
Revised Code. 715

(B) "Mainstreamed student with a disability" means a child 716  
with a disability who has an individualized education program 717  
providing for the student to spend more than half of each school 718  
day in a regular school setting with nondisabled students. 719

(C) "Separately educated student with a disability" means a 720  
child with a disability who has an individualized education 721  
program providing for the student to spend at least half of each 722  
school day in a class or setting separated from nondisabled 723  
students. 724

(D) "Low-income family" means a family whose income is below 725  
the level which the superintendent of public instruction shall 726  
establish. 727



(E) "Parent" has the same meaning as in section ~~3313.98~~ 728  
3310.01 of the Revised Code. 729

(F) "Registered private school" means a school registered 730  
with the superintendent of public instruction pursuant to section 731  
3313.976 of the Revised Code. 732

(G) "Alternative school" means a registered private school 733  
located in a school district or a public school located in an 734  
adjacent school district. 735

(H) "Tutorial assistance" means instructional services 736  
provided to a student outside of regular school hours approved by 737  
the commission on school choice pursuant to section 3313.976 of 738  
the Revised Code. 739

**Sec. 3313.982.** Notwithstanding division (C)(1) of section 740  
3313.97 ~~and division (C)(1) of section 3313.98~~ of the Revised 741  
Code: 742

(A) Any school district board operating any schools on 743  
October 1, 1989, admission to which was restricted to students 744  
possessing certain academic, athletic, artistic, or other skills, 745  
may continue to restrict admission to such schools. 746

(B) Any district board that did not operate any schools 747  
described by division (A) of this section on October 1, 1989, and 748  
that desires to begin restricting admission to any school on the 749  
basis of student academic, athletic, artistic, or other skills, 750  
may submit a plan proposing such restricted admission to the state 751  
board of education. If the board finds that the plan will 752  
generally promote increased educational opportunities for students 753  
in the district and will not unduly restrict opportunities for 754  
some students, it may approve the plan and the district board may 755  
implement it during the next ensuing school year. 756

**Sec. 3314.07.** (A) The expiration of the contract for a 757

community school between a sponsor and a school shall be the date 758  
provided in the contract. A successor contract may be entered into 759  
pursuant to division (E) of section 3314.03 of the Revised Code 760  
unless the contract is terminated or not renewed pursuant to this 761  
section. 762

(B)(1) A sponsor may choose not to renew a contract at its 763  
expiration or may choose to terminate a contract prior to its 764  
expiration for any of the following reasons: 765

(a) Failure to meet student performance requirements stated 766  
in the contract; 767

(b) Failure to meet generally accepted standards of fiscal 768  
management; 769

(c) Violation of any provision of the contract or applicable 770  
state or federal law; 771

(d) Other good cause. 772

(2) A sponsor may choose to terminate a contract prior to its 773  
expiration if the sponsor has suspended the operation of the 774  
contract under section 3314.072 of the Revised Code. 775

(3) Not later than the first day of February in the year in 776  
which the sponsor intends to terminate or take actions not to 777  
renew the community school's contract, the sponsor shall notify 778  
the school of the proposed action in writing. The notice shall 779  
include the reasons for the proposed action in detail, the 780  
effective date of the termination or nonrenewal, and a statement 781  
that the school may, within fourteen days of receiving the notice, 782  
request an informal hearing before the sponsor. Such request must 783  
be in writing. The informal hearing shall be held within fourteen 784  
days of the receipt of a request for the hearing. Not later than 785  
fourteen days after the informal hearing, the sponsor shall issue 786  
a written decision either affirming or rescinding the decision to 787  
terminate or not renew the contract. 788

(4) A decision by the sponsor to terminate a contract may be 789  
appealed to the state board of education. The notice of appeal 790  
shall be filed with the state board not later than fourteen days 791  
following receipt of the sponsor's written decision to terminate 792  
the contract. Within sixty days of receipt of the notice of 793  
appeal, the state board shall conduct a hearing and issue a 794  
written decision on the appeal. The written decision of the state 795  
board shall include the reasons for affirming or rescinding the 796  
decision of the sponsor. The decision by the state board 797  
pertaining to an appeal under this division is final. If the 798  
sponsor is the state board, its decision to terminate a contract 799  
under division (B)(3) of this section shall be final. 800

(5) The termination of a contract under this section shall be 801  
effective upon the occurrence of the later of the following 802  
events: 803

(a) The date the sponsor notifies the school of its decision 804  
to terminate the contract as prescribed in division (B)(3) of this 805  
section; 806

(b) If an informal hearing is requested under division (B)(3) 807  
of this section and as a result of that hearing the sponsor 808  
affirms its decision to terminate the contract, the effective date 809  
of the termination specified in the notice issued under division 810  
(B)(3) of this section, or if that decision is appealed to the 811  
state board under division (B)(4) of this section and the state 812  
board affirms that decision, the date established in the 813  
resolution of the state board affirming the sponsor's decision. 814

(6) Any community school whose contract is terminated under 815  
division (B) of this section shall close permanently at the end of 816  
the current school year or on a date specified in the notification 817  
of termination under division (B)(3) of this section. Any 818  
community school whose contract is terminated under this division 819  
shall not enter into a contract with any other sponsor. 820

(C) A child attending a community school whose contract has  
been terminated, nonrenewed, or suspended or that closes for any  
reason shall be admitted to the schools of the district in which  
the child is entitled to attend under section 3313.64 or 3313.65  
of the Revised Code. Any deadlines established for the purpose of  
admitting students under section 3313.97 ~~or 3313.98~~ of the Revised  
Code shall be waived for students to whom this division pertains.

(D) If a community school does not intend to renew a contract  
with its sponsor, the community school shall notify its sponsor in  
writing of that fact at least one hundred eighty days prior to the  
expiration of the contract. Such a community school may enter into  
a contract with a new sponsor in accordance with section 3314.03  
of the Revised Code upon the expiration of the previous contract.

(E) A sponsor of a community school and the officers,  
directors, or employees of such a sponsor are immune from civil  
liability for any action authorized under this chapter or the  
contract entered into with the school under section 3314.03 of the  
Revised Code that is taken to fulfill the sponsor's responsibility  
to oversee and monitor the school. The sponsor and its officers,  
directors, or employees are not liable in damages in a tort or  
other civil action for harm allegedly arising from either of the  
following:

(1) A failure of the community school or any of its officers,  
directors, or employees to perform any statutory or common law  
duty or responsibility or any other legal obligation;

(2) An action or omission of the community school or any of  
its officers, directors, or employees that results in harm.

(F) As used in this section:

(1) "Harm" means injury, death, or loss to person or  
property.

(2) "Tort action" means a civil action for damages for

injury, death, or loss to person or property other than a civil 852  
action for damages for a breach of contract or another agreement 853  
between persons. 854

**Sec. 3315.18.** (A) The board of education of each city, 855  
exempted village, local, and joint vocational school district 856  
shall establish a capital and maintenance fund. Each board 857  
annually shall deposit into that fund an amount derived from 858  
revenues received by the district that would otherwise have been 859  
deposited in the general fund that is equal to three per cent of 860  
the formula amount for the preceding fiscal year, as defined in 861  
section 3317.02 of the Revised Code, or another percentage if 862  
established by the auditor of state under division (B) of this 863  
section, multiplied by the district's student population for the 864  
preceding fiscal year, except that money received from a permanent 865  
improvement levy authorized by section 5705.21 of the Revised Code 866  
may replace general revenue moneys in meeting the requirements of 867  
this section. Money in the fund shall be used solely for 868  
acquisition, replacement, enhancement, maintenance, or repair of 869  
permanent improvements, as that term is defined in section 5705.01 870  
of the Revised Code. Any money in the fund that is not used in any 871  
fiscal year shall carry forward to the next fiscal year. 872

(B) The state superintendent of public instruction and the 873  
auditor of state jointly shall adopt rules in accordance with 874  
Chapter 119. of the Revised Code defining what constitutes 875  
expenditures permitted by division (A) of this section. The 876  
auditor of state may designate a percentage, other than three per 877  
cent, of the formula amount multiplied by the district's student 878  
population that must be deposited into the fund. 879

(C) Within its capital and maintenance fund, a school 880  
district board of education may establish a separate account 881  
solely for the purpose of depositing funds transferred from the 882

district's reserve balance account established under former 883  
division (H) of section 5705.29 of the Revised Code. After April 884  
10, 2001, a board may deposit all or part of the funds formerly 885  
included in such reserve balance account in the separate account 886  
established under this section. Funds deposited in this separate 887  
account and interest on such funds shall be utilized solely for 888  
the purpose of providing the district's portion of the basic 889  
project costs of any project undertaken in accordance with Chapter 890  
3318. of the Revised Code. 891

(D)(1) Notwithstanding division (A) of this section, in any 892  
year a district is in fiscal emergency status as declared pursuant 893  
to section 3316.03 of the Revised Code, the district may deposit 894  
an amount less than required by division (A) of this section, or 895  
make no deposit, into the district capital and maintenance fund 896  
for that year. 897

(2) Notwithstanding division (A) of this section, in any 898  
fiscal year that a school district is either in fiscal watch 899  
status, as declared pursuant to section 3316.03 of the Revised 900  
Code, or in fiscal caution status, as declared pursuant to section 901  
3316.031 of the Revised Code, the district may apply to the 902  
superintendent of public instruction for a waiver from the 903  
requirements of division (A) of this section, under which the 904  
district may be permitted to deposit an amount less than required 905  
by that division or permitted to make no deposit into the district 906  
capital and maintenance fund for that year. The superintendent may 907  
grant a waiver under division (D)(2) of this section if the 908  
district demonstrates to the satisfaction of the superintendent 909  
that compliance with division (A) of this section that year will 910  
create an undue financial hardship on the district. 911

(3) Notwithstanding division (A) of this section, not more 912  
often than one fiscal year in every three consecutive fiscal 913  
years, any school district that does not satisfy the conditions 914

for the exemption described in division (D)(1) of this section or 915  
the conditions to apply for the waiver described in division 916  
(D)(2) of this section may apply to the superintendent of public 917  
instruction for a waiver from the requirements of division (A) of 918  
this section, under which the district may be permitted to deposit 919  
an amount less than required by that division or permitted to make 920  
no deposit into the district capital and maintenance fund for that 921  
year. The superintendent may grant a waiver under division (D)(3) 922  
of this section if the district demonstrates to the satisfaction 923  
of the superintendent that compliance with division (A) of this 924  
section that year will necessitate the reduction or elimination of 925  
a program currently offered by the district that is critical to 926  
the academic success of students of the district and that no 927  
reasonable alternatives exist for spending reductions in other 928  
areas of operation within the district that negate the necessity 929  
of the reduction or elimination of that program. 930

(E) Notwithstanding any provision to the contrary in Chapter 931  
4117. of the Revised Code, the requirements of this section 932  
prevail over any conflicting provisions of agreements between 933  
employee organizations and public employers entered into after 934  
November 21, 1997. 935

(F) As used in this section, "student population" means the 936  
average, daily, full-time equivalent number of students in 937  
kindergarten through twelfth grade receiving any educational 938  
services from the school district during the first full school 939  
week in October, excluding students enrolled in adult education 940  
classes, but including all of the following: 941

~~(1) Adjacent or other district students enrolled in the 942  
district under an open enrollment policy pursuant to section 943  
3313.98 of the Revised Code; 944~~

~~(2) Students receiving services in the district pursuant to a 945  
compact, cooperative education agreement, or a contract, but who 946~~

are entitled to attend school in another district pursuant to 947  
section 3313.64 or 3313.65 of the Revised Code; 948

~~(3)~~(2) Students for whom tuition is payable pursuant to 949  
sections 3317.081 and 3323.141 of the Revised Code. 950

The department of education shall determine a district's 951  
student population using data reported to it under section 3317.03 952  
of the Revised Code for the applicable fiscal year. 953

**Sec. 3317.03.** (A) The superintendent of each city, local, and 954  
exempted village school district and of each educational service 955  
center shall, for the schools under the superintendent's 956  
supervision, certify to the state board of education on or before 957  
the fifteenth day of October in each year for the first full 958  
school week in October the average daily membership of students 959  
receiving services from schools under the superintendent's 960  
supervision, and the numbers of other students entitled to attend 961  
school in the district under section 3313.64 or 3313.65 of the 962  
Revised Code the superintendent is required to report under this 963  
section, so that the department of education can calculate the 964  
district's formula ADM. If a school under the superintendent's 965  
supervision is closed for one or more days during that week due to 966  
hazardous weather conditions or other circumstances described in 967  
the first paragraph of division (B) of section 3317.01 of the 968  
Revised Code, the superintendent may apply to the superintendent 969  
of public instruction for a waiver, under which the superintendent 970  
of public instruction may exempt the district superintendent from 971  
certifying the average daily membership for that school for that 972  
week and specify an alternate week for certifying the average 973  
daily membership of that school. 974

The average daily membership during such week shall consist 975  
of the sum of the following: 976

(1) On an FTE basis, the number of students in grades 977



|  |      |
|--|------|
| kindergarten through twelve receiving any educational services                       | 978  |
| from the district, except that the following categories of                           | 979  |
| students shall not be included in the determination:                                 | 980  |
| (a) Students enrolled in adult education classes;                                    | 981  |
| (b) Adjacent or other district students enrolled in the                              | 982  |
| district under an open enrollment policy pursuant to section                         | 983  |
| 3313.98 of the Revised Code <del>+</del> . <u>Division (A)(1)(b) of this section</u> | 984  |
| <u>does not apply after June 30, 2015.</u>   | 985  |
| (c) Students receiving services in the district pursuant to a                        | 986  |
| compact, cooperative education agreement, or a contract, but who                     | 987  |
| are entitled to attend school in another district pursuant to                        | 988  |
| section 3313.64 or 3313.65 of the Revised Code;                                      | 989  |
| (d) Students for whom tuition is payable pursuant to sections                        | 990  |
| 3317.081 and 3323.141 of the Revised Code;   | 991  |
| (e) Students receiving services in the district through a                            | 992  |
| scholarship awarded under either section 3310.41 or sections                         | 993  |
| 3310.51 to 3310.64 of the Revised Code.  | 994  |
| (2) On an FTE basis, the number of students entitled to                              | 995  |
| attend school in the district pursuant to section 3313.64 or                         | 996  |
| 3313.65 of the Revised Code, but receiving educational services in                   | 997  |
| grades kindergarten through twelve from one or more of the                           | 998  |
| following entities:  | 999  |
| (a) A community school pursuant to Chapter 3314. of the                              | 1000 |
| Revised Code, including any participation in a college pursuant to                   | 1001 |
| Chapter 3365. of the Revised Code while enrolled in such community                   | 1002 |
| school;  | 1003 |
| (b) An alternative school pursuant to sections 3313.974 to                           | 1004 |
| 3313.979 of the Revised Code as described in division (I)(2)(a) or                   | 1005 |
| (b) of this section;   | 1006 |
| (c) A college pursuant to Chapter 3365. of the Revised Code,                         | 1007 |

except when the student is enrolled in the college while also 1008  
enrolled in a community school pursuant to Chapter 3314. or a 1009  
science, technology, engineering, and mathematics school 1010  
established under Chapter 3326. of the Revised Code; 1011

(d) An adjacent or other school district under an open 1012  
enrollment policy adopted pursuant to section 3313.98 of the 1013  
Revised Code; Division (A)(2)(d) of this section does not apply 1014  
after June 30, 2015. 1015

(e) An educational service center or cooperative education 1016  
district; 1017

(f) Another school district under a cooperative education 1018  
agreement, compact, or contract; 1019

(g) A chartered nonpublic school with a scholarship paid 1020  
under section 3310.08 of the Revised Code; 1021

(h) An alternative public provider or a registered private 1022  
provider with a scholarship awarded under either section 3310.41 1023  
or sections 3310.51 to 3310.64 of the Revised Code. 1024

As used in this section, "alternative public provider" and 1025  
"registered private provider" have the same meanings as in section 1026  
3310.41 or 3310.51 of the Revised Code, as applicable. 1027

(i) A science, technology, engineering, and mathematics 1028  
school established under Chapter 3326. of the Revised Code, 1029  
including any participation in a college pursuant to Chapter 3365. 1030  
of the Revised Code while enrolled in the school; 1031

(j) A college-preparatory boarding school established under 1032  
Chapter 3328. of the Revised Code. 1033

(3) The number of students enrolled in a joint vocational 1034  
school district or under a vocational education compact, excluding 1035  
any students entitled to attend school in the district under 1036  
section 3313.64 or 3313.65 of the Revised Code who are enrolled in 1037

another school district through an open enrollment policy as 1038  
reported under division (A)(2)(d) of this section and then enroll 1039  
in a joint vocational school district or under a vocational 1040  
education compact; 1041

(4) The number of children with disabilities, other than 1042  
preschool children with disabilities, entitled to attend school in 1043  
the district pursuant to section 3313.64 or 3313.65 of the Revised 1044  
Code who are placed by the district with a county DD board, minus 1045  
the number of such children placed with a county DD board in 1046  
fiscal year 1998. If this calculation produces a negative number, 1047  
the number reported under division (A)(4) of this section shall be 1048  
zero. 1049

(B) To enable the department of education to obtain the data 1050  
needed to complete the calculation of payments pursuant to this 1051  
chapter, in addition to the average daily membership, each 1052  
superintendent shall report separately the following student 1053  
counts for the same week for which average daily membership is 1054  
certified: 1055

(1) The total average daily membership in regular learning 1056  
day classes included in the report under division (A)(1) or (2) of 1057  
this section for each of the individual grades kindergarten 1058  
through twelve in schools under the superintendent's supervision; 1059

(2) The number of all preschool children with disabilities 1060  
enrolled as of the first day of December in classes in the 1061  
district that are eligible for approval under division (B) of 1062  
section 3317.05 of the Revised Code and the number of those 1063  
classes, which shall be reported not later than the fifteenth day 1064  
of December, in accordance with rules adopted under that section; 1065

(3) The number of children entitled to attend school in the 1066  
district pursuant to section 3313.64 or 3313.65 of the Revised 1067  
Code who are: 1068

|   |  |
|---|--|
| (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;   | 1069<br>1070<br>1071                         |
| (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 established under Chapter 3326. of the Revised Code;                          | 1072<br>1073<br>1074<br>1075<br>1076         |
| (c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code <del>+. Division (B)(3)(c) of this section does not apply after June 30, 2015.</del>   | 1077<br>1078<br>1079                         |
| (d) Enrolled in a community school established under Chapter 3314. of the Revised Code that is not an internet- or computer-based community school as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school; | 1080<br>1081<br>1082<br>1083<br>1084<br>1085 |
| (e) Enrolled in an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in the school;  | 1086<br>1087<br>1088<br>1089                 |
| (f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;   | 1090<br>1091                                 |
| (g) Enrolled in kindergarten through grade twelve in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;  | 1092<br>1093<br>1094                         |
| (h) Enrolled as a preschool child with a disability in an alternative public provider or a registered private provider with a scholarship awarded under section 3310.41 of the Revised Code;  | 1095<br>1096<br>1097                         |
| (i) Participating in a program operated by a county DD board  | 1098   |

|  |  |
|--|--|
| or a state institution;  | 1099   |
| (j) Enrolled in 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;   | 1100<br>1101<br>1102<br>1103                                 |
| (k) Enrolled in a college-preparatory boarding school established under Chapter 3328. of the Revised Code.   | 1104<br>1105   |
| (4) The number of pupils enrolled in joint vocational schools;   | 1106<br>1107   |
| (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; | 1108<br>1109<br>1110<br>1111<br>1112<br>1113<br>1114<br>1115 |
| (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;   | 1116<br>1117<br>1118<br>1119<br>1120<br>1121<br>1122<br>1123 |
| (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  | 1124<br>1125<br>1126<br>1127<br>1128<br>1129                 |

private provider with a scholarship awarded under sections 3310.51 1130  
to 3310.64 of the Revised Code; 1131

(8) The combined average daily membership of children with 1132  
disabilities reported under division (A)(1) or (2) of this section 1133  
receiving special education services for category four 1134  
disabilities described in division (D) of section 3317.013 of the 1135  
Revised Code, including children attending a special education 1136  
program operated by an alternative public provider or a registered 1137  
private provider with a scholarship awarded under sections 3310.51 1138  
to 3310.64 of the Revised Code; 1139

(9) The combined average daily membership of children with 1140  
disabilities reported under division (A)(1) or (2) of this section 1141  
receiving special education services for the category five 1142  
disabilities described in division (E) of section 3317.013 of the 1143  
Revised Code, including children attending a special education 1144  
program operated by an alternative public provider or a registered 1145  
private provider with a scholarship awarded under sections 3310.51 1146  
to 3310.64 of the Revised Code; 1147

(10) The combined average daily membership of children with 1148  
disabilities reported under division (A)(1) or (2) and under 1149  
division (B)(3)(h) of this section receiving special education 1150  
services for category six disabilities described in division (F) 1151  
of section 3317.013 of the Revised Code, including children 1152  
attending a special education program operated by an alternative 1153  
public provider or a registered private provider with a 1154  
scholarship awarded under either section 3310.41 or sections 1155  
3310.51 to 3310.64 of the Revised Code; 1156

(11) The average daily membership of pupils reported under 1157  
division (A)(1) or (2) of this section enrolled in category one 1158  
vocational education programs or classes, described in division 1159  
(A) of section 3317.014 of the Revised Code, operated by the 1160  
school district or by another district, other than a joint 1161

vocational school district, or by an educational service center, 1162  
excluding any student reported under division (B)(3)(e) of this 1163  
section as enrolled in an internet- or computer-based community 1164  
school, notwithstanding division (C) of section 3317.02 of the 1165  
Revised Code and division (C)(3) of this section; 1166

(12) The average daily membership of pupils reported under 1167  
division (A)(1) or (2) of this section enrolled in category two 1168  
vocational education programs or services, described in division 1169  
(B) of section 3317.014 of the Revised Code, operated by the 1170  
school district or another school district, other than a joint 1171  
vocational school district, or by an educational service center, 1172  
excluding any student reported under division (B)(3)(e) of this 1173  
section as enrolled in an internet- or computer-based community 1174  
school, notwithstanding division (C) of section 3317.02 of the 1175  
Revised Code and division (C)(3) of this section; 1176

Beginning with fiscal year 2010, vocational education ADM 1177  
shall not be used to calculate a district's funding but shall be 1178  
reported under divisions (B)(11) and (12) of this section for 1179  
statistical purposes. 1180

(13) The average number of children transported by the school 1181  
district on board-owned or contractor-owned and -operated buses, 1182  
reported in accordance with rules adopted by the department of 1183  
education; 1184

(14)(a) The number of children, other than preschool children 1185  
with disabilities, the district placed with a county DD board in 1186  
fiscal year 1998; 1187

(b) The number of children with disabilities, other than 1188  
preschool children with disabilities, placed with a county DD 1189  
board in the current fiscal year to receive special education 1190  
services for the category one disability described in division (A) 1191  
of section 3317.013 of the Revised Code; 1192

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

(d) The number of children with disabilities, other than preschool children with disabilities, placed with a county DD board in the current fiscal year to receive special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;

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

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

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

(C)(1) The average daily membership in divisions (B)(1) to (12) of this section shall be based upon the number of full-time equivalent students. The state board of education shall adopt rules defining full-time equivalent students and for determining the average daily membership therefrom for the purposes of divisions (A), (B), and (D) of this section. Each student enrolled



in kindergarten shall be counted as one full-time equivalent 1224  
student regardless of whether the student is enrolled in a 1225  
part-day or all-day kindergarten class. 1226

(2) A student enrolled in a community school established 1227  
under Chapter 3314., a science, technology, engineering, and 1228  
mathematics school established under Chapter 3326., or a 1229  
college-preparatory boarding school established under Chapter 1230  
3328. of the Revised Code shall be counted in the formula ADM and, 1231  
if applicable, the category one, two, three, four, five, or six 1232  
special education ADM of the school district in which the student 1233  
is entitled to attend school under section 3313.64 or 3313.65 of 1234  
the Revised Code for the same proportion of the school year that 1235  
the student is counted in the enrollment of the community school, 1236  
the science, technology, engineering, and mathematics school, or 1237  
the college-preparatory boarding school for purposes of section 1238  
3314.08, 3326.33, or 3328.24 of the Revised Code. Notwithstanding 1239  
the number of students reported pursuant to division (B)(3)(d), 1240  
(e), (j), or (k) of this section, the department may adjust the 1241  
formula ADM of a school district to account for students entitled 1242  
to attend school in the district under section 3313.64 or 3313.65 1243  
of the Revised Code who are enrolled in a community school, a 1244  
science, technology, engineering, and mathematics school, or a 1245  
college-preparatory boarding school for only a portion of the 1246  
school year. 1247

(3) No child shall be counted as more than a total of one 1248  
child in the sum of the average daily memberships of a school 1249  
district under division (A), divisions (B)(1) to (12), or division 1250  
(D) of this section, except as follows: 1251

(a) A child with a disability described in section 3317.013 1252  
of the Revised Code may be counted both in formula ADM and in 1253  
category one, two, three, four, five, or six special education ADM 1254  
and, if applicable, in category one or two vocational education 1255

ADM. As provided in division (C) of section 3317.02 of the Revised Code, such a child shall be counted in category one, two, three, four, five, or six special education ADM in the same proportion that the child is counted in formula ADM.

(b) A child enrolled in vocational education programs or classes described in section 3317.014 of the Revised Code may be counted both in formula ADM and category one or two vocational education ADM and, if applicable, in category one, two, three, four, five, or six special education ADM. Such a child shall be counted in category one or two vocational education ADM in the same proportion as the percentage of time that the child spends in the vocational education programs or classes.

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

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

The formula ADM, except as otherwise provided in this 1288  
division, shall consist of the average daily membership during 1289  
such week, on an FTE basis, of the number of students receiving 1290  
any educational services from the district, including students 1291  
enrolled in a community school established under Chapter 3314. or 1292  
a science, technology, engineering, and mathematics school 1293  
established under Chapter 3326. of the Revised Code who are 1294  
attending the joint vocational district under an agreement between 1295  
the district board of education and the governing authority of the 1296  
community school or the governing body of the science, technology, 1297  
engineering, and mathematics school and are entitled to attend 1298  
school in a city, local, or exempted village school district whose 1299  
territory is part of the territory of the joint vocational 1300  
district. 1301

The following categories of students shall not be included in 1302  
the determination made under division (D)(1) of this section: 1303

(a) Students enrolled in adult education classes; 1304

(b) Adjacent or other district joint vocational students 1305  
enrolled in the district under an open enrollment policy pursuant 1306  
to section 3313.98 of the Revised Code~~+~~. Division (D)(1)(b) of 1307  
this section does not apply after June 30, 2015. 1308

(c) Students receiving services in the district pursuant to a 1309  
compact, cooperative education agreement, or a contract, but who 1310  
are entitled to attend school in a city, local, or exempted 1311  
village school district whose territory is not part of the 1312  
territory of the joint vocational district; 1313

(d) Students for whom tuition is payable pursuant to sections 1314  
3317.081 and 3323.141 of the Revised Code. 1315

(2) To enable the department of education to obtain the data 1316  
needed to complete the calculation of payments pursuant to this 1317  
chapter, in addition to the formula ADM, each superintendent shall 1318

|  |      |
|--|------|
| report separately the average daily membership included in the     | 1319 |
| report under division (D)(1) of this section for each of the       | 1320 |
| following categories of students for the same week for which       | 1321 |
| formula ADM is certified:  | 1322 |
| (a) Students enrolled in each individual grade included in         | 1323 |
| the joint vocational district schools;                             | 1324 |
| (b) Children with disabilities receiving special education         | 1325 |
| services for the category one disability described in division (A) | 1326 |
| of section 3317.013 of the Revised Code;                           | 1327 |
| (c) Children with disabilities receiving special education         | 1328 |
| services for the category two disabilities described in division   | 1329 |
| (B) of section 3317.013 of the Revised Code;                       | 1330 |
| (d) Children with disabilities receiving special education         | 1331 |
| services for category three disabilities described in division (C) | 1332 |
| of section 3317.013 of the Revised Code;                           | 1333 |
| (e) Children with disabilities receiving special education         | 1334 |
| services for category four disabilities described in division (D)  | 1335 |
| of section 3317.013 of the Revised Code;                           | 1336 |
| (f) Children with disabilities receiving special education         | 1337 |
| services for the category five disabilities described in division  | 1338 |
| (E) of section 3317.013 of the Revised Code;                       | 1339 |
| (g) Children with disabilities receiving special education         | 1340 |
| services for category six disabilities described in division (F)   | 1341 |
| of section 3317.013 of the Revised Code;                           | 1342 |
| (h) Students receiving category one vocational education           | 1343 |
| services, described in division (A) of section 3317.014 of the     | 1344 |
| Revised Code;  | 1345 |
| (i) Students receiving category two vocational education           | 1346 |
| services, described in division (B) of section 3317.014 of the     | 1347 |
| Revised Code.  | 1348 |

The superintendent of each joint vocational school district 1349  
shall also indicate the city, local, or exempted village school 1350  
district in which each joint vocational district pupil is entitled 1351  
to attend school pursuant to section 3313.64 or 3313.65 of the 1352  
Revised Code. 1353

(E) In each school of each city, local, exempted village, 1354  
joint vocational, and cooperative education school district there 1355  
shall be maintained a record of school membership, which record 1356  
shall accurately show, for each day the school is in session, the 1357  
actual membership enrolled in regular day classes. For the purpose 1358  
of determining average daily membership, the membership figure of 1359  
any school shall not include any pupils except those pupils 1360  
described by division (A) of this section. The record of 1361  
membership for each school shall be maintained in such manner that 1362  
no pupil shall be counted as in membership prior to the actual 1363  
date of entry in the school and also in such manner that where for 1364  
any cause a pupil permanently withdraws from the school that pupil 1365  
shall not be counted as in membership from and after the date of 1366  
such withdrawal. There shall not be included in the membership of 1367  
any school any of the following: 1368

(1) Any pupil who has graduated from the twelfth grade of a 1369  
public or nonpublic high school; 1370

(2) Any pupil who is not a resident of the state; 1371

(3) Any pupil who was enrolled in the schools of the district 1372  
during the previous school year when assessments were administered 1373  
under section 3301.0711 of the Revised Code but did not take one 1374  
or more of the assessments required by that section and was not 1375  
excused pursuant to division (C)(1) or (3) of that section; 1376

(4) Any pupil who has attained the age of twenty-two years, 1377  
except for veterans of the armed services whose attendance was 1378  
interrupted before completing the recognized twelve-year course of 1379

the public schools by reason of induction or enlistment in the 1380  
armed forces and who apply for reenrollment in the public school 1381  
system of their residence not later than four years after 1382  
termination of war or their honorable discharge. 1383

If, however, any veteran described by division (E)(4) of this 1384  
section elects to enroll in special courses organized for veterans 1385  
for whom tuition is paid under the provisions of federal laws, or 1386  
otherwise, that veteran shall not be included in average daily 1387  
membership. 1388

Notwithstanding division (E)(3) of this section, the 1389  
membership of any school may include a pupil who did not take an 1390  
assessment required by section 3301.0711 of the Revised Code if 1391  
the superintendent of public instruction grants a waiver from the 1392  
requirement to take the assessment to the specific pupil and a 1393  
parent is not paying tuition for the pupil pursuant to section 1394  
3313.6410 of the Revised Code. The superintendent may grant such a 1395  
waiver only for good cause in accordance with rules adopted by the 1396  
state board of education. 1397

Except as provided in divisions (B)(2) and (F) of this 1398  
section, the average daily membership figure of any local, city, 1399  
exempted village, or joint vocational school district shall be 1400  
determined by dividing the figure representing the sum of the 1401  
number of pupils enrolled during each day the school of attendance 1402  
is actually open for instruction during the week for which the 1403  
average daily membership is being certified by the total number of 1404  
days the school was actually open for instruction during that 1405  
week. For purposes of state funding, "enrolled" persons are only 1406  
those pupils who are attending school, those who have attended 1407  
school during the current school year and are absent for 1408  
authorized reasons, and those children with disabilities currently 1409  
receiving home instruction. 1410

The average daily membership figure of any cooperative 1411

education school district shall be determined in accordance with 1412  
rules adopted by the state board of education. 1413

(F)(1) If the formula ADM for the first full school week in 1414  
February is at least three per cent greater than that certified 1415  
for the first full school week in the preceding October, the 1416  
superintendent of schools of any city, exempted village, or joint 1417  
vocational school district or educational service center shall 1418  
certify such increase to the superintendent of public instruction. 1419  
Such certification shall be submitted no later than the fifteenth 1420  
day of February. For the balance of the fiscal year, beginning 1421  
with the February payments, the superintendent of public 1422  
instruction shall use the increased formula ADM in calculating or 1423  
recalculating the amounts to be allocated in accordance with 1424  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 1425  
the superintendent use an increased membership certified to the 1426  
superintendent after the fifteenth day of February. Division 1427  
(F)(1) of this section does not apply after fiscal year 2006. 1428

(2) If on the first school day of April the total number of 1429  
classes or units for preschool children with disabilities that are 1430  
eligible for approval under division (B) of section 3317.05 of the 1431  
Revised Code exceeds the number of units that have been approved 1432  
for the year under that division, the superintendent of schools of 1433  
any city, exempted village, or cooperative education school 1434  
district or educational service center shall make the 1435  
certifications required by this section for that day. If the 1436  
department determines additional units can be approved for the 1437  
fiscal year within any limitations set forth in the acts 1438  
appropriating moneys for the funding of such units, the department 1439  
shall approve additional units for the fiscal year on the basis of 1440  
such average daily membership. For each unit so approved, the 1441  
department shall pay an amount computed in the manner prescribed 1442  
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 1443

Code. 1444

(3) If a student attending a community school under Chapter 1445  
3314., a science, technology, engineering, and mathematics school 1446  
established under Chapter 3326., or a college-preparatory boarding 1447  
school established under Chapter 3328. of the Revised Code is not 1448  
included in the formula ADM certified for the school district in 1449  
which the student is entitled to attend school under section 1450  
3313.64 or 3313.65 of the Revised Code, the department of 1451  
education shall adjust the formula ADM of that school district to 1452  
include the student in accordance with division (C)(2) of this 1453  
section, and shall recalculate the school district's payments 1454  
under this chapter for the entire fiscal year on the basis of that 1455  
adjusted formula ADM. This requirement applies regardless of 1456  
whether the student was enrolled, as defined in division (E) of 1457  
this section, in the community school, the science, technology, 1458  
engineering, and mathematics school, or the college-preparatory 1459  
boarding school during the week for which the formula ADM is being 1460  
certified. 1461

(4) If a student awarded an educational choice scholarship is 1462  
not included in the formula ADM of the school district from which 1463  
the department deducts funds for the scholarship under section 1464  
3310.08 of the Revised Code, the department shall adjust the 1465  
formula ADM of that school district to include the student to the 1466  
extent necessary to account for the deduction, and shall 1467  
recalculate the school district's payments under this chapter for 1468  
the entire fiscal year on the basis of that adjusted formula ADM. 1469  
This requirement applies regardless of whether the student was 1470  
enrolled, as defined in division (E) of this section, in the 1471  
chartered nonpublic school, the school district, or a community 1472  
school during the week for which the formula ADM is being 1473  
certified. 1474

(5) If a student awarded a scholarship under the Jon Peterson 1475



special needs scholarship program is not included in the formula 1476  
ADM of the school district from which the department deducts funds 1477  
for the scholarship under section 3310.55 of the Revised Code, the 1478  
department shall adjust the formula ADM of that school district to 1479  
include the student to the extent necessary to account for the 1480  
deduction, and shall recalculate the school district's payments 1481  
under this chapter for the entire fiscal year on the basis of that 1482  
adjusted formula ADM. This requirement applies regardless of 1483  
whether the student was enrolled, as defined in division (E) of 1484  
this section, in an alternative public provider, a registered 1485  
private provider, or the school district during the week for which 1486  
the formula ADM is being certified. 1487

(G)(1)(a) The superintendent of an institution operating a 1488  
special education program pursuant to section 3323.091 of the 1489  
Revised Code shall, for the programs under such superintendent's 1490  
supervision, certify to the state board of education, in the 1491  
manner prescribed by the superintendent of public instruction, 1492  
both of the following: 1493

(i) The average daily membership of all children with 1494  
disabilities other than preschool children with disabilities 1495  
receiving services at the institution for each category of 1496  
disability described in divisions (A) to (F) of section 3317.013 1497  
of the Revised Code; 1498

(ii) The average daily membership of all preschool children 1499  
with disabilities in classes or programs approved annually by the 1500  
department of education for unit funding under section 3317.05 of 1501  
the Revised Code. 1502

(b) The superintendent of an institution with vocational 1503  
education units approved under division (A) of section 3317.05 of 1504  
the Revised Code shall, for the units under the superintendent's 1505  
supervision, certify to the state board of education the average 1506  
daily membership in those units, in the manner prescribed by the 1507

superintendent of public instruction. 1508

(2) The superintendent of each county DD board that maintains 1509  
special education classes under section 3317.20 of the Revised 1510  
Code or units approved pursuant to section 3317.05 of the Revised 1511  
Code shall do both of the following: 1512

(a) Certify to the state board, in the manner prescribed by 1513  
the board, the average daily membership in classes under section 1514  
3317.20 of the Revised Code for each school district that has 1515  
placed children in the classes; 1516

(b) Certify to the state board, in the manner prescribed by 1517  
the board, the number of all preschool children with disabilities 1518  
enrolled as of the first day of December in classes eligible for 1519  
approval under division (B) of section 3317.05 of the Revised 1520  
Code, and the number of those classes. 1521

(3)(a) If on the first school day of April the number of 1522  
classes or units maintained for preschool children with 1523  
disabilities by the county DD board that are eligible for approval 1524  
under division (B) of section 3317.05 of the Revised Code is 1525  
greater than the number of units approved for the year under that 1526  
division, the superintendent shall make the certification required 1527  
by this section for that day. 1528

(b) If the department determines that additional classes or 1529  
units can be approved for the fiscal year within any limitations 1530  
set forth in the acts appropriating moneys for the funding of the 1531  
classes and units described in division (G)(3)(a) of this section, 1532  
the department shall approve and fund additional units for the 1533  
fiscal year on the basis of such average daily membership. For 1534  
each unit so approved, the department shall pay an amount computed 1535  
in the manner prescribed in sections 3317.052 and 3317.053 of the 1536  
Revised Code. 1537

(H) Except as provided in division (I) of this section, when 1538

any city, local, or exempted village school district provides 1539  
instruction for a nonresident pupil whose attendance is 1540  
unauthorized attendance as defined in section 3327.06 of the 1541  
Revised Code, that pupil's membership shall not be included in 1542  
that district's membership figure used in the calculation of that 1543  
district's formula ADM or included in the determination of any 1544  
unit approved for the district under section 3317.05 of the 1545  
Revised Code. The reporting official shall report separately the 1546  
average daily membership of all pupils whose attendance in the 1547  
district is unauthorized attendance, and the membership of each 1548  
such pupil shall be credited to the school district in which the 1549  
pupil is entitled to attend school under division (B) of section 1550  
3313.64 or section 3313.65 of the Revised Code as determined by 1551  
the department of education. 1552

(I)(1) A city, local, exempted village, or joint vocational 1553  
school district admitting a scholarship student of a pilot project 1554  
district pursuant to division (C) of section 3313.976 of the 1555  
Revised Code may count such student in its average daily 1556  
membership. 1557

(2) In any year for which funds are appropriated for pilot 1558  
project scholarship programs, a school district implementing a 1559  
state-sponsored pilot project scholarship program that year 1560  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 1561  
count in average daily membership: 1562

(a) All children residing in the district and utilizing a 1563  
scholarship to attend kindergarten in any alternative school, as 1564  
defined in section 3313.974 of the Revised Code; 1565

(b) All children who were enrolled in the district in the 1566  
preceding year who are utilizing a scholarship to attend an 1567  
alternative school. 1568

(J) The superintendent of each cooperative education school 1569

district shall certify to the superintendent of public 1570  
instruction, in a manner prescribed by the state board of 1571  
education, the applicable average daily memberships for all 1572  
students in the cooperative education district, also indicating 1573  
the city, local, or exempted village district where each pupil is 1574  
entitled to attend school under section 3313.64 or 3313.65 of the 1575  
Revised Code. 1576

(K) If the superintendent of public instruction determines 1577  
that a component of the average daily membership certified or 1578  
reported by a district superintendent, or other reporting entity, 1579  
is not correct, the superintendent of public instruction may order 1580  
that the formula ADM used for the purposes of payments under any 1581  
section of Title XXXVIII of the Revised Code be adjusted in the 1582  
amount of the error. 1583

**Sec. 3318.011.** For purposes of providing assistance under 1584  
sections 3318.01 to 3318.20 of the Revised Code, the department of 1585  
education shall annually do all of the following: 1586

(A) Calculate the adjusted valuation per pupil of each city, 1587  
local, and exempted village school district according to the 1588  
following formula: 1589

The district's valuation per pupil - 1590  
[\$30,000 X (1 - the district's income factor)]. 1591

For purposes of this calculation: 1592

(1) Except for a district with an open enrollment net gain 1593  
that is ten per cent or more of its formula ADM, "valuation per 1594  
pupil" for a district means its average taxable value, divided by 1595  
its formula ADM for the previous fiscal year. "Valuation per 1596  
pupil," for a district with an open enrollment net gain that is 1597  
ten per cent or more of its formula ADM, means its average taxable 1598  
value, divided by the sum of its formula ADM for the previous 1599  
fiscal year plus its open enrollment net gain for the previous 1600

fiscal year. 1601

(2) "Average taxable value" means the average of the sum of 1602  
the amounts certified for a district under divisions (A)(1) and 1603  
(2) of section 3317.021 of the Revised Code in the second, third, 1604  
and fourth preceding fiscal years. 1605

(3) "Entitled to attend school" means entitled to attend 1606  
school in a city, local, or exempted village school district under 1607  
section 3313.64 or 3313.65 of the Revised Code. 1608

(4) "Formula ADM" and "income factor" have the same meanings 1609  
as in section 3317.02 of the Revised Code. 1610

(5) "Native student" has the same meaning as in former 1611  
section 3313.98 of the Revised Code. 1612

(6) "Open enrollment net gain" for a district means (a) the 1613  
number of the students entitled to attend school in another 1614  
district but who are enrolled in the schools of the district under 1615  
its open enrollment policy minus (b) the number of the district's 1616  
native students who are enrolled in the schools of another 1617  
district under the other district's open enrollment policy, both 1618  
numbers as certified to the department under former section 1619  
3313.981 of the Revised Code. If the difference is a negative 1620  
number, the district's "open enrollment net gain" is zero. For 1621  
fiscal years after fiscal year 2015, every district's open 1622  
enrollment net gain is zero. 1623

(7) "Open enrollment policy" means an interdistrict open 1624  
enrollment policy adopted under former section 3313.98 of the 1625  
Revised Code. 1626

(B) Calculate for each district the three-year average of the 1627  
adjusted valuations per pupil calculated for the district for the 1628  
current and two preceding fiscal years; 1629

(C) Rank all such districts in order of adjusted valuation 1630

per pupil from the district with the lowest three-year average 1631  
adjusted valuation per pupil to the district with the highest 1632  
three-year average adjusted valuation per pupil; 1633

(D) Divide such ranking into percentiles with the first 1634  
percentile containing the one per cent of school districts having 1635  
the lowest three-year average adjusted valuations per pupil and 1636  
the one-hundredth percentile containing the one per cent of school 1637  
districts having the highest three-year average adjusted 1638  
valuations per pupil; 1639

(E) Determine the school districts that have three-year 1640  
average adjusted valuations per pupil that are greater than the 1641  
median three-year average adjusted valuation per pupil for all 1642  
school districts in the state; 1643

(F) On or before the first day of September, certify the 1644  
information described in divisions (A) to (E) of this section to 1645  
the Ohio school facilities commission. 1646

**Sec. 3323.143.** If a child with a disability's custodial 1647  
parent has made a unilateral placement of the child, the parent 1648  
shall be responsible for payment of tuition to the program or 1649  
facility the child is attending as a result of that placement as 1650  
long as the district of residence has offered a free appropriate 1651  
public education to that child. As used in this section, 1652  
"unilateral placement" means withdrawing a child with a disability 1653  
from a program or facility operated by the district of residence 1654  
or from a program or facility with which the district of residence 1655  
has arranged for education of the child and instead enrolling that 1656  
child in another program or facility that is not a home, as 1657  
defined in section 3313.64 of the Revised Code, ~~or that is not a~~ 1658  
~~facility or program available to the child pursuant to an open~~ 1659  
~~enrollment policy under section 3313.98 or 3313.983 of the Revised~~ 1660  
Code. 1661

**Sec. 3326.51.** (A) As used in this section: 1662

(1) "Resident district" has the same meaning as in section 1663  
3326.31 of the Revised Code. 1664

(2) "STEM school sponsoring district" means a municipal, 1665  
city, local, exempted village, or joint vocational school district 1666  
that governs and controls a STEM school pursuant to this section. 1667

(B) Notwithstanding any other provision of this chapter to 1668  
the contrary: 1669

(1) If a proposal for a STEM school submitted under section 1670  
3326.03 of the Revised Code proposes that the governing body of 1671  
the school be the board of education of a municipal, city, local, 1672  
exempted village, or joint vocational school district that is one 1673  
of the partners submitting the proposal, and the STEM committee 1674  
approves that proposal, that school district board shall govern 1675  
and control the STEM school as one of the schools of its district. 1676

(2) The STEM school sponsoring district shall maintain a 1677  
separate accounting for the STEM school as a separate and distinct 1678  
operational unit within the district's finances. The auditor of 1679  
state, in the course of an annual or biennial audit of the school 1680  
district serving as the STEM school sponsoring district, shall 1681  
audit that school district for compliance with the financing 1682  
requirements of this section. 1683

(3) With respect to students enrolled in a STEM school whose 1684  
resident district is the STEM school sponsoring district: 1685

(a) The department of education shall make no deductions 1686  
under section 3326.33 of the Revised Code from the STEM school 1687  
sponsoring district's state payments. 1688

(b) The STEM school sponsoring district shall ensure that it 1689  
allocates to the STEM school funds equal to or exceeding the 1690  
amount ~~that would be~~ calculated pursuant to ~~division (B) of~~ 1691

~~section 3313.981~~ sections 3326.31 to 3326.49 of the Revised Code 1692  
for the students attending the school whose resident district is 1693  
the STEM school sponsoring district. 1694

(c) The STEM school sponsoring district is responsible for 1695  
providing children with disabilities with a free appropriate 1696  
public education under Chapter 3323. of the Revised Code. 1697

(d) The STEM school sponsoring district shall provide student 1698  
transportation in accordance with laws and policies generally 1699  
applicable to the district. 1700

(4) With respect to students enrolled in the STEM school 1701  
whose resident district is another school district, the department 1702  
shall make ~~no~~ payments ~~or~~ and deductions under sections 3326.31 to 1703  
3326.49 of the Revised Code. ~~Instead, the students shall be~~ 1704  
~~considered as open enrollment students and the department shall~~ 1705  
~~make payments and deductions in accordance with section 3313.981~~ 1706  
~~of the Revised Code.~~ The STEM school sponsoring district shall 1707  
allocate the payments to the STEM school. The STEM school 1708  
sponsoring district may enter into financial agreements with the 1709  
students' resident districts, which agreements may provide 1710  
financial support in addition to the funds received ~~from the open~~ 1711  
~~enrollment calculation~~ under sections 3326.31 to 3326.49 of the 1712  
Revised Code. The STEM school sponsoring district shall allocate 1713  
all such additional funds to the STEM school. 1714

(5) Where the department is required to make, deny, reduce, 1715  
or adjust payments to a STEM school sponsoring district pursuant 1716  
to this section, it shall do so in such a manner that the STEM 1717  
school sponsoring district may allocate that action to the STEM 1718  
school. 1719

(6) A STEM school sponsoring district and its board may 1720  
assign its district employees to the STEM school, in which case 1721  
section 3326.18 of the Revised Code shall not apply. The district 1722



and board may apply any other resources of the district to the 1723  
STEM school in the same manner that it applies district resources 1724  
to other district schools. 1725

(7) Provisions of this chapter requiring a STEM school and 1726  
its governing body to comply with specified laws as if it were a 1727  
school district and in the same manner as a board of education 1728  
shall instead require such compliance by the STEM school 1729  
sponsoring district and its board of education, respectively, with 1730  
respect to the STEM school. Where a STEM school or its governing 1731  
body is required to perform a specific duty or permitted to take a 1732  
specific action under this chapter, that duty is required to be 1733  
performed or that action is permitted to be taken by the STEM 1734  
school sponsoring district or its board of education, 1735  
respectively, with respect to the STEM school. 1736

(8) No provision of this chapter limits the authority, as 1737  
provided otherwise by law, of a school district and its board of 1738  
education to levy taxes and issue bonds secured by tax revenues. 1739

(9) The treasurer of the STEM school sponsoring district or, 1740  
if the STEM school sponsoring district is a municipal school 1741  
district, the chief financial officer of the district, shall have 1742  
all of the respective rights, authority, exemptions, and duties 1743  
otherwise conferred upon the treasurer or chief financial officer 1744  
by the Revised Code. 1745

**Sec. 3327.05.** (A) Except as provided in division (B) of this 1746  
section, no board of education of any school district shall 1747  
provide transportation for any pupil who is a school resident of 1748  
another school district unless ~~the pupil is enrolled pursuant to~~ 1749  
~~section 3313.98 of the Revised Code or~~ the board of the other 1750  
district has given its written consent thereto. If the board of 1751  
any school district files with the state board of education a 1752  
written complaint that transportation for resident pupils is being 1753

provided by the board of another school district contrary to this 1754  
division, the state board of education shall make an investigation 1755  
of such complaint. If the state board of education finds that 1756  
transportation is being provided contrary to this section, it may 1757  
withdraw from state funds due the offending district any part of 1758  
the amount that has been approved for transportation pursuant to 1759  
section 3317.0212 of the Revised Code or other provisions of law. 1760

(B) Notwithstanding division (D) of section 3311.19 and 1761  
division (D) of section 3311.52 of the Revised Code, this division 1762  
does not apply to any joint vocational or cooperative education 1763  
school district. 1764

A board of education may provide transportation to and from 1765  
the nonpublic school of attendance if both of the following apply: 1766

(1) The parent, guardian, or other person in charge of the 1767  
pupil agrees to pay the board for all costs incurred in providing 1768  
the transportation that are not reimbursed pursuant to Chapter 1769  
3317. of the Revised Code; 1770

(2) The pupil's school district of residence does not provide 1771  
transportation for public school pupils of the same grade as the 1772  
pupil being transported under this division, or that district is 1773  
not required under section 3327.01 of the Revised Code to 1774  
transport the pupil to and from the nonpublic school because the 1775  
direct travel time to the nonpublic school is more than thirty 1776  
minutes. 1777

Upon receipt of the request to provide transportation, the 1778  
board shall review the request and determine whether the board 1779  
will accommodate the request. If the board agrees to transport the 1780  
pupil, the board may transport the pupil to and from the nonpublic 1781  
school and a collection point in the district, as determined by 1782  
the board. If the board transports the pupil, the board may 1783  
include the pupil in the district's transportation ADM reported to 1784

the department of education under section 3317.03 of the Revised Code and, accordingly, may receive a state payment under section 3317.0212 of the Revised Code or other provisions of law for transporting the pupil.

If the board declines to transport the pupil, the board, in a written communication to the parent, guardian, or other person in charge of the pupil, shall state the reasons for declining the request.

**Sec. 3365.01.** As used in this chapter:

(A) "College" means any state-assisted college or university described in section 3333.041 of the Revised Code, any nonprofit institution holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, any private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, and any institution holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code.

(B) "School district," except as specified in division (G) of this section, means any school district to which a student is admitted under section 3313.64, 3313.65, ~~3313.98~~, or 3317.08 of the Revised Code and does not include a joint vocational or cooperative education school district.

(C) "Parent" has the same meaning as in section 3313.64 of the Revised Code.

(D) "Participant" means a student enrolled in a college under the post-secondary enrollment options program established by this chapter.

(E) "Secondary grade" means the ninth through twelfth grades.

(F) "School foundation payments" means the amount required to be paid to a school district for a fiscal year under Chapter 3317. of the Revised Code.

(G) "Tuition base" means, with respect to a participant's school district, the sum of the formula amount plus the per pupil amount of the base funding supplements specified in divisions (C)(1) to (4) of section 3317.012 of the Revised Code for fiscal year 2009.

The participant's "school district" in the case of a participant enrolled in a community school shall be the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(H) "Educational program" means enrollment in one or more school districts, in a nonpublic school, or in a college under division (B) of section 3365.04 of the Revised Code.

(I) "Nonpublic school" means a chartered or nonchartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(J) "School year" means the year beginning on the first day of July and ending on the thirtieth day of June.

(K) "Community school" means any school established pursuant to Chapter 3314. of the Revised Code that includes secondary grades.

(L) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

**Section 3.** That existing sections 3310.01, 3310.06, 3313.64, 3313.97, 3313.974, 3313.982, 3314.07, 3315.18, 3317.03, 3318.011, 3323.143, 3326.51, 3327.05, and 3365.01 of the Revised Code are

hereby repealed. 1845

**Section 4.** (A) Sections 2 and 3 of this act shall take effect 1846  
July 1, 2015. 1847

(B) Sections 3313.98, 3313.981, 3313.983, and 3313.984 of the 1848  
Revised Code are hereby repealed, effective July 1, 2015. 1849

(C) It is the intent of the General Assembly to determine 1850  
renewal of interdistrict open enrollment laws following its 1851  
examination of the Department of Education's findings under 1852  
section 3313.984 of the Revised Code. 1853