

As Introduced

**130th General Assembly
Regular Session
2013-2014**

H. B. No. 645

Representative Kunze

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A B I L L

To amend Sections 263.10 and 263.230 of Am. Sub. H.B. 1
59 of the 130th General Assembly, as subsequently 2
amended, to earmark funds for a pre-K through 5 3
Language and Literacy Program and to establish the 4
program guidelines. 5

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

Section 1. That Sections 263.10 and 263.230 of Am. Sub. H.B. 6
59 of the 130th General Assembly, as amended by Am. Sub. H.B. 483 7
of the 130th General Assembly, be amended to read as follows: 8

Sec. 263.10. EDU DEPARTMENT OF EDUCATION 9

General Revenue Fund 10
GRF 200321 Operating Expenses \$ 13,142,780 \$ 13,142,780 11
GRF 200408 Early Childhood \$ 33,318,341 \$ 45,318,341 12
Education
GRF 200420 Information Technology \$ 4,241,296 \$ 4,241,296 13
Development and
Support
GRF 200421 Alternative Education \$ 7,403,998 \$ 12,403,998 14
Programs
GRF 200422 School Management \$ 3,000,000 \$ 3,000,000 15
Assistance

GRF 200424	Policy Analysis	\$	328,558	\$	328,558	16
GRF 200425	Tech Prep Consortia Support	\$	260,542	\$	260,542	17
GRF 200426	Ohio Educational Computer Network	\$	29,625,569	\$	19,625,569	18
GRF 200427	Academic Standards	\$	3,800,000	\$	3,800,000	19
GRF 200437	Student Assessment	\$	55,895,000	\$	75,895,000	20
GRF 200439	Accountability/Report Cards	\$	3,500,000	\$	3,750,000	21
GRF 200442	Child Care Licensing	\$	827,140	\$	827,140	22
GRF 200446	Education Management Information System	\$	6,833,070	\$	6,833,070	23
GRF 200447	GED Testing	\$	879,551	\$	879,551	24
GRF 200448	Educator Preparation	\$	1,136,737	\$	1,564,237	25
GRF 200455	Community Schools and Choice Programs	\$	2,438,685	\$	2,491,395	26
GRF 200464	General Technology Operations	\$	192,097	\$	192,097	27
GRF 200465	Technology Integration and Professional Development	\$	1,778,879	\$	1,778,879	28
GRF 200502	Pupil Transportation	\$	505,013,527	\$	521,013,527	29
GRF 200505	School Lunch Match	\$	9,100,000	\$	9,100,000	30
GRF 200511	Auxiliary Services	\$	130,499,457	\$	138,214,374	31
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	58,951,750	\$	62,436,882	32
GRF 200540	Special Education Enhancements	\$	156,871,292	\$	157,871,292	33
GRF 200545	Career-Technical Education Enhancements	\$	9,372,999	\$	9,372,999	34
GRF 200550	Foundation Funding	\$	5,808,098,389	\$	6,151,463,768 <u>6,159,463,768</u>	35

GRF 200566	Literacy Improvement	\$	150,000	\$	150,000	36
GRF 200901	Property Tax	\$	1,126,800,000	\$	1,146,402,000	37
	Allocation - Education					
TOTAL GRF	General Revenue Fund	\$	7,973,459,657	\$	8,392,357,295 <u>8,400,357,295</u>	38
General Services Fund Group						39
1380 200606	Information Technology Development and Support	\$	6,850,090	\$	6,850,090	40
4520 200638	Fees and Refunds	\$	500,000	\$	500,000	41
4L20 200681	Teacher Certification and Licensure	\$	8,313,762	\$	13,658,274	42
5960 200656	Ohio Career Information System	\$	529,761	\$	529,761	43
5H30 200687	School District Solvency Assistance	\$	25,000,000	\$	25,000,000	44
5JC0 200654	Adult Career Opportunity Pilot Program	\$	0	\$	2,500,000	45
5KX0 200691	Ohio School Sponsorship Program	\$	487,419	\$	487,419	46
5KY0 200693	Community Schools Temporary Sponsorship	\$	83,000	\$	83,000	47
TOTAL GSF	General Services Fund Group	\$	41,764,032	\$	49,608,544	48
Federal Special Revenue Fund Group						50
3090 200601	Neglected and Delinquent Education	\$	2,168,642	\$	2,168,642	51
3670 200607	School Food Services	\$	8,200,664	\$	8,700,149	52
3700 200624	Education of Exceptional Children	\$	1,530,000	\$	1,530,000	53

3AF0	200603	Schools Medicaid Administrative Claims	\$	750,000	\$	750,000	54
3AN0	200671	School Improvement Grants	\$	20,400,000	\$	20,400,000	55
3BK0	200628	Longitudinal Data Systems	\$	1,250,000	\$	0	56
3C50	200661	Early Childhood Education	\$	14,554,749	\$	14,554,749	57
3CG0	200646	Teacher Incentive	\$	15,125,588	\$	15,183,285	58
3D20	200667	Math Science Partnerships	\$	6,000,000	\$	6,000,000	59
3EC0	200653	Teacher Incentive - Federal Stimulus	\$	1,300,000	\$	0	60
3EH0	200620	Migrant Education	\$	2,900,000	\$	2,900,000	61
3EJ0	200622	Homeless Children Education	\$	2,600,000	\$	2,600,000	62
3EK0	200637	Advanced Placement	\$	450,000	\$	450,000	63
3EN0	200655	State Data Systems - Federal Stimulus	\$	1,250,000	\$	0	64
3FD0	200665	Race to the Top	\$	136,000,000	\$	58,074,046	65
3FN0	200672	Early Learning Challenge - Race to the Top	\$	7,040,000	\$	7,040,000	66
3GE0	200674	Summer Food Service Program	\$	13,596,000	\$	14,003,800	67
3GF0	200675	Miscellaneous Nutrition Grants	\$	700,000	\$	700,000	68
3GG0	200676	Fresh Fruit and Vegetable Program	\$	4,738,000	\$	4,880,140	69
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	70
3L60	200617	Federal School Lunch	\$	350,608,075	\$	361,126,273	71
3L70	200618	Federal School	\$	108,480,590	\$	112,819,813	72

		Breakfast				
3L80	200619	Child/Adult Food Programs	\$	106,992,650	\$	110,202,428 73
3L90	200621	Career-Technical Education Basic Grant	\$	44,663,900	\$	44,663,900 74
3M00	200623	ESEA Title 1A	\$	560,000,000	\$	560,000,000 75
3M20	200680	Individuals with Disabilities Education Act	\$	443,170,050	\$	443,170,050 76
3T40	200613	Public Charter Schools	\$	500,000	\$	0 77
3Y20	200688	21st Century Community Learning Centers	\$	48,201,810	\$	50,611,900 78
3Y60	200635	Improving Teacher Quality	\$	101,900,000	\$	101,900,000 79
3Y70	200689	English Language Acquisition	\$	9,700,000	\$	9,700,000 80
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,300,000	\$	3,300,000 81
3Z20	200690	State Assessments	\$	11,800,000	\$	11,800,000 82
3Z30	200645	Consolidated Federal Grant Administration	\$	7,949,280	\$	7,949,280 83
TOTAL FED		Federal Special Revenue Fund Group		\$ 2,038,044,998	\$ 1,977,403,455	84 85
		State Special Revenue Fund Group				86
4540	200610	GED Testing	\$	1,050,000	\$	250,000 87
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000 88
4R70	200695	Indirect Operational Support	\$	6,600,000	\$	6,600,000 89
4V70	200633	Interagency Program Support	\$	717,725	\$	717,725 90
5980	200659	Auxiliary Services	\$	1,328,910	\$	1,328,910 91

		Reimbursement				
5BJ0	200626	Half-Mill Maintenance	\$	19,000,000	\$	20,000,000
		Equalization				92
5MM0	200677	Child Nutrition	\$	500,000	\$	500,000
		Refunds				93
5T30	200668	Gates Foundation	\$	200,000	\$	153,000
		Grants				94
5U20	200685	National Education	\$	300,000	\$	300,000
		Statistics				95
6200	200615	Educational	\$	300,000	\$	300,000
		Improvement Grants				96
TOTAL SSR		State Special Revenue				97
Fund Group			\$	53,996,635	\$	54,149,635
						98
		Lottery Profits Education Fund Group				99
7017	200612	Foundation Funding	\$	775,500,000	\$	857,700,000
7017	200629	Career Advising and	\$	0	\$	10,000,000
		Mentoring				101
7017	200648	Straight A Fund	\$	100,000,000	\$	150,000,000
7017	200666	EdChoice Expansion	\$	3,800,000	\$	17,000,000
7017	200684	Community School	\$	7,500,000	\$	7,500,000
		Facilities				104
TOTAL LPE		Lottery Profits				105
Education Fund Group			\$	886,800,000	\$	1,042,200,000
						106
		Revenue Distribution Fund Group				107
7047	200909	School District	\$	482,000,000	\$	482,000,000
		Property Tax				108
		Replacement-Business				
7053	200900	School District	\$	28,000,000	\$	28,000,000
		Property Tax				109
		Replacement-Utility				
TOTAL RDF		Revenue Distribution				110
Fund Group			\$	510,000,000	\$	510,000,000
						111

prior to fiscal year 2010. 143

Of the foregoing appropriation item 200550, Foundation 144
Funding, up to \$43,500,000 in fiscal year 2014 and up to 145
\$40,000,000 in fiscal year 2015 shall be reserved to fund the 146
state reimbursement of educational service centers under the 147
section of Am. Sub. H.B. 59 of the 130th General Assembly entitled 148
"EDUCATIONAL SERVICE CENTERS FUNDING"; and up to \$3,500,000 in 149
each fiscal year shall be distributed to educational service 150
centers for School Improvement Initiatives and, in consultation 151
with the Governor's Director of 21st Century Education, for the 152
provision of technical assistance as required by the Elementary 153
and Secondary Education Act Flexibility waivers approved for Ohio 154
by the United States Department of Education. Educational service 155
centers shall be required to support districts in the development 156
and implementation of their continuous improvement plans as 157
required in section 3302.04 of the Revised Code and to provide 158
technical assistance and support in accordance with Title I of the 159
"No Child Left Behind Act of 2001," 115 Stat. 1425, 20 U.S.C. 160
6317, as administered pursuant to the Elementary and Secondary 161
Education Act Flexibility waivers approved for Ohio by the United 162
States Department of Education. 163

Of the foregoing appropriation item 200550, Foundation 164
Funding, up to \$20,000,000 in each fiscal year shall be reserved 165
for payments under sections 3317.026, 3317.027, and 3317.028 of 166
the Revised Code. If this amount is not sufficient, the Department 167
of Education shall prorate the payment amounts so that the 168
aggregate amount allocated in this paragraph is not exceeded. 169

Of the foregoing appropriation item 200550, Foundation 170
Funding, up to \$2,000,000 in each fiscal year shall be used to pay 171
career-technical planning districts for the amounts reimbursed to 172
students, as prescribed in this paragraph. Each career-technical 173
planning district shall reimburse individuals taking the online 174

General Educational Development (GED) test for the first time for 175
application/test fees in excess of \$40. Each career-technical 176
planning district shall designate a site or sites where 177
individuals may register and take the exam. For each individual 178
that registers for the exam, the career-technical planning 179
district shall make available and offer career counseling 180
services, including information on adult education programs that 181
are available. Any remaining funds in each fiscal year shall be 182
reimbursed to the Department of Youth Services and the Department 183
of Rehabilitation and Correction for individuals in these 184
facilities who have taken the GED for the first time. The amounts 185
reimbursed shall not exceed the per-individual amounts reimbursed 186
to other individuals under this section for each section of the 187
GED. 188

Of the foregoing appropriation item 200550, Foundation 189
Funding, up to \$410,000 in each fiscal year shall be used to pay 190
career-technical planning districts \$500 for each student that 191
receives a journeyman certification, as recognized by the United 192
States Department of Labor. 193

Of the foregoing appropriation item 200550, Foundation 194
Funding, up to \$18,713,327 in fiscal year 2014 and up to 195
\$26,213,327 in fiscal year 2015 shall be used to support school 196
choice programs. 197

Of the portion of the funds distributed to the Cleveland 198
Municipal School District under this section, up to \$11,901,887 in 199
each fiscal year shall be used to operate the school choice 200
program in the Cleveland Municipal School District under sections 201
3313.974 to 3313.979 of the Revised Code. Notwithstanding 202
divisions (B) and (C) of section 3313.978 and division (C) of 203
section 3313.979 of the Revised Code, up to \$1,000,000 in each 204
fiscal year of this amount shall be used by the Cleveland 205
Municipal School District to provide tutorial assistance as 206

provided in division (H) of section 3313.974 of the Revised Code. 207
The Cleveland Municipal School District shall report the use of 208
these funds in the district's three-year continuous improvement 209
plan as described in section 3302.04 of the Revised Code in a 210
manner approved by the Department of Education. 211

Of the foregoing appropriation item 200550, Foundation 212
Funding, up to \$2,000,000 in fiscal year 2015 shall be used to pay 213
college-preparatory boarding schools the per pupil boarding amount 214
pursuant to section 3328.34 of the Revised Code. 215

Of the foregoing appropriation item 200550, Foundation 216
Funding, up to \$500,000 in each fiscal year shall be used to 217
support Jobs for Ohio's Graduates. 218

Of the foregoing appropriation item 200550, Foundation 219
Funding, up to \$250,000 in fiscal year 2015 may be used for 220
payment of the Post-Secondary Enrollment Options Program for 221
students instructed at home pursuant to section 3321.04 of the 222
Revised Code. 223

Of the foregoing appropriation item 200550, Foundation 224
Funding, up to \$5,000,000 in fiscal year 2014 shall be used to 225
reimburse school districts for the full amount deducted in that 226
year under section 3310.55 of the Revised Code for Jon Peterson 227
Scholarships awarded under sections 3310.51 to 3310.64 of the 228
Revised Code to students who did not attend a public school in 229
their resident district in the previous school year. If this 230
amount is not sufficient, the Department of Education shall 231
prorate the payment amounts so that the aggregate amount 232
appropriated in this paragraph is not exceeded. 233

Of the foregoing appropriation item 200550, Foundation 234
Funding, an amount shall be available in each fiscal year to be 235
paid to joint vocational school districts in accordance with 236
division (A) of section 3317.16 of the Revised Code and the 237

section of Am. Sub. H.B. 59 of the 130th General Assembly entitled 238
"TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 239
DISTRICTS." 240

Of the foregoing appropriation item 200550, Foundation 241
Funding, up to \$700,000 in each fiscal year shall be used by the 242
Department of Education for a program to pay for educational 243
services for youth who have been assigned by a juvenile court or 244
other authorized agency to any of the facilities described in 245
division (A) of the section of Am. Sub. H.B. 59 of the 130th 246
General Assembly entitled "PRIVATE TREATMENT FACILITY PROJECT." 247

Of the foregoing appropriation item 200550, Foundation 248
Funding, up to \$675,000 in fiscal year 2015 shall be used to 249
provide grants on a competitive basis to public and chartered 250
nonpublic schools for their participation in the electronic 251
textbook pilot project. These funds shall be administered as 252
provided under the section of Am. Sub. H.B. 59 of the 130th 253
General Assembly entitled ELECTRONIC TEXTBOOK PILOT PROJECT. 254

Of the foregoing appropriation item 200550, Foundation 255
Funding, up to \$500,000 in fiscal year 2014 and up to \$3,000,000 256
in fiscal year 2015 shall be used for the New Leaders for Ohio 257
Schools Pilot Project in accordance with Section 733.40 of Am. 258
Sub. H.B. 59 of the 130th General Assembly. 259

Of the foregoing appropriation item 200550, Foundation 260
Funding, up to \$8,000,000 in fiscal year 2015 shall be used to 261
support the implementation of a digital learning-based pre-K 262
through 5 program that teaches a language and literacy curriculum 263
for English Learner (EL) students to increase their ability to 264
meet grade level reading standards. The program shall provide 265
first language support for three out of the top five most 266
prevalent languages spoken in Ohio. 267

The remainder of appropriation item 200550, Foundation 268

Funding, shall be used to distribute the amounts calculated for 269
formula aid under section 3317.022 of the Revised Code and the 270
section of Am. Sub. H.B. 59 of the 130th General Assembly entitled 271
"TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE 272
SCHOOL DISTRICTS." 273

Appropriation items 200502, Pupil Transportation, 200540, 274
Special Education Enhancements, and 200550, Foundation Funding, 275
other than specific set-asides, are collectively used in each 276
fiscal year to pay state formula aid obligations for school 277
districts, community schools, STEM schools, college preparatory 278
boarding schools, and joint vocational school districts under Am. 279
Sub. H.B. 59 of the 130th General Assembly. The first priority of 280
these appropriation items, with the exception of specific 281
set-asides, is to fund state formula aid obligations. It may be 282
necessary to reallocate funds among these appropriation items or 283
use excess funds from other general revenue fund appropriation 284
items in the Department of Education's budget in each fiscal year, 285
in order to meet state formula aid obligations. If it is 286
determined that it is necessary to transfer funds among these 287
appropriation items or to transfer funds from other General 288
Revenue Fund appropriations in the Department of Education's 289
budget to meet state formula aid obligations, the Department of 290
Education shall seek approval from the Controlling Board to 291
transfer funds as needed. 292

The Superintendent of Public Instruction shall make payments, 293
transfers, and deductions, as authorized by Title XXXIII of the 294
Revised Code and Sections 267.30.50, 267.30.53, 267.30.56, and 295
267.30.60 of Am. Sub. H.B. 153 of the 129th General Assembly, in 296
amounts substantially equal to those made in the prior year, or 297
otherwise, at the discretion of the Superintendent, until at least 298
the effective date of the amendments and enactments made to Title 299
XXXIII by Am. Sub. H.B. 59 of the 130th General Assembly. If a new 300

school district, community school, or STEM school opens prior to 301
the effective date of Am. Sub. H.B. 59 of the 130th General 302
Assembly, the Department of Education shall pay to the district or 303
school an amount of \$5,000 per pupil, based upon the estimated 304
number of students that the district or school is expected to 305
serve. Any funds paid to districts or schools under this section 306
shall be credited toward the annual funds calculated for the 307
district or school after the changes made to Title XXXIII in Am. 308
Sub. H.B. 59 of the 130th General Assembly are effective. Upon the 309
effective date of changes made to Title XXXIII in Am. Sub. H.B. 59 310
of the 130th General Assembly, funds shall be calculated as an 311
annual amount. 312

Section 2. That existing Sections 263.10 and 263.230 of Am. 313
Sub. H.B. 59 of the 130th General Assembly, as amended by Am. Sub. 314
H.B. 483 of the 130th General Assembly, are hereby repealed. 315

Section 3. (A) In recognition of the need to provide all 316
English Learner (EL) students in grades kindergarten through five 317
with the instructional assistance necessary to meet the standards 318
established by the Third Grade Reading Guarantee by the end of 319
third grade and achieve grade level proficiency in reading by the 320
fifth grade, the K-5 Language and Literacy Program is hereby 321
created. The purpose of this program shall be to identify quality 322
technology-based literacy and language development software 323
programs designed specifically for K-5 EL students that can be 324
purchased by districts, schools, or education consortia with 325
Straight A funds for the purpose of improving English language 326
proficiency and reading skills in grades kindergarten through 327
five. 328

(B) The Department of Education shall issue a request for 329
proposals for technology-based English language fluency and 330
reading skills development software programs designed specifically 331

for students in grades kindergarten through five. All proposals 332
submitted to the Department under this section shall include a 333
complete breakdown of the levels and activities available under 334
each program. Each program shall also meet, at a minimum, all of 335
the following requirements: 336

(1) The program develops grade level appropriate oral and 337
written academic vocabulary that will allow the student to become 338
a proficient reader in academic content areas. 339

(2) The program incorporates listening and speaking 340
activities that assist in the development of the English language 341
fluency needed to become a proficient reader. 342

(3) The program directly teaches phonological awareness 343
skills and reading through instructional strategies that include 344
echo reading and the recording of decodable books. 345

(4) The program provides all of the following components for 346
all EL students for whom English is a second language: 347

(a) First language support within the software that utilizes 348
the student's first language as a bridge to English language 349
acquisition. This support shall cover, at a minimum, 90 per cent 350
of all students in grades kindergarten through five whose first 351
language is not English. 352

(b) Phonemic awareness instruction, which shall include both 353
new phonemes and phonemes that are shared by the student's native 354
language and the English language. 355

(5) The program is individualized, with progress through the 356
program based upon student performance in the program. Immediate 357
remediation and delayed remediation, acceleration, and 358
teacher-assigned lessons shall be available based upon on-going, 359
in-program assessments and interactive teacher reports. 360

(6) The program is based upon current scientific research and 361

is aligned with Ohio's academic content standards and the 362
guidelines of the federal No Child Left Behind Act. The program 363
shall also include modeling, guided practice, realia and 364
inter-textual comprehension in order to prepare EL students to 365
meet the standards established by the Third Grade Reading 366
Guarantee and achieve grade level reading proficiency. 367

(C) The Department shall review all proposals received under 368
this section and shall identify quality programs within these 369
proposals. The Department shall then prepare a list of recommended 370
software providers based upon these quality programs and 371
distribute it to all school districts, schools, or education 372
consortia to select from, at their discretion, and to pay for with 373
funds allocated under Section 263.230 of Am. Sub. H.B. 59 of the 374
130th General Assembly. 375

(D) Any software provider that provides its services under 376
this section shall annually provide data on the usage and results 377
of its program by grade level, school, and district, if 378
applicable, to both the purchasing district, school, or education 379
consortia, and the Department. The Department shall make each 380
annual report available, as it is received, to the General 381
Assembly in accordance with section 101.68 of the Revised Code. 382