

OHIO

House

of

Representatives

JOURNAL

TUESDAY, DECEMBER 19, 2006

TWO HUNDRED FORTY-SECOND DAY
Hall of the House of Representatives, Columbus, Ohio
Tuesday, December 19, 2006 at 11:00 o'clock a.m.

The House met pursuant to adjournment.

The journal of the previous legislative day was read and approved.

Representative Coley moved that the House advance to the fifth order of business, being reports of standing and select committees and bills for second consideration.

The motion was agreed to.

**REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS
FOR SECOND CONSIDERATION**

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **Am. Sub. S. B. No. 260**-Senator Austria, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: RAPE VICTIM LESS THAN 13 YEARS/BY FORCE - ENHANCE PENALTY

Representative Latta moved to amend the title as follows:

Add the names: "Representatives Latta, Evans, D., Hughes, Gilb, Yuko."

STEPHEN BUEHRER
DAVID R. EVANS
JEANINE PERRY
WILLIAM J. SEITZ
KENNY YUKO
DANNY R. BUBP
LANCE T. MASON

ROBERT E. LATTA
MIKE GILB
JIM HUGHES
WILLIAM J. HEALY
TYRONE K. YATES
TIMOTHY J. DEGEETER
JOSEPH W. UECKER

The following member voted "NO"

ANNIE L. KEY

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Carano submitted the following report:

The standing committee on Education to which was referred **Sub. S. B. No. 311**-Senator Gardner, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: OHIO CORE

Representative Setzer moved to amend the title as follows:

Add the name: "Representative Webster."

ARLENE J. SETZER
SHAWN N. WEBSTER
TOM RAGA
KEVIN DEWINE
JON M. PETERSON
STEVE REINHARD

JIM CARMICHAEL
LINDA S. REIDELBACH
JAMES M. HOOPS
MICHELLE G. SCHNEIDER
JOHN SCHLICHTER
LARRY L. FLOWERS

The following members voted "NO"

CLYDE EVANS
CATHERINE L. BARRETT
JENNIFER GARRISON
L. GEORGE DISTEL

BRIAN G. WILLIAMS
KATHLEEN CHANDLER
KENNETH A. CARANO
W. SCOTT OELSLAGER

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative DeGeeter submitted the following report:

The standing committee on Criminal Justice to which was referred **Sub. S. B. No. 219**-Senator Schuring, et al., having had the same under consideration, reports it back as a substitute bill and recommends its passage.

RE: "EXPLOSIVE DEVICE" - EXPAND DEFINITION OF

Representative Latta moved to amend the title as follows:

Add the names: "Representatives Latta, Evans, D., Hughes, Uecker."

ROBERT E. LATTA
JIM HUGHES
TIMOTHY J. DEGEETER
LANCE T. MASON
JOSEPH W. UECKER
STEPHEN BUEHRER

DAVID R. EVANS
WILLIAM J. SEITZ
TYRONE K. YATES
KENNY YUKO
DANNY R. BUBP
WILLIAM J. HEALY

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

Representative Healy reported for the Rules and Reference Committee recommending that the following House Bills and Senate Bill be considered for the second time and referred to the following committees for consideration:

H.B. No. 705 - Representative Fende, et al
TO REQUIRE MEMBERS OF THE GENERAL ASSEMBLY, THE

GOVERNOR, THE LIEUTENANT GOVERNOR, THE ATTORNEY GENERAL, THE SECRETARY OF STATE, THE TREASURER OF STATE, AND THE AUDITOR OF STATE TO OBTAIN ETHICS INSTRUCTION PROVIDED BY THE APPROPRIATE ETHICS COMMISSION, AND TO REQUIRE THE OFFICE OF THE LEGISLATIVE INSPECTOR GENERAL AND THE LEGISLATIVE SERVICE COMMISSION TO STUDY THE FEASIBILITY OF REQUIRING ALL STATE EMPLOYEES TO OBTAIN ETHICS INSTRUCTION.

To the committee on Elections and Ethics

H.B. No. 706 - Representative Peterson

REGARDING THE MEDICAID REIMBURSEMENT SYSTEM FOR NURSING FACILITIES.

To the committee on Finance and Appropriations

Sub. S.B. No. 281 - Senator Stivers, et al

TO MANDATE UP TO 24 HOURS A YEAR OF CONTINUING PROFESSIONAL TRAINING FOR PEACE OFFICERS AND STATE HIGHWAY PATROL TROOPERS, TO PROVIDE A MECHANISM FOR THE GRANTING FOR A CALENDAR YEAR BECAUSE OF EMERGENCY CIRCUMSTANCES OF AN EXTENSION OF THE TIME WITHIN WHICH A PEACE OFFICER OR TROOPER MUST COMPLETE THE REQUIRED MINIMUM NUMBER OF HOURS OF TRAINING, TO ESTABLISH THE METHOD BY WHICH THE ATTORNEY GENERAL REIMBURSES THE COSTS OF TRAINING PROGRAMS FOR PEACE OFFICERS AND TROOPERS OF PUBLIC APPOINTING AUTHORITIES, TO PROHIBIT IMPERSONATING BCII INVESTIGATORS, TO APPLY THE INCREASED PENALTIES FOR AGGRAVATED VEHICULAR HOMICIDE WHEN THE VICTIM IS A PEACE OFFICER TO WHEN THE VICTIM IS A BCII INVESTIGATOR, AND TO MAKE AN APPROPRIATION.

To the committee on State Government

JON A. HUSTED
CHARLES E. CALVERT
BILL COLEY
KEVIN DEWINE
JOHN SCHLICHTER
LARRY L. WOLPERT
WILLIAM J. HEALY
ROBERT J. OTTERMAN

CHARLES R. BLASDEL
JIM CARMICHAEL
ANTHONY CORE
LARRY L. FLOWERS
ARLENE J. SETZER
KENNETH A. CARANO
JOSEPH KOZIURA

Representative Coley moved that the House and Constitutional Rules requiring bills to be considered by each house on three different days be suspended as to the second consideration of House Bills and the Senate Bill contained in the report of the committee on Rules and Reference.

The motion was agreed to without objection.

The report was agreed to.

Said House Bills and Senate Bill were considered a second time and referred as recommended.

MOTIONS AND RESOLUTIONS

Representative Coley moved that the majority and minority party members asking leave to be absent or absent the week of Tuesday, December 19, 2006, be excused, so long as a written request is on file in the majority and minority leadership offices.

The motion was agreed to.

Representative Coley moved that the House revert to the third order of business, being consideration of Senate amendments.

The motion was agreed to.

On motion of Representative Coley, the House recessed.

The House met pursuant to recess.

Prayer was offered by Reverend Mark Daniels of the Friendship Lutheran Church in Amelia, Ohio, followed by the Pledge of Allegiance to the Flag.

The following guests of the House of Representatives were recognized by the Speaker:

The Dalton High School softball team received House Resolution 226, presented by Representative Carmichael-3rd district.

The Worthington Christian High School boys soccer team received House Resolution 290, presented by Representatives Hughes-22nd district and Reidelbach-21st district.

Judge Fred Pepple and Allison Pepple, guests of Representatives Willamowski-4th district, Gilb-76th district, and Seaver-78th district.

Glenn Van Valkenburgh, a guest of Representative Raussen-28th district.

Ilona Tessmer-Willis, Veronika Willis, and Michael Tessmer, guests of Representatives Hagan-50th district.

Madison Michelle Potantus and Autumn Elizabeth Rydarowicz, granddaughters of Representative Calvert-69th district.

Patricia Kimmel and Carrie Baker, mother-in-law and daughter of Representative Calvert-69th district.

CONSIDERATION OF SENATE AMENDMENTS

The Senate amendments to **Sub. H. B. No. 9**-Representative Oelslager, et al., were taken up for consideration.

Sub. H. B. No. 9-Representatives Oelslager, Flowers, Buehrer, White, Trakas, Aslanides, Beatty, Blessing, Book, Carano, Cassell, Chandler, Collier, DeBose, Domenick, Evans, C., Evans, D., Fende, Fessler, Garrison, Hagan, Hartnett, Harwood, Healy, Key, Law, Mason, McGregor, R., Otterman, Patton, T., Peterson, Redfern, Reidelbach, Sayre, Schneider, Seitz, Setzer, Skindell, Willamowski, Williams, Woodard, Yuko. -Senators Goodman, Schuring.

To amend sections 149.011, 149.31, 149.38, 149.39, 149.41, 149.42, 149.43, 321.46, 2923.129, 3319.321, and 4123.88 and to enact sections 109.43, 149.411, and 149.412 of the Revised Code and to amend Section 1 of Sub. H.B. 101 of the 126th General Assembly to revise the Public Records Law, to create a library records commission in each public library and a special taxing district records commission in each special taxing district, to allow county treasurers to use certain public records training to satisfy part of their continuing education requirement, to extend the Local Government Public Notice Task Force until May 1, 2008, and to revise the records commissions laws.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 53, nays 41, as follows:

Those who voted in the affirmative were: Representatives

Blasdel	Book	Brown	Buehrer
Calvert	Carmichael	Chandler	Coley
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Evans C.	Evans D.
Fessler	Flowers	Foley	Garrison
Gilb	Healy	Hughes	Koziura
Latta	Mason	McGregor R.	Mitchell
Oelslager	Otterman	Patton S.	Patton T.
Perry	Peterson	Raga	Sayre
Schlichter	Seaver	Skindell	Smith G.
Stewart D.	Stewart J.	Strahorn	Sykes
Trakas	Wagoner	White J.	Willamowski
Williams	Wolpert	Yates	Yuko
			Husted-53.

Those who voted in the negative were: Representatives

Aslanides	Barrett	Beatty	Bocchieri
Brinkman	Bubp	Carano	Cassell
Collier	Combs	Core	Daniels
Driehaus	Faber	Fende	Gibbs
Hagan	Hartnett	Hood	Hoops
Key	Law	Luckie	Martin
McGregor J.	Rausen	Redfern	Reidelbach
Reinhard	Schaffer	Schneider	Seitz
Setzer	Smith S.	Uecker	Ujvagi

Wagner

Webster

White D.

Widener

Widowfield-41.

The Senate amendments were concurred in.

The Senate amendments to **Sub. H. B. No. 141**-Representative Willamowski, et al., were taken up for consideration.

Sub. H. B. No. 141-Representatives Willamowski, Aslanides, Combs, McGregor, J., Seitz, Perry, Hartnett, Faber, Barrett, Taylor, Gilb, Hagan, Reidelbach, Schaffer, Bubp, Domenick, Evans, C., Flowers, Latta, Otterman, Schneider, Setzer, Smith, G.. -Senators Kearney, Zurz, Carey, Harris, Jacobson, Spada, Padgett.

To amend sections 149.43, 2921.24, 2921.25, and 4501.271 of the Revised Code to give parole officers, prosecuting attorneys in most cases, assistant prosecuting attorneys, and certain correctional and youth services employees the same options as peace officers with respect to confidentiality of certain personal information; to expand the materials excluded from the definition of "public record" to also include a photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority; and to eliminate the exclusion from the definition of "public record" that currently applies to a record that identifies a person's occupation as a peace officer, firefighter, or EMT and is not related to the Campaign Finance Law.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 94, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Boccieri	Book	Brinkman	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Foley	Garrison	Gibbs
Gilb	Hagan	Hartnett	Healy
Hood	Hoops	Hughes	Key
Koziura	Latta	Law	Luckie
Martin	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.

Strahorn	Sykes	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White D.	White J.	Widener	Widowfield
Williamowski	Williams	Wolpert	Yates
Yuko			Husted-94.

The Senate amendments were concurred in.

REPORTS OF CONFERENCE COMMITTEES

Representative Raga submitted the following report:

The Committee of Conference to which the matters of difference between the two houses were referred on Sub. H.B. 79, Representative Raga - et al., having had the same under consideration, recommends to the respective houses as follows:

The bill as passed by the Senate with the following amendments:

In line 34, after "3302.021," insert "3312.02,"

Between lines 561 and 562, insert:

"Sec. 3312.02. (A) There shall be the following sixteen regions in the educational regional service system:

(1) Region one shall consist of the territory contained in Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, Putnam, Sandusky, Seneca, Van Wert, Williams, and Wood counties.

(2) Region two shall consist of the territory contained in Erie, Huron, and Lorain counties.

(3) Region three shall consist of the territory contained in Cuyahoga county.

(4) Region four shall consist of the territory contained in Geauga and Lake counties.

(5) Region five shall consist of the territory contained in Ashtabula, Mahoning, and Trumbull counties.

(6) Region six shall consist of the territory contained in Allen, Auglaize, Champaign, Hardin, Logan, Mercer, and Shelby counties.

(7) Region seven shall consist of the territory contained in Ashland, Crawford, Knox, Marion, Morrow, Richland, and Wyandot counties.

(8) Region eight shall consist of the territory contained in Medina, Portage, and Summit counties.

(9) Region nine shall consist of the territory contained in Columbiana, Stark, and Wayne counties.

(10) Region ten shall consist of the territory contained in Clark, Darke, Greene, Miami, Montgomery, and Preble counties.

(11) Region eleven shall consist of the territory contained in Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union counties.

(12) Region twelve shall consist of the territory contained in Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes, Jefferson, Muskingum, Noble, and Tuscarawas counties.

(13) Region thirteen shall consist of the territory contained in Butler, Clermont, Hamilton, and Warren counties.

(14) Region fourteen shall consist of the territory contained in Adams, Brown, Clinton, Fayette, and Highland counties.

(15) Region fifteen shall consist of the territory contained in Lawrence, Pike, Ross, and Scioto counties.

(16) Region sixteen shall consist of the territory contained in Athens, Gallia, Hocking, Jackson, Meigs, Monroe, Morgan, Perry, Vinton, and Washington counties.

~~(B) If an educational service center has territory in more than one region as designated under this section, the service center and each local school district located in the service center's territory shall be considered to be part of the region in which the majority of the service center's territory is located and shall not be considered to be part of any other region. If a city or exempted village school district has territory in more than one region as designated under this section, the district shall be considered to be part of the region in which the majority of the district's territory is located and shall not be considered to be part of any other region.~~

~~(C) Not later than July 1, 2007, the state board of education shall adopt rules establishing a process whereby a school district may elect to transfer to a region other than the region to which the district is assigned by this section. The state board shall consult with school districts and regional service providers in developing the process. No school district shall be permitted to transfer to a different region under this division after June 30, 2009."~~

In line 2412, after "3302.021," insert "3312.02,"

In line 1 of the title, after "3302.021," insert "3312.02,"

In line 32 of the title, after the comma insert "to revise regional designations for educational service centers or school districts located in multiple regions,"

In line 34, after "3302.021," insert "3312.03,"

Between lines 561 and 562, insert:

"**Sec. 3312.03.** (A) Each region of the educational regional service system shall have an advisory council. Except as provided in division (F) of this section, each advisory council shall consist of the following members and the members appointed under division (B) of this section:

- (1) The superintendent of each educational service center that has territory in the region;
- (2) The director of the special education regional resource center in the region;
- (3) The superintendent of the school district in the region with the smallest student population;
- (4) The superintendent of the school district in the region with the largest student population;
- (5) The director, or the director's designee, of each data acquisition site ~~located~~ providing services in the region;
- (6) One representative of a four-year institution of higher education located in the region, or in an adjacent region if there is no such institution, appointed by the Ohio board of regents;
- (7) One representative of a two-year institution of higher education located in the region, or in an adjacent region if there is no such institution, appointed by the Ohio association of community colleges;
- (8) The treasurer of the fiscal agent for the region.

(B) The members of the advisory council listed in division (A) of this section, upon a majority vote, shall appoint the following members to serve on the council:

- (1) One member of the board of education of a city school district in the region;
- (2) One member of the board of education of an exempted village school district in the region;
- (3) One member of the board of education of a local school district in the region;
- (4) One member of the governing board of an educational service center in the region;
- (5) One superintendent of a city, exempted village, or local school district in the region;
- (6) One superintendent of a joint vocational school district in the region;
- (7) One representative of business;

(8) One employee of each education technology center that provides services in the region;

(9) One classroom teacher.

(C) Each advisory council annually shall elect a chairperson and vice-chairperson from among its members.

(D) For two years after its initial meeting, each advisory council shall hold regular meetings at least four times each year to conduct council business and may hold other meetings at the call of the chairperson. Subsequently, all meetings shall be called by the chairperson.

(E) Advisory council members shall receive no compensation for their services.

(F) Any advisory council may increase its membership beyond the members required by divisions (A) and (B) of this section by adopting a resolution specifying the number of additional members, their manner of appointment, and any eligibility criteria for appointment."

In line 2412, after "3302.021," insert "3312.03,"

In line 1 of the title, after "3302.021," insert "3312.03,"

In line 32 of the title, after the comma insert "to revise the Educational Regional Service System advisory councils membership,"

In line 34, after "sections" insert "3301.075, "; after "3302.021," insert "3312.01, 3312.03, 3312.04, 3312.05, 3312.08, 3312.10,"

Between lines 38 and 39, insert:

"Sec. 3301.075. The state board of education shall adopt rules governing the purchasing and leasing of data processing services and equipment for all local, exempted village, city, and joint vocational school districts and all educational service centers. Such rules shall include provisions for the establishment of an Ohio education computer network under procedures, guidelines, and specifications of the department of education.

The department shall administer funds appropriated for the Ohio education computer network to ensure its efficient and economical operation and shall approve no more than twenty-seven ~~data acquisition sites~~ information technology centers to operate concurrently. Such ~~sites~~ centers shall be approved for funding in accordance with rules of the state board adopted under this section that shall provide for the superintendent of public instruction to require the membership of each ~~data acquisition site~~ information technology center to be composed of combinations of school districts and educational service centers having sufficient students to support an efficient, economical comprehensive program of computer services to member districts and educational service centers. However, no such rule shall prohibit a school district or educational service center from receiving computer services from any ~~data acquisition~~

information technology center established under this section or from any other public or private vendor. Each ~~data acquisition site~~information technology center shall be organized in accordance with section 3313.92 or Chapter 167. of the Revised Code.

The department of education may contract with an independent for profit or nonprofit entity to provide current and historical information on Ohio government through the Ohio education computer network to school district libraries operating in accordance with section 3375.14 of the Revised Code in order to assist school teachers in social studies course instruction and support student research projects. Any such contract shall be awarded in accordance with Chapter 125. of the Revised Code."

In line 260, strike through "data acquisition site" and insert "information technology center"

In line 262, strike through "acquisition site" and insert "technology center"

In line 278, strike through "data acquisition sites" and insert "information technology centers"

In line 388, strike through "data acquisition site" and insert "information technology center"

Between lines 561 and 562, insert:

"Sec. 3312.01. (A) The educational regional service system is hereby established. The system shall support state and regional education initiatives and efforts to improve school effectiveness and student achievement. Services, including special education and related services, shall be provided under the system to school districts, community schools established under Chapter 3314. of the Revised Code, and chartered nonpublic schools.

It is the intent of the general assembly that the educational regional service system reduce the unnecessary duplication of programs and services and provide for a more streamlined and efficient delivery of educational services without reducing the availability of the services needed by school districts and schools.

(B) The educational regional service system shall consist of the following:

(1) The state regional alliance advisory board established under section 3312.11 of the Revised Code;

(2) The advisory councils and subcommittees established under sections 3312.03 and 3312.05 of the Revised Code;

(3) A fiscal agent for each of the regions as configured under section 3312.02 of the Revised Code;

(4) Educational service centers, ~~data acquisition sites~~information

technology centers established under section 3301.075 of the Revised Code, and other regional education service providers.

(C) Educational service centers shall provide the services that they are specifically required to provide by the Revised Code and may enter into agreements pursuant to section 3313.843, 3313.844, or 3313.845 of the Revised Code for the provision of other services, which may include any of the following:

- (1) Assistance in improving student performance;
- (2) Services to enable a school district or school to operate more efficiently or economically;
- (3) Professional development for teachers or administrators;
- (4) Assistance in the recruitment and retention of teachers and administrators;
- (5) Any other educational, administrative, or operational services.

In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the service centers by the general assembly or the department of education.

Any educational service center selected to be a fiscal agent for its region pursuant to section 3312.07 of the Revised Code shall continue to operate as an educational service center for the part of the region that comprises its territory.

(D) ~~Data acquisition sites~~ Information technology centers may enter into agreements for the provision of services pursuant to section 3312.10 of the Revised Code.

(E) No school district, community school, or chartered nonpublic school shall be required to purchase services from an educational service center or ~~data acquisition site~~ information technology center in the region in which the district or school is located, except that a local school district shall receive any services required by the Revised Code to be provided by an educational service center to the local school districts in its territory from the educational service center in whose territory the district is located.

Sec. 3312.03. (A) Each region of the educational regional service system shall have an advisory council. Except as provided in division (F) of this section, each advisory council shall consist of the following members and the members appointed under division (B) of this section:

- (1) The superintendent of each educational service center that has territory in the region;
- (2) The director of the special education regional resource center in the region;

- (3) The superintendent of the school district in the region with the smallest student population;
 - (4) The superintendent of the school district in the region with the largest student population;
 - (5) The director of each ~~data-acquisition site~~ information technology center located in the region;
 - (6) One representative of a four-year institution of higher education located in the region, or in an adjacent region if there is no such institution, appointed by the Ohio board of regents;
 - (7) One representative of a two-year institution of higher education located in the region, or in an adjacent region if there is no such institution, appointed by the Ohio association of community colleges;
 - (8) The treasurer of the fiscal agent for the region.
- (B) The members of the advisory council listed in division (A) of this section, upon a majority vote, shall appoint the following members to serve on the council:
- (1) One member of the board of education of a city school district in the region;
 - (2) One member of the board of education of an exempted village school district in the region;
 - (3) One member of the board of education of a local school district in the region;
 - (4) One member of the governing board of an educational service center in the region;
 - (5) One superintendent of a city, exempted village, or local school district in the region;
 - (6) One superintendent of a joint vocational school district in the region;
 - (7) One representative of business;
 - (8) One employee of each education technology center that provides services in the region;
 - (9) One classroom teacher.
- (C) Each advisory council annually shall elect a chairperson and vice-chairperson from among its members.
- (D) For two years after its initial meeting, each advisory council shall hold regular meetings at least four times each year to conduct council business and may hold other meetings at the call of the chairperson. Subsequently, all meetings shall be called by the chairperson.

(E) Advisory council members shall receive no compensation for their services.

(F) Any advisory council may increase its membership beyond the members required by divisions (A) and (B) of this section by adopting a resolution specifying the number of additional members, their manner of appointment, and any eligibility criteria for appointment.

Sec. 3312.04. The advisory council of each region of the educational regional service system shall do all of the following:

(A) Identify regional needs and priorities for educational services;

(B) Develop policies to coordinate the delivery of services to school districts, community schools, and chartered nonpublic schools in a manner that responds to regional needs and priorities. Such policies shall not supersede any requirement of a performance contract entered into by the fiscal agent of the region under section 3312.08 of the Revised Code.

(C) Make recommendations to the fiscal agent for the region regarding the expenditure of funds available to the region for implementation of state and regional education initiatives and school improvement efforts;

(D) Monitor implementation of state and regional education initiatives and school improvement efforts by educational service centers, ~~data acquisition sites~~information technology centers, and other regional service providers to ensure that the terms of the performance contracts entered into by the fiscal agent for the region under section 3312.08 of the Revised Code are being met;

(E) Establish an accountability system to evaluate the advisory council on its performance of the duties described in divisions (A) to (D) of this section.

Sec. 3312.05. (A) The advisory council of each region of the educational regional service system shall establish the following specialized subcommittees of the council:

(1) A school improvement subcommittee, which shall include one classroom teacher appointed jointly by the Ohio education association and the Ohio federation of teachers and representatives of community schools and education personnel with expertise in the area of school improvement;

(2) An education technology subcommittee, which shall include classroom teachers or curriculum coordinators, parents, elementary and secondary school principals, representatives of chartered nonpublic schools, representatives of ~~data acquisition sites~~information technology centers, representatives of business, and representatives of two-year and four-year institutions of higher education;

(3) A professional development subcommittee, which shall include classroom teachers, principals, school district superintendents, curriculum coordinators, representatives of chartered nonpublic schools, and representatives of two-year and four-year institutions of higher education;

(4) A special education subcommittee, which shall consist of one classroom teacher appointed jointly by the Ohio education association and the Ohio federation of teachers and the members of the governing board of the special education regional resource center in the region;

(5) ~~A data acquisition site~~ An information technology center subcommittee, which shall consist of one classroom teacher appointed jointly by the Ohio education association and the Ohio federation of teachers and the members of the governing authority of each ~~data acquisition site~~ information technology center located in the region.

(B) The advisory council shall appoint persons who reside or practice their occupations in the region to serve on the subcommittees established under divisions (A)(1) to (3) of this section. If the advisory council is unable to appoint such a person to a subcommittee, the council shall appoint a similarly situated person from an adjacent region.

(C) An advisory council may establish additional subcommittees as needed to address topics of interest to the council. Members of any additional subcommittee shall be appointed by the advisory council and shall include a diverse range of classroom teachers and other education personnel with expertise in the topic addressed by the subcommittee and representatives of individuals or groups with an interest in the topic.

(D) Any member of an advisory council may participate in the deliberations of any subcommittee established by the council.

Sec. 3312.08. Each fiscal agent selected by the department of education pursuant to section 3312.07 of the Revised Code shall do all of the following:

(A) Enter into performance contracts with the department in accordance with section 3312.09 of the Revised Code for the implementation of state and regional education initiatives and school improvement efforts;

(B) Receive federal and state funds, including federal funds for the provision of special education and related services, as specified in the performance contracts, and disburse those funds as specified in the performance contracts to educational service centers, ~~data acquisition sites~~ information technology centers, and other regional service providers. However, any funds owed to an educational service center under section 3317.11 of the Revised Code shall be paid directly to the service center by the department in accordance with that section and any operating funds appropriated for a ~~data acquisition site~~ an information technology center shall be paid directly to the ~~data acquisition site~~ information technology center by the department pursuant to section 3301.075 of the Revised Code.

(C) Implement any expenditure of funds recommended by the advisory council for the region pursuant to section 3312.04 of the Revised Code or required by the terms of any performance contract, unless there are insufficient funds available to the region to pay for the expenditure or the expenditure

violates a provision of the Revised Code, a rule of the state board of education regarding such expenditure, or the terms of a performance contract;

(D) Exercise fiscal oversight of the implementation of state and regional education initiatives and school improvement efforts.

Sec. 3312.10. The board of education of a city, exempted village, or local school district or the governing authority of a community school may enter into an agreement, through the adoption of identical resolutions, with the governing authority of a ~~data acquisition site~~ information technology center, under which the ~~data acquisition site~~ information technology center will provide services to the school district or community school. Services provided under the agreement and the amount to be paid for such services shall be mutually agreed to by the parties to the agreement, and shall be specified in the agreement. Payment for services specified in the agreement shall be the sole responsibility of the board of education or community school governing authority and shall be made directly to the ~~data acquisition site~~ information technology center providing the services."

In line 2412, after "sections" insert "3301.075,"; after "3302.021," insert "3312.01, 3312.03, 3312.04, 3312.05, 3312.08, 3312.10,"

In line 1 of the title, after "sections" insert "3301.075,"; after "3302.021," insert "3312.01, 3312.03, 3312.04, 3312.05, 3312.08, 3312.10,"

In line 32 of the title, after the comma insert "to rename data acquisition sites as information technology centers,"

In line 34, after "3302.021," insert "3312.05,"

Between lines 561 and 562, insert:

"Sec. 3312.05. (A) The advisory council of each region of the educational regional service system shall establish the following specialized subcommittees of the council:

(1) A school improvement subcommittee, which shall include one classroom teacher appointed jointly by the Ohio education association and the Ohio federation of teachers and representatives of community schools and education personnel with expertise in the area of school improvement;

(2) An education technology subcommittee, which shall include classroom teachers or curriculum coordinators, parents, elementary and secondary school principals, representatives of chartered nonpublic schools, representatives of data acquisition sites, representatives of business, and representatives of two-year and four-year institutions of higher education;

(3) A professional development subcommittee, which shall include classroom teachers, principals, school district superintendents, curriculum coordinators, representatives of chartered nonpublic schools, and representatives of two-year and four-year institutions of higher education;

(4) A special education subcommittee, which shall consist of one

classroom teacher appointed jointly by the Ohio education association and the Ohio federation of teachers and the members of the governing board of the special education regional resource center in the region;

(5) A data acquisition site subcommittee, which shall consist of one classroom teacher appointed jointly by the Ohio education association and the Ohio federation of teachers ~~and the members of the governing authority of each data acquisition site located in the region; the site administrator, or the administrator's designee, of each data acquisition site providing services in the region; and two school district administrators appointed by each data acquisition site providing services in the region.~~

(B) The advisory council shall appoint persons who reside or practice their occupations in the region to serve on the subcommittees established under divisions (A)(1) to (3) of this section. If the advisory council is unable to appoint such a person to a subcommittee, the council shall appoint a similarly situated person from an adjacent region.

(C) An advisory council may establish additional subcommittees as needed to address topics of interest to the council. Members of any additional subcommittee shall be appointed by the advisory council and shall include a diverse range of classroom teachers and other education personnel with expertise in the topic addressed by the subcommittee and representatives of individuals or groups with an interest in the topic.

(D) Any member of an advisory council may participate in the deliberations of any subcommittee established by the council."

In line 2412, after "3302.021," insert "3312.05,"

In line 1 of the title, after "3302.021," insert "3312.05,"

In line 32 of the title, after the comma insert "to revise the Educational Regional Service System Data Acquisition Site Subcommittee membership,"

In line 34, after "3302.021," insert "3312.09,"

Between lines 561 and 562, insert:

"**Sec. 3312.09.** (A) Each performance contract entered into by the department of education and the fiscal agent of a region for implementation of a state or regional education initiative or school improvement effort shall include the following:

(1) An explanation of how the regional needs and priorities for educational services have been identified by the advisory council of the region, the advisory council's subcommittees, and the department;

(2) A definition of the services to be provided to school districts, community schools, and chartered nonpublic schools in the region, including any services provided pursuant to division (A) of section 3302.04 of the Revised Code;

~~(2)~~(3) Expected outcomes from the provision of the services defined in the contract;

~~(3)~~(4) The method the department will use to evaluate whether the expected outcomes have been achieved;

~~(4)~~(5) A requirement that the fiscal agent develop and implement a corrective action plan if the results of the evaluation are unsatisfactory;

~~(5)~~(6) Data reporting requirements;

~~(6)~~(7) The aggregate fees to be charged by the fiscal agent and any entity with which it subcontracts to cover personnel and program costs associated with administering the contract, which fees shall be subject to controlling board approval if in excess of four per cent of the value of the contract;

~~(7)~~(8) A requirement that a member of the advisory council in the region be a member of the state regional alliance advisory board established under section 3312.11 of the Revised Code.

(B) Upon completion of each evaluation described in a performance contract, the department shall post the results of that evaluation on its web site."

In line 2412, after "3302.021," insert "3312.09,"

In line 1 of the title, after "3302.021," insert "3312.09,"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to require additional content in fiscal agent performance contracts under the Educational Regional Service System"

In line 34, after "3302.021," insert "3312.04,"

Between lines 561 and 562, insert:

"**Sec. 3312.04.** The advisory council of each region of the educational regional service system shall do all of the following:

(A) Identify regional needs and priorities for educational services to inform the department of education in the development of the performance contracts entered into by the fiscal agent of the region under section 3312.08 of the Revised Code;

(B) Develop policies to coordinate the delivery of services to school districts, community schools, and chartered nonpublic schools in a manner that responds to regional needs and priorities. Such policies shall not supersede any requirement of a performance contract entered into by the fiscal agent of the region under section 3312.08 of the Revised Code.

(C) Make recommendations to the fiscal agent for the region regarding the expenditure of funds available to the region for implementation of state and regional education initiatives and school improvement efforts;

(D) Monitor implementation of state and regional education initiatives and school improvement efforts by educational service centers, data acquisition sites, and other regional service providers to ensure that the terms of the performance contracts entered into by the fiscal agent for the region under section 3312.08 of the Revised Code are being met;

(E) Establish an accountability system to evaluate the advisory council on its performance of the duties described in divisions (A) to (D) of this section."

In line 2412, after "3302.021," insert "3312.04,"

In line 1 of the title, after "3302.021," insert "3312.04,"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to clarify the duties of regional advisory councils under the Educational Regional Service System"

In line 34, after "3302.021," insert "3312.13,"

Between lines 561 and 562, insert:

"Sec. 3312.13. The department of education shall consider the ~~unique needs and circumstances~~ following when entering into performance contracts with the fiscal agent of each region of the educational regional service system and when allocating funds for the implementation of statewide education initiatives by regional service providers;

(A) The unique needs and circumstances of the region;

(B) The regional needs and priorities for educational services identified by the advisory council for the region;

(C) Any services that will be provided to school districts and schools within the region pursuant to division (A) of section 3302.04 of the Revised Code."

In line 2412, after "3302.021," insert "3312.13,"

In line 1 of the title, after "3302.021," insert "3312.13,"

In line 35, after "3323.20," insert "3701.93,"

Between lines 2153 and 2154, insert:

"Sec. 3701.93. As used in sections 3701.931 to 3701.936 of the Revised Code:

(A) "Board of health" has the same meaning as in section 3717.01 of the Revised Code.

(B) "Nonpublic school" means a chartered nonpublic school that meets the minimum education standards prescribed by the state board of education under section 3301.07 of the Revised Code. "Nonpublic school" includes facilities used for child care programs for preschool children operated by the

school.

(C) "Public school" means either of the following:

(1) A school operated by a school district, educational service center, or board of mental retardation and developmental disabilities, including facilities used for child care programs for preschool children operated by the district, center, or board;

(2) A community school established under Chapter 3314. of the Revised Code, including a facility operated by an internet- or computer-based community school, as defined in section 3314.02 of the Revised Code, that is used as a classroom or laboratory for one or more students. "Public school" does not mean the residence of a student enrolled in an internet- or computer-based community school.

(D) "School" does not mean any of the following:

(1) A child care program for preschool children that is licensed by the department of job and family services pursuant to Chapter 5104. of the Revised Code;

(2) A child care program for preschool children that is not operated by a public or nonpublic school;

(3) A chartered kindergarten that is associated with a freestanding preschool and that is not operated by a school district, educational service center, or county board of mental retardation and developmental disabilities."

In line 2414, after "3323.20," insert "3701.93,"

In line 3 of the title, after "3323.20," insert "3701.93,"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to clarify which schools are subject to inspection under the School Health and Safety Network"

In line 34, after "3302.021," insert "3313.472,"

Between lines 561 and 562, insert:

"Sec. 3313.472. (A) The board of education of each city, exempted village, local, and joint vocational school district shall adopt a policy on parental involvement in the schools of the district. The policy shall be designed to build consistent and effective communication between the parents and foster caregivers of students enrolled in the district and the teachers and administrators assigned to the schools their children or foster children attend. The policy shall provide the opportunity for parents and foster caregivers to be actively involved in their children's or foster children's education and to be informed of the following:

~~(A)~~(1) The importance of the involvement of parents and foster caregivers in directly affecting the success of their children's or foster children's

educational efforts;

~~(B)~~(2) How and when to assist their children or foster children in and support their children's or foster children's classroom learning activities;

~~(C)~~(3) Techniques, strategies, and skills to use at home to improve their children's or foster children's academic success and to support their children's or foster children's academic efforts at school and their children's or foster children's development as future responsible adult members of society.

(B) The state board of education shall adopt recommendations for the development of parental involvement policies under this section. Prior to adopting the recommendations, the state board shall consult with the national center for parents at the university of Toledo."

In line 624, after "3301.0715," insert "3313.472,"

In line 2412, after "3302.021," insert "3313.472,"

In line 1 of the title, after "3302.021," insert "3313.472,"

In line 32 of the title, delete "and"

In line 33, after "codes" insert ", and to require the State Board of Education to adopt recommendations for the development of school parental involvement polices"

In line 34, after "3302.021," insert "3310.03,"

Between lines 522 and 523, insert:

"Sec. 3310.03. (A) A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student satisfies both of the following conditions:

(1) The student either:

(a) Is enrolled in a school building that is operated by the student's resident district and that the department of education declared, in the most recent rating of school buildings published prior to the first day of July of the school year for which a scholarship is sought and in the two preceding school years, to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code;

(b) Is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1)(a) of this section;

(c) Is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1)(a) of this section;

(d) Is eligible to enroll in kindergarten in the school year for which a scholarship is sought, or is enrolled in a community school established under

Chapter 3314. of the Revised Code, and the student's resident district both:

(i) Has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building;

(ii) In the most recent rating of school districts published prior to the first day of July of the school year for which a scholarship is sought and in the preceding two school years, was declared to be in a state of academic emergency under section 3302.03 of the Revised Code.

(2) The student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code.

(B) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:

(1) The student's resident district remains the same;

(2) The student takes each state test prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school;

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences ~~due to illness or injury confirmed in writing by a physician.~~

(C) The superintendent shall cease awarding first-time scholarships with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to be in a state of academic emergency or academic watch. However, students who have received scholarships in the prior school year remain eligible students pursuant to division (B) of this section.

(D) The state board of education shall adopt rules defining excused absences for purposes of division (B)(3) of this section."

In line 2412, after "3302.021," insert "3310.03,"

In line 1 of the title, after "3302.021," insert "3310.03,"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to revise terms for renewing Educational Choice Scholarships"

In line 34, after "3302.021," insert "3314.02,"

Between lines 561 and 562, insert:

"Sec. 3314.02. (A) As used in this chapter:

(1) "Sponsor" means an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section.

(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.

(3) "Challenged school district" means any of the following:

(a) A school district that is part of the pilot project area;

(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code;

(c) A big eight school district.

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities.

(B) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, or exempted village school district in which the public school is proposed to be converted. Upon receipt of a proposal, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public

school, indicating the intention of the board of education to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board of education. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board of education shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

(C)(1) Any person or group of individuals may propose under this division the establishment of a new start-up school to be located in a challenged school district. The proposal may be made to any of the following entities:

(a) The board of education of the district in which the school is proposed to be located;

(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located;

(c) The board of education of any other city, local, or exempted village school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory;

(d) The governing board of any educational service center;

(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department of education under division (B)(2) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;

(f) Any qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code as long as all of the following conditions are satisfied:

(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.

(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility.

(iii) The department of education has determined that the entity is an education-oriented entity under division (B)(3) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.

(iv) The entity is not a community school.

Any entity described in division (C)(1) of this section may enter into a preliminary agreement pursuant to division (C)(2) of this section with the proposing person or group.

(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the entity shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code.

(3) A new start-up school that is established in a school district while that district is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code may continue in existence once the school district is no longer in a state of academic emergency or academic watch, provided there is a valid contract between the school and a sponsor.

(4) A copy of every preliminary agreement entered into under this division shall be filed with the superintendent of public instruction.

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013 and 3314.014 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E)(1) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, siblings, and in-laws.

Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals who are not owners or employees, or immediate relatives of owners or employees, of any for-profit firm that operates or manages a school for the governing authority.

No person shall serve on the governing authority or operate the community school under contract with the governing authority so long as the person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(2) No person shall serve on the governing authorities of more than two

start-up community schools at the same time.

(F) Nothing in this chapter shall be construed to permit the establishment of a community school in more than one school district under the same contract.

(G)(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date.

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district."

In line 2412, after "3302.021," insert "3314.02,"

In line 1 of the title, after "3302.021," insert "3314.02,"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to prohibit persons from serving on more than two start-up community school governing authorities"

In line 36, after "3310.12," insert "3314.025,"

Between lines 561 and 562, insert:

"Sec. 3314.025. The governing authority of a start-up community school may provide by resolution for the compensation of each of its members in an amount up to one hundred twenty-five dollars for each meeting of the governing authority that the member attends. However, no individual shall be compensated more than one hundred twenty-five dollars in any month by each governing authority of which the individual is a member.

Except in the case of a community school that has contracted with an operator, as defined in section 3314.014 of the Revised Code, the compensation for governing authority members shall be paid by the school's fiscal officer from the operating funds held in the treasury of the school. In the case of a community school that has contracted with an operator, the compensation for governing authority members shall be paid by the operator from funds paid to the operator by the school.

If an individual is a member of the governing authority of more than one start-up community school and those governing authorities convene their meetings at the same place on the same day, that individual shall receive as

compensation for all of those meetings combined not more than the highest amount per-member per-meeting specified by the governing authorities of those schools. The amount paid to that individual for that day shall be divided evenly among the start-up community schools for which that individual is a governing authority member, and for which the governing authorities have specified compensation for their members in accordance with this section."

In line 4 of the title, after "3301.12," insert "3314.025,"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to specify that members of the governing authority of a start-up community school may be compensated for attending meetings of the governing authority"

In line 34, after "3302.021," insert "3313.41,"

In line 36, after "3310.12," insert "3314.051,"

Between lines 561 and 562, insert:

"Sec. 3313.41. (A) Except as provided in divisions (C), (D), (F), and (G) of this section, when a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it shall sell the property at public auction, after giving at least thirty days' notice of the auction by publication in a newspaper of general circulation or by posting notices in five of the most public places in the school district in which the property, if it is real property, is situated, or, if it is personal property, in the school district of the board of education that owns the property. The board may offer real property for sale as an entire tract or in parcels.

(B) When the board of education has offered real or personal property for sale at public auction at least once pursuant to division (A) of this section, and the property has not been sold, the board may sell it at a private sale. Regardless of how it was offered at public auction, at a private sale, the board shall, as it considers best, sell real property as an entire tract or in parcels, and personal property in a single lot or in several lots.

(C) If a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it may sell the property to the adjutant general; to any subdivision or taxing authority as respectively defined in divisions (A) and (C) of section 5705.01 of the Revised Code, township park district, board of park commissioners established under Chapter 755. of the Revised Code, or park district established under Chapter 1545. of the Revised Code; to a wholly or partially tax-supported university, university branch, or college; or to the board of trustees of a school district library, upon such terms as are agreed upon. The sale of real or personal property to the board of trustees of a school district library is limited, in the case of real property, to a school district library within whose boundaries the real property is situated, or, in the case of personal property, to a school district library whose boundaries lie in whole or in part

within the school district of the selling board of education.

(D) When a board of education decides to trade as a part or an entire consideration, an item of personal property on the purchase price of an item of similar personal property, it may trade the same upon such terms as are agreed upon by the parties to the trade.

(E) The president and the treasurer of the board of education shall execute and deliver deeds or other necessary instruments of conveyance to complete any sale or trade under this section.

(F) When a board of education has identified a parcel of real property that it determines is needed for school purposes, the board may, upon a majority vote of the members of the board, acquire that property by exchanging real property that the board owns in its corporate capacity for the identified real property or by using real property that the board owns in its corporate capacity as part or an entire consideration for the purchase price of the identified real property. Any exchange or acquisition made pursuant to this division shall be made by a conveyance executed by the president and the treasurer of the board.

(G)(1) When a school district board of education decides to dispose of real property suitable for use as classroom space, prior to disposing of that property under divisions (A) to (F) of this section, it shall first offer that property for sale to the governing authorities of the start-up community schools established under Chapter 3314. of the Revised Code located within the territory of the school district, at a price that is not higher than the appraised fair market value of that property. If more than one community school governing authority accepts the offer made by the school district board, the board shall sell the property to the governing authority that accepted the offer first in time. If no community school governing authority accepts the offer within sixty days after the offer is made by the school district board, the board may dispose of the property in the applicable manner prescribed under divisions (A) to (F) of this section.

(2) When a school district board of education has not used real property suitable for classroom space for academic instruction, administration, storage, or any other educational purpose for one full school year and has not adopted a resolution outlining a plan for using that property for any of those purposes within the next three school years, it shall offer that property for sale to the governing authorities of the start-up community schools established under Chapter 3314. of the Revised Code located within the territory of the school district, at a price that is not higher than the appraised fair market value of that property. If more than one community school governing authority accepts the offer made by the school district board, the board shall sell the property to the governing authority that accepted the offer first in time.

(H) When a school district board of education has property that the board, by resolution, finds is not needed for school district use, is obsolete, or is unfit for the use for which it was acquired, the board may donate that property in

accordance with this division if the fair market value of the property is, in the opinion of the board, two thousand five hundred dollars or less.

The property may be donated to an eligible nonprofit organization that is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). Before donating any property under this division, the board shall adopt a resolution expressing its intent to make unneeded, obsolete, or unfit-for-use school district property available to these organizations. The resolution shall include guidelines and procedures the board considers to be necessary to implement the donation program and shall indicate whether the school district will conduct the donation program or the board will contract with a representative to conduct it. If a representative is known when the resolution is adopted, the resolution shall provide contact information such as the representative's name, address, and telephone number.

The resolution shall include within its procedures a requirement that any nonprofit organization desiring to obtain donated property under this division shall submit a written notice to the board or its representative. The written notice shall include evidence that the organization is a nonprofit organization that is located in this state and is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of the organization's primary purpose; a description of the type or types of property the organization needs; and the name, address, and telephone number of a person designated by the organization's governing board to receive donated property and to serve as its agent.

After adoption of the resolution, the board shall publish, in a newspaper of general circulation in the school district, notice of its intent to donate unneeded, obsolete, or unfit-for-use school district property to eligible nonprofit organizations. The notice shall include a summary of the information provided in the resolution and shall be published at least twice. The second and any subsequent notice shall be published not less than ten nor more than twenty days after the previous notice. A similar notice also shall be posted continually in the board's office, and, if the school district maintains a web site on the internet, the notice shall be posted continually at that web site.

The board or its representatives shall maintain a list of all nonprofit organizations that notify the board or its representative of their desire to obtain donated property under this division and that the board or its representative determines to be eligible, in accordance with the requirements set forth in this section and in the donation program's guidelines and procedures, to receive donated property.

The board or its representative also shall maintain a list of all school district property the board finds to be unneeded, obsolete, or unfit for use and to be available for donation under this division. The list shall be posted continually in a conspicuous location in the board's office, and, if the school district maintains a web site on the internet, the list shall be posted continually at that web site. An item of property on the list shall be donated to the eligible nonprofit organization that first declares to the board or its representative its desire to

obtain the item unless the board previously has established, by resolution, a list of eligible nonprofit organizations that shall be given priority with respect to the item's donation. Priority may be given on the basis that the purposes of a nonprofit organization have a direct relationship to specific school district purposes of programs provided or administered by the board. A resolution giving priority to certain nonprofit organizations with respect to the donation of an item of property shall specify the reasons why the organizations are given that priority.

Members of the board shall consult with the Ohio ethics commission, and comply with Chapters 102. and 2921. of the Revised Code, with respect to any donation under this division to a nonprofit organization of which a board member, any member of a board member's family, or any business associate of a board member is a trustee, officer, board member, or employee."

Between lines 819 and 820, insert:

"Sec. 3314.051. (A) When the governing authority of a community school that acquired real property from a school district pursuant to division (G)(2) of section 3313.41 of the Revised Code decides to dispose of that property, it first shall offer that property for sale to the school district board of education from which it acquired the property, at a price that is not higher than the appraised fair market value of that property. If the district board does not accept the offer within sixty days after the offer is made, the community school may dispose of the property in another lawful manner.

(B) When a community school that acquired real property from a school district pursuant to division (G)(2) of section 3313.41 of the Revised Code permanently closes, in distributing the school's assets under section 3314.074 of the Revised Code, that property first shall be offered for sale to the school district board of education from which the community school acquired the property, at a price that is not higher than the appraised fair market value of that property. If the district board does not accept the offer within sixty days after the offer is made, the property may be disposed in another lawful manner."

In line 2412, after "3302.021," insert "3313.41,"

In line 1 of the title, after "3302.021," insert "3313.41,"

In line 4 of the title, after "3310.12," insert "3314.051,"

In line 24 of the title, after the comma insert "to require school districts to sell certain property that is suitable for classroom space and has not been used for educational purposes,"

In line 34, after "3302.021," insert "3314.014,"

In line 36, after "3310.12," insert "3314.025,"

Between lines 561 and 562, insert:

"Sec. 3314.014. As used in this ~~section~~chapter, "operator" means an

organization that manages the daily operations of a community school pursuant to a contract between the operator and the school's governing authority.

(A)(1) Notwithstanding the limit prescribed by division (A)(4) of section 3314.013 of the Revised Code, a start-up school sponsored by an entity described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code may be established after the date that limit is reached, provided the school's governing authority enters into a contract with an operator permitted to manage the school under division (B) of this section.

(2) Notwithstanding the limit prescribed by division (A)(5) of section 3314.013 of the Revised Code, a conversion school that is an internet- or computer-based community school or a start-up school sponsored by the school district in which the school is or is proposed to be located may be established after the date that limit is reached, provided the school's governing authority enters into a contract with an operator permitted to manage the school under division (B) of this section. However, a conversion school that is an internet- or computer-based community school may be established after that date only if the prohibition prescribed by division (A)(6) of section 3314.013 of the Revised Code is no longer in effect.

(B) An operator may enter into contracts with the governing authorities of community schools established after the date the limit prescribed by division (A)(4) or (5) of section 3314.013 of the Revised Code, as applicable, is reached, provided the total number of schools for which the operator enters into such contracts, excluding conversion schools that are not internet- or computer-based community schools, does not exceed the number of community schools managed by the operator on the applicable date that are rated excellent, effective, or in need of continuous improvement pursuant to section 3302.03 of the Revised Code.

(C) Notwithstanding the limit prescribed by division (A)(4) of section 3314.013 of the Revised Code, after the date the limit prescribed in that division is reached, the governing authority of a start-up school sponsored by an entity described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code may establish one additional school serving the same grade levels and providing the same educational program as the current start-up school and may open that additional school in the 2006-2007 school year, if both of the following conditions are met:

(1) The governing authority entered into another contract with the same sponsor or a different sponsor described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code and filed a copy of that contract with the superintendent of public instruction prior to March 15, 2006.

(2) The governing authority's current school satisfies all of the following conditions:

(a) The school currently is rated as excellent or effective pursuant to section 3302.03 of the Revised Code.

(b) The school made adequate yearly progress, as defined in section 3302.01 of the Revised Code, for the previous school year.

(c) The school has been in operation for at least four school years.

(d) The school is not managed by an operator.

Sec. 3314.025. If the governing authority of a community school intends to terminate its contract with the school's operator prior to expiration or intends not to renew that contract upon expiration, the governing authority shall notify the operator of that intent. The operator may appeal the contract termination or nonrenewal to the school's sponsor, if the sponsor has sponsored the school for at least twelve months, or to the state board of education, if the sponsor has sponsored the school for less than twelve months. Upon appeal, the sponsor or state board shall determine whether the operator should continue to manage the school. In making its determination, the sponsor or state board shall consider whether the operator has managed the school in compliance with all applicable laws and terms of the contract between the sponsor and the governing authority entered into under section 3314.03 of the Revised Code and whether the school's progress in meeting the academic goals prescribed in that contract has been satisfactory. The sponsor or state board shall notify the governing authority and operator of its determination. If the sponsor or state board determines that the operator should continue to manage the school, the sponsor shall remove the existing governing authority and the operator shall appoint a new governing authority for the school. The new governing authority shall assume responsibility for the school immediately and shall exercise all functions assigned to it by the Revised Code or rule in the same manner as any other community school governing authority.

In line 2412, after "3302.021," insert "3314.014,"

In line 1 of the title, after "3302.021," insert "3314.014,"

In line 4 of the title, after "3310.12," insert "3314.025,"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to provide an appeal process for community school operators whose management contracts are terminated or not renewed"

In line 34, after "3302.021," insert "3310.02, 3310.03,"

In line 36, after "amended" insert "; section 3310.16 (3310.17) be amended for the purpose of adopting a new section number as indicated in parentheses;"

Between lines 522 and 523, insert:

"Sec. 3310.02. The educational choice scholarship pilot program is hereby established. Under the program, the department of education annually shall pay scholarships to attend chartered nonpublic schools in accordance with

section 3310.08 of the Revised Code for up to ~~the number of~~ fourteen thousand eligible students ~~prescribed by the general assembly~~. If the number of students who apply for a scholarship exceeds ~~the number prescribed by the general assembly~~ fourteen thousand, the department ~~first~~ shall award scholarships in the following order of priority:

(A) First, to eligible students who received scholarships in the prior school year, ~~and then shall give priority~~;

(B) Second, to eligible students with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code. ~~After awarding scholarships to previous recipients and to low income eligible students, who qualify under division (A) of section 3310.03 of the Revised Code. If the number of students described in this division who apply for a scholarship exceeds the number of available scholarships after awards are made under division (A) of this section, the department shall select students described in this division by lot to receive any remaining scholarships.~~

(C) Third, to other eligible students who qualify under division (A) of section 3310.03 of the Revised Code. If the number of students described in this division who apply for a scholarship exceeds the number of available scholarships after awards are made under divisions (A) and (B) of this section, the department shall select students described in this division by lot to receive any remaining scholarships.

Sec. 3310.03. (A) A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship is operating under sections 3313.974 to 3313.979 of the Revised Code and the student satisfies both one of the following conditions:

(1) The student ~~either~~:

~~(a) Is~~ is enrolled in a school building that is operated by the student's resident district and ~~that the department of education to which both of the following apply~~:

~~(a) The building was declared, in at least two of the three most recent rating ratings of school buildings published prior to the first day of July of the school year for which a scholarship is sought and in the two preceding school years, to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code;~~

~~(b) Is~~ The building was not declared to be excellent or effective under that section in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(2) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1)~~(a)~~ of this section;

~~(e) Is.~~

(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1)(a) of this section;

~~(d) Is.~~

(4) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought, or is enrolled in a community school established under Chapter 3314. of the Revised Code, and all of the following apply to the student's resident district both:

(i) Has(a) The district has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building;

(ii)(b) In at least two of the three most recent rating ratings of school districts published prior to the first day of July of the school year for which a scholarship is sought ~~and in the preceding two school years~~, the district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code;

(c) The district was not declared to be excellent or effective under that section in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

~~(2) The student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code.~~

(B) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:

(1) The student's resident district remains the same;

(2) The student takes each state test prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school;

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including absences due to illness or injury confirmed in writing by a physician.

(C) The ~~superintendent~~department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (3) of this section with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the

school year, ceases to ~~be in a state of academic emergency or academic watch~~ meet the criteria in division (A)(1)(a) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(4) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(4)(b) of this section. However, students who have received scholarships in the prior school year remain eligible students pursuant to division (B) of this section."

Between lines 561 and 562, insert:

"**Sec. ~~3310.16~~3310.17.** (A) The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for the administration of the educational choice scholarship pilot program.

(B) The state board and the department of education shall not require chartered nonpublic schools to comply with any education laws or rules or other requirements that are not specified in sections 3310.01 to 3310.17 of the Revised Code or in rules necessary for the administration of the program, adopted under division (A) of this section, and that otherwise would not apply to a chartered nonpublic school."

In line 2412, after "3302.021," insert "3310.02, 3310.03, 3310.16,"

In line 2414, after "5153.175" insert "and section 3310.17"

In line 1 of the title, after "3302.021," insert "3310.02, 3310.03,"

In line 3 of the title, after the semicolon insert "to amend, for the purpose of adopting a new section number as indicated in parentheses, section 3310.16 (3310.17);"

In line 5 of the title, after "5153.176" insert "; and to repeal section 3310.17"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", to expand the qualifications for Educational Choice Scholarships, and to establish the maximum number of Educational Choice Scholarships that may be awarded in each year"

After line 2451, insert:

"**Section 7.** The Partnership for Continued Learning shall study the operation and oversight of community schools and the Educational Choice Scholarship Pilot Program established under Chapter 3310. of the Revised Code. The study shall include, but not be limited to, an evaluation of the impact of community schools and the Educational Choice Scholarship Pilot Program on students, communities, traditional public schools, and chartered nonpublic schools. Not later than one year after the effective date of this section, the partnership shall submit recommendations to the General Assembly."

In line 35, after "3323.20," insert "3324.10,"

Between lines 2153 and 2154, insert:

"Sec. 3324.10. (A) Prior to June 30, 2006, the state board of education shall adopt a model student acceleration policy addressing recommendations in the department of education's 2005 study conducted under the gifted research and demonstration grant program. The policy shall address, but not be limited to, whole grade acceleration, subject area acceleration, and early high school graduation.

(B) The board of education of each city, local, and exempted village school district shall implement a student acceleration policy to take effect beginning in the 2006-2007 school year. The policy shall either be the model adopted by the state board under division (A) of this section or a policy covering similar issues that is adopted by the district board. If the district board does not adopt the state board's model, it shall submit its policy to the department for review and approval. The department, upon request, shall provide technical assistance to the district board in developing the policy."

In line 2414, after "3323.20," insert "3324.10,"

In line 3 of the title, after "3323.20," insert "3324.10,"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to require school districts to submit student acceleration policies to the Department of Education for approval"

In line 34, after "3302.021," insert "3314.02,"

Between lines 561 and 562, insert:

"Sec. 3314.02. (A) As used in this chapter:

(1) "Sponsor" means an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section.

(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.

(3) "Challenged school district" means any of the following:

- (a) A school district that is part of the pilot project area;
- (b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code;
- (c) A big eight school district.

(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:

(a) A percentage of children residing in the district and participating in the predecessor of Ohio works first greater than thirty per cent, as reported pursuant to section 3317.10 of the Revised Code;

(b) An average daily membership greater than twelve thousand, as reported pursuant to former division (A) of section 3317.03 of the Revised Code.

(5) "New start-up school" means a community school other than one created by converting all or part of an existing public school, as designated in the school's contract pursuant to division (A)(17) of section 3314.03 of the Revised Code.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments in nonclassroom-based learning opportunities provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction or via comprehensive instructional methods that include internet-based, other computer-based, and noncomputer-based learning opportunities.

(B) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, or exempted village school district in which the public school is proposed to be converted. Upon receipt of a proposal, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school, indicating the intention of the board of education to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board of education. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board of education shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

(C)(1) Any person or group of individuals may propose under this division the establishment of a new start-up school to be located in a challenged school district. The proposal may be made to any of the following entities:

(a) The board of education of the district in which the school is proposed to be located;

(b) The board of education of any joint vocational school district with territory in the county in which is located the majority of the territory of the district in which the school is proposed to be located;

(c) The board of education of any other city, local, or exempted village

school district having territory in the same county where the district in which the school is proposed to be located has the major portion of its territory;

(d) The governing board of any educational service center;

(e) A sponsoring authority designated by the board of trustees of any of the thirteen state universities listed in section 3345.011 of the Revised Code or the board of trustees itself as long as a mission of the proposed school to be specified in the contract under division (A)(2) of section 3314.03 of the Revised Code and as approved by the department of education under division (B)(2) of section 3314.015 of the Revised Code will be the practical demonstration of teaching methods, educational technology, or other teaching practices that are included in the curriculum of the university's teacher preparation program approved by the state board of education;

(f) Any qualified tax-exempt entity under section 501(c)(3) of the Internal Revenue Code as long as all of the following conditions are satisfied:

(i) The entity has been in operation for at least five years prior to applying to be a community school sponsor.

(ii) The entity has assets of at least five hundred thousand dollars and a demonstrated record of financial responsibility.

(iii) The department of education has determined that the entity is an education-oriented entity under division (B)(3) of section 3314.015 of the Revised Code and the entity has a demonstrated record of successful implementation of educational programs.

(iv) The entity is not a community school.

Any entity described in division (C)(1) of this section may enter into a preliminary agreement pursuant to division (C)(2) of this section with the proposing person or group.

(2) A preliminary agreement indicates the intention of an entity described in division (C)(1) of this section to sponsor the community school. A proposing person or group that has such a preliminary agreement may proceed to finalize plans for the school, establish a governing authority as described in division (E) of this section for the school, and negotiate a contract with the entity. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the entity shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code.

(3) A new start-up school that is established in a school district while that district is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code may continue in existence once the school district is no longer in a state of academic emergency or academic watch, provided there is a valid contract between the school and a sponsor.

(4) A copy of every preliminary agreement entered into under this division shall be filed with the superintendent of public instruction.

(D) A majority vote of the board of a sponsoring entity and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school to a community school or establish the new start-up school. Beginning September 29, 2005, adoption of the contract shall occur not later than the fifteenth day of March, and signing of the contract shall occur not later than the fifteenth day of May, prior to the school year in which the school will open. The governing authority shall notify the department of education when the contract has been signed. Subject to sections 3314.013 and 3314.014 of the Revised Code, an unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter.

(E) As used in this division, "immediate relatives" are limited to spouses, children, parents, grandparents, siblings, and in-laws.

(1) Each new start-up community school established under this chapter shall be under the direction of a governing authority which shall consist of a board of not less than five individuals ~~who are not owners or employees, or immediate relatives of owners or employees, of any for-profit firm that operates or manages a school for the governing authority.~~

No person shall serve on the governing authority or operate the community school under contract with the governing authority so long as the person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed.

(2) No present or former member, or immediate relative of a present or former member, of the governing authority of any community school established under this chapter shall be an owner, employee, or consultant of any nonprofit or for-profit operator of a community school, as defined in section 3314.014 of the Revised Code, unless at least one year has elapsed since the conclusion of the person's membership.

(F) Nothing in this chapter shall be construed to permit the establishment of a community school in more than one school district under the same contract.

(G)(1) A new start-up school that is established prior to August 15, 2003, in an urban school district that is not also a big-eight school district may continue to operate after that date and the contract between the school's governing authority and the school's sponsor may be renewed, as provided under this chapter, after that date, but no additional new start-up schools may be established in such a district unless the district is a challenged school district as defined in this section as it exists on and after that date.

(2) A community school that was established prior to June 29, 1999, and is located in a county contiguous to the pilot project area and in a school district that is not a challenged school district may continue to operate after that date, provided the school complies with all provisions of this chapter. The contract between the school's governing authority and the school's sponsor may be

renewed, but no additional start-up community school may be established in that district unless the district is a challenged school district."

In line 2412, after "3303.021," insert "3314.02,"

In line 1 of the title, after "3302.021," insert "3314.02,"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to prohibit certain conflicts of interest between community school governing authorities and operators"

In line 34, after "3301.0714," insert "3301.41,"

Between lines 411 and 412, insert:

"Sec. 3301.41. (A) The partnership for continued learning is hereby established. The partnership shall consist of the following members:

- (1) The governor;
- (2) The superintendent of public instruction;
- (3) The chancellor of the Ohio board of regents;
- (4) The director of development;
- (5) Three representatives of the private sector, appointed by the governor;
- (6) Two representatives of organizations that have formed regional partnerships to foster collaboration among providers of preschool through postsecondary education, appointed by the governor;
- (7) One member of the student access and success coordinating council of Ohio, appointed by the governor;
- (8) Two representatives of elementary and secondary schools, one of whom shall be a member of the state board of education and one of whom shall represent chartered nonpublic schools, appointed by the governor;
- (9) Two representatives of institutions of higher education, one of whom shall be a member of the Ohio board of regents and one of whom shall represent nonprofit institutions of higher education that hold certificates of authorization issued by the board of regents under section 1713.02 of the Revised Code, appointed by the governor;
- (10) One member of the state workforce policy board prescribed by section 6301.04 of the Revised Code, appointed by the governor;
- (11) One member who is a representative of a sponsor of a community school established under Chapter 3314. of the Revised Code, appointed by the governor;
- (12) One member who is either a teacher or an administrator employed by a community school, appointed by the governor;

(13) The chairpersons and ranking minority members of the education committees of the senate and house of representatives.

(B) Appointed members of the partnership shall serve at the pleasure of the governor.

(C) The governor shall serve as chairperson of the partnership. The partnership shall meet at least quarterly and at other times upon the call of the chairperson to conduct its business."

In line 2412, after "3301.0714," insert "3301.41,"

In line 1 of the title, after "3301.0714," insert "3301.41,"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to add representatives of community school sponsors and staffs to the membership of the Partnership for Continued Learning"

In line 34, after "3302.021," insert "3314.015,"

In line 36, after the second "and" insert "new sections 3314.35 and 3314.36 and"

Delete lines 562 through 819 and insert:

"Sec. 3314.015. (A) The department of education shall be responsible for the oversight of sponsors of the community schools established under this chapter and shall provide technical assistance to schools and sponsors in their compliance with applicable laws and the terms of the contracts entered into under section 3314.03 of the Revised Code and in the development and start-up activities of those schools. In carrying out its duties under this section, the department shall do all of the following:

(1) In providing technical assistance to proposing parties, governing authorities, and sponsors, conduct training sessions and distribute informational materials;

(2) Approve entities to be sponsors of community schools and monitor the effectiveness of those sponsors in their oversight of the schools with which they have contracted;

(3) By December thirty-first of each year, issue a report to the governor, the speaker of the house of representatives, the president of the senate, and the chairpersons of the house and senate committees principally responsible for education matters regarding the effectiveness of academic programs, operations, and legal compliance and of the financial condition of all community schools established under this chapter;

(4) From time to time, make legislative recommendations to the general assembly designed to enhance the operation and performance of community schools.

(B)(1) No entity listed in division (C)(1) of section 3314.02 of the Revised Code shall enter into a preliminary agreement under division (C)(2) of section 3314.02 of the Revised Code until it has received approval from the department of education to sponsor community schools under this chapter and has entered into a written agreement with the department regarding the manner in which the entity will conduct such sponsorship. The department shall adopt in accordance with Chapter 119. of the Revised Code rules containing criteria, procedures, and deadlines for processing applications for such approval, for oversight of sponsors, for revocation of the approval of sponsors, and for entering into written agreements with sponsors. The rules shall require an entity to submit evidence of the entity's ability and willingness to comply with the provisions of division (D) of section 3314.03 of the Revised Code. The rules also shall require entities approved as sponsors on and after ~~the effective date of this amendment~~ June 30, 2005 to demonstrate a record of financial responsibility and successful implementation of educational programs. If an entity seeking approval on or after ~~the effective date of this amendment~~ June 30, 2005, to sponsor community schools in this state sponsors or operates schools in another state, at least one of the schools sponsored or operated by the entity must be comparable to or better than the performance of Ohio schools in a state of academic watch under section 3302.03 of the Revised Code, as determined by the department.

An entity that sponsors community schools may enter into preliminary agreements and sponsor schools as follows, provided each school and the contract for sponsorship meets the requirements of this chapter:

(a) An entity that sponsored fifty or fewer schools that were open for operation as of May 1, 2005, may sponsor not more than fifty schools.

(b) An entity that sponsored more than fifty but not more than seventy-five schools that were open for operation as of May 1, 2005, may sponsor not more than the number of schools the entity sponsored that were open for operation as of May 1, 2005.

(c) Until June 30, 2006, an entity that sponsored more than seventy-five schools that were open for operation as of May 1, 2005, may sponsor not more than the number of schools the entity sponsored that were open for operation as of May 1, 2005. After June 30, 2006, such an entity may sponsor not more than seventy-five schools.

Upon approval of an entity to be a sponsor under this division, the department shall notify the entity of the number of schools the entity may sponsor.

The limit imposed on an entity to which division (B)(1)~~(b) or (c)~~ of this section applies shall be decreased by one for each school sponsored by the entity that permanently closes ~~until the number of schools sponsored by the entity is fifty.~~

If at any time an entity exceeds the number of schools it may sponsor

under this division, the department shall assist the schools in excess of the entity's limit in securing new sponsors. If a school is unable to secure a new sponsor, the department shall assume sponsorship of the school in accordance with division (C) of this section. Those schools for which another sponsor or the department assumes sponsorship shall be the schools that most recently entered into contracts with the entity under section 3314.03 of the Revised Code.

(2) The department of education shall determine, pursuant to criteria adopted by rule of the department, whether the mission proposed to be specified in the contract of a community school to be sponsored by a state university board of trustees or the board's designee under division (C)(1)(e) of section 3314.02 of the Revised Code complies with the requirements of that division. Such determination of the department is final.

(3) The department of education shall determine, pursuant to criteria adopted by rule of the department, if any tax-exempt entity under section 501(c)(3) of the Internal Revenue Code that is proposed to be a sponsor of a community school is an education-oriented entity for purpose of satisfying the condition prescribed in division (C)(1)(f)(iii) of section 3314.02 of the Revised Code. Such determination of the department is final.

(C) If at any time the state board of education finds that a sponsor is not in compliance or is no longer willing to comply with its contract with any community school or with the department's rules for sponsorship, the state board or designee shall conduct a hearing in accordance with Chapter 119. of the Revised Code on that matter. If after the hearing, the state board or designee has confirmed the original finding, the department of education may revoke the sponsor's approval to sponsor community schools and may assume the sponsorship of any schools with which the sponsor has contracted until the earlier of the expiration of two school years or until a new sponsor as described in division (C)(1) of section 3314.02 of the Revised Code is secured by the school's governing authority. The department may extend the term of the contract in the case of a school for which it has assumed sponsorship under this division as necessary to accommodate the term of the department's authorization to sponsor the school specified in this division.

(D) The decision of the department to disapprove an entity for sponsorship of a community school or to revoke approval for such sponsorship, as provided in division (C) of this section, may be appealed by the entity in accordance with section 119.12 of the Revised Code.

(E) The department shall adopt procedures for use by a community school governing authority and sponsor when the school permanently closes and ceases operation, which shall include at least procedures for data reporting to the department, handling of student records, distribution of assets in accordance with section 3314.074 of the Revised Code, and other matters related to ceasing operation of the school.

(F) In carrying out its duties under this chapter, the department shall not

impose requirements on community schools or their sponsors that are not permitted by law or duly adopted rules.

Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction.

(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:

(1) That the school shall be established as either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003;

(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;

(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement tests;

(4) Performance standards by which the success of the school will be evaluated by the sponsor. ~~If the sponsor will evaluate the school in accordance with division (D) of section 3314.36 of the Revised Code, the contract shall specify the number of school years that the school will be evaluated under that division.;~~

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6)(a) Dismissal procedures;

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state, and the audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) The facilities to be used and their locations;

(10) Qualifications of teachers, including a requirement that the school's

classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;

(11) That the school will comply with the following requirements:

(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year;

(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;

(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution;

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3313.50, 3313.536, 3313.608, 3313.6012, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 3319.073, 3319.313, 3319.314, 3319.315, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code;

(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code;

(f) The school will comply with sections 3313.61, 3313.611, and 3313.614 of the Revised Code, except that the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education;

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(12) Arrangements for providing health and other benefits to employees;

(13) The length of the contract, which shall begin at the beginning of an

academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.

(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the formula amount defined under section 3317.02 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of the subsidy calculated pursuant to section 3317.029 of the Revised Code the school is to receive that year under section 3314.08 of the Revised Code.

(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or is to be a new start-up school, and if it is a converted public school, specification of any duties or responsibilities of an employer that the board of education that operated the school before conversion is delegating to the governing board of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;

(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;

(22) A provision recognizing both of the following:

(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action;

(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (L)(2) of section 3314.08 of the Revised Code;

(24) The school will comply with section 3302.04 of the Revised Code, including division (E) of that section to the extent possible, except that any action required to be taken by a school district pursuant to that section shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of that section.

(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A)(2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void.

(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year

after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code. Any contract that becomes void under this division shall not count toward any statewide limit on the number of such contracts prescribed by section 3314.013 of the Revised Code.

Sec. 3314.35. (A)(1) Except as provided in division (A)(2) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2008:

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for four consecutive school years.

(b) The school satisfies all of the following conditions:

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three consecutive school years.

(iii) For two of those school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(c) The school satisfies all of the following conditions:

(i) The school offers any of grade levels ten to twelve.

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three consecutive school years.

(iii) For two of those school years, the school showed less than two standard years of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(2) This section does not apply to any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver under section 3314.36 of the Revised Code.

(B) Any community school to which this section applies shall permanently close at the conclusion of the school year in which the school first becomes subject to this section. The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code.

The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

(C) Not later than July 1, 2008, the department shall determine the feasibility of using the value-added progress dimension, as defined in section 3302.01 of the Revised Code, as a factor in evaluating the academic performance of community schools described in division (A)(1)(c)(i) of this section. Notwithstanding divisions (A)(1)(c)(ii) and (iii) of this section, if the department determines that using the value-added progress dimension to evaluate community schools described in division (A)(1)(c)(i) of this section is not feasible, a community school described in that division shall be required to permanently close under this section only if it has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for four consecutive school years.

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does not apply to any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school and that has been granted a waiver by the department of education. The department shall grant a waiver to a dropout prevention and recovery program, within sixty days after the program applies for the waiver, if the program meets all of the following conditions:

(1) The program serves only students not younger than sixteen years of age and not older than twenty-one years of age.

(2) The program enrolls students who, at the time of their initial enrollment, either, or both, are at least one grade level behind their cohort age groups or experience crises that significantly interfere with their academic progress such that they are prevented from continuing their traditional programs.

(3) The program requires students to attain at least the applicable score designated for each of the tests prescribed under division (B) of section 3301.0710 of the Revised Code.

(4) The program develops an individual career plan for the student that specifies the student's matriculating to a two-year degree program, acquiring a business and industry credential, or entering an apprenticeship.

(5) The program provides counseling and support for the student related to the plan developed under division (A)(4) of this section during the remainder of the student's high school experience.

(6) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board of education under section 3301.079 of the Revised Code will be taught and assessed.

If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.

(B) Notwithstanding division (A) of this section, the department shall not grant a waiver to any community school that did not qualify for a waiver under this section when it initially began operations, unless the state board of education approves the waiver."

In line 2412, after "3302.021," insert "3314.015,"

In line 2414, after "5153.175" insert "and sections 3314.35 and 3314.36"

After line 2451, insert:

"Section 7. Not later than one year after the effective date of this section, the State Board of Education shall make recommendations to the General Assembly for performance standards for community schools that operate dropout prevention and recovery programs that qualify for waivers under section 3314.36 of the Revised Code, as enacted by this act. The recommended standards shall include criteria for closing such community schools for consistently poor academic performance.

Section 8. Section 3314.03 of the Revised Code is presented in this act as a composite of the section as amended by Am. Sub. H.B. 137, Sub. H.B. 184, and Sub. H.B. 422 of the 126th General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act."

In line 1 of the title, after "3302.021," insert "3314.015,"

In line 3 of the title, after "enact" insert "new sections 3314.35 and 3314.36 and"

In line 5 of the title, after "5153.176" insert "; and to repeal sections 3314.35 and 3314.36"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to revise the criteria for closing poorly performing community schools"

In line 34, after "3302.021," insert "3310.03,"

Between lines 522 and 523, insert:

"Sec. 3310.03. (A) A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student satisfies both of the following conditions:

(1) The student either:

(a) Is enrolled in a school building that is operated by the student's resident district and that the department of education declared, in the most recent rating of school buildings published prior to the first day of July of the school year for which a scholarship is sought and in the two preceding school years, to

be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code;

(b) Is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1)(a) of this section;

(c) Is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1)(a) of this section;

(d) Is eligible to enroll in kindergarten in the school year for which a scholarship is sought, or is enrolled in a community school established under Chapter 3314. of the Revised Code, and the student's resident district both:

(i) Has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building;

(ii) In the most recent rating of school districts published prior to the first day of July of the school year for which a scholarship is sought and in the preceding two school years, was declared to be in a state of academic emergency under section 3302.03 of the Revised Code.

(2) The student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code.

(B) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:

(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1) of this section;

(2) The student takes each state test prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school;

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including absences due to illness or injury confirmed in writing by a physician.

(C) The superintendent shall cease awarding first-time scholarships with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to be in a state of academic emergency or academic watch. However, students who have received scholarships in the prior

school year remain eligible students pursuant to division (B) of this section."

In line 2412, after "3302.021," insert "3310.03,"

In line 1 of the title, after "3302.021," insert "3310.03,"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to revise terms for renewing Educational Choice Scholarships"

In line 34, after "3302.021," insert "3310.03,"

Between lines 522 and 523, insert:

"Sec. 3310.03. (A) A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code and the student satisfies ~~both~~one of the following conditions:

(1) The student ~~either:~~

~~(a) Is~~ enrolled in a school building that is operated by the student's resident district and that the department of education declared, in the most recent rating of school buildings published prior to the first day of July of the school year for which a scholarship is sought and in the two preceding school years, to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code;

~~(b) Is~~ .

(2) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1)~~(a)~~ of this section;

~~(c) Is~~ .

(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1)~~(a)~~ of this section;

~~(d) Is~~ .

(4) The student is enrolled in a school building that is operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

(5) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought, or is enrolled in a community school established

under Chapter 3314. of the Revised Code, and the student's resident district both:

~~(i)(a)~~ Has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building;

~~(ii)(b)~~ In the most recent rating of school districts published prior to the first day of July of the school year for which a scholarship is sought and in the preceding two school years, was declared to be in a state of academic emergency under section 3302.03 of the Revised Code.

~~(2) The student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code.~~

(B) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:

(1) The student's resident district remains the same;

(2) The student takes each state test prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school;

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including absences due to illness or injury confirmed in writing by a physician.

(C) The superintendent shall cease awarding first-time scholarships with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to be in a state of academic emergency or academic watch. However, students who have received scholarships in the prior school year remain eligible students pursuant to division (B) of this section."

In line 2412, after "3302.021," insert "3310.03,"

In line 1 of the title, after "3302.021," insert "3310.03,"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to revise eligibility for the Educational Choice Scholarship Pilot Program"

In line 34, after "3302.021," insert "3312.11,"

Between lines 561 and 562, insert:

"**Sec. 3312.11.** (A) The state regional alliance advisory board is hereby created. The board shall consist of the following members:

(1) One member of the advisory council of each region of the educational

regional service system, appointed by the council;

(2) One member of the state board of education, appointed by the state board;

(3) One representative of four-year institutions of higher education, appointed by the Ohio board of regents;

(4) One representative of two-year institutions of higher education, appointed by the Ohio association of community colleges;

(5) One representative of the department of education, appointed by the superintendent of public instruction;

(6) One representative of the governor, appointed by the governor;

(7) One classroom teacher, appointed jointly by the Ohio education association and the Ohio federation of teachers;

(8) One parent, appointed by the Ohio parent teacher association;

(9) One representative of business, appointed by the Ohio chamber of commerce;

(10) One representative of the buckeye association of school administrators, appointed by the association;

(11) One representative of the Ohio educational service center association, appointed by the association;

(12) One representative of the Ohio school boards association, appointed by the association;

(13) One school administrator, appointed jointly by the Ohio association of elementary school administrators and the Ohio association of secondary school administrators;

(14) One representative of the Ohio association of school business officials, appointed by the association.

The superintendent of public instruction and the chairpersons and ranking minority members of the education committees of the senate and house of representatives, or their designees, shall be ex officio, nonvoting members of the board.

(B) All appointed members of the board shall serve at the pleasure of their appointing authorities.

(C) Members shall receive no compensation for their services.

(D) The superintendent of public instruction, or the superintendent's designee, shall be the chairperson of the board. For two years after its initial meeting, the board shall ~~hold regular meetings at least monthly~~ meet at least four times each year to conduct board business and may hold other meetings at the call of the chairperson. Subsequently, meetings shall be held at the call of the

chairperson or at the request of at least one-third of the board's members."

In line 2412, after "3302.021," insert "3312.11,"

In line 1 of the title, after "3302.021," insert "3312.11,"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to revise meeting requirements for the State Regional Alliance Advisory Board"

In line 34, after "3302.021," insert "3313.536,"

Between lines 561 and 562, insert:

"Sec. 3313.536. (A) The board of education of each city, exempted village, and local school district and the governing authority of each chartered nonpublic school shall adopt a comprehensive school safety plan for each school building under the board's or governing authority's control. The board or governing authority shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the board or governing authority shall involve community law enforcement and safety officials, parents of students who are assigned to the building, and teachers and nonteaching employees who are assigned to the building. The board or governing authority shall consider incorporating remediation strategies into the plan for any building where documented safety problems have occurred.

The board or governing authority shall incorporate into the plan both of the following:

(1) A protocol for addressing serious threats to the safety of school property, students, employees, or administrators;

(2) A protocol for responding to any emergency events that do occur and that compromise the safety of school property, students, employees, or administrators.

Each protocol shall include procedures deemed appropriate by the board or governing authority for responding to threats and emergency events, respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students.

(B) The board or governing authority shall update the safety plan at least once every three years and whenever a major modification to the building requires changes in the procedures outlined in the plan.

(C) The board or governing authority shall file a copy of the current safety plan and building blueprint with each ~~of the following:~~

~~(1) Each law enforcement agency that has jurisdiction over the school building;~~

~~(2) Upon and, upon~~ request, the fire department that serves the political subdivision in which the school building is located;

~~(3).~~ The board or governing authority also shall file a copy of the current safety plan and a floor plan of the building, but not a building blueprint, with the attorney general, who shall post that information on the Ohio law enforcement gateway or its successor.

Copies of safety plans, building blueprints, and floor plans shall be filed as described in this division not later than the ninety-first day after the effective date of this amendment. If a board or governing authority revises a safety plan, building blueprint, or floor plan after the initial filing, the board or governing authority shall file copies of the revised safety plan, building blueprint, or floor plan in the manner described in this division not later than the ninety-first day after the revision is adopted.

Copies of the safety plan and building blueprint are not a public record pursuant to section 149.433 of the Revised Code.

Notwithstanding section 149.433 of the Revised Code, a building floor plan filed with the attorney general pursuant to this division is not a public record to the extent it is a record kept by the attorney general. This paragraph does not affect the status of a floor plan kept as a record by another public office.

The board or governing authority, each law enforcement agency and fire department to which copies of the safety plan and building blueprint are provided, and the attorney general shall keep the copies in a secure place.

(D) The board or governing authority shall grant access to each school building under its control to law enforcement personnel to enable the personnel to hold training sessions for responding to threats and emergency events affecting the building, provided that the access occurs outside of student instructional hours and an employee of the board or governing authority is present in the building during the training sessions."

In line 2412, after "3302.021," insert "3313.536,"

In line 1 of the title, after "3302.021," insert "3313.536,"

In line 32 of the title, delete "and"

In line 33 of the title, after "codes" insert ", and to change the law regarding the filing of school building blueprints with the Attorney General"

In line 34, delete "3301.0714, 3302.021,"

In line 35, delete "3317.01, 3317.02,"; delete "3323.091, 3323.20,"

In line 36, delete "3310.11, 3310.12,"

Delete lines 39 through 561

Delete lines 820 through 1844 and insert:

"Sec. 3317.03. Notwithstanding divisions (A)(1), (B)(1), and (C) of this section, any student enrolled in kindergarten more than half time shall be reported as one-half student under this section.

(A) The superintendent of each city and exempted village school district and of each educational service center shall, for the schools under the superintendent's supervision, certify to the state board of education on or before the fifteenth day of October in each year for the first full school week in October the formula ADM. Beginning in fiscal year 2007, each superintendent also shall certify to the state board, for the schools under the superintendent's supervision, the formula ADM for the first full week in February. If a school under the superintendent's supervision 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 shall consist of the average daily membership during such week of the sum of the following:

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

(a) Students enrolled in adult education classes;

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

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

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

(2) On an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:

(a) A community school pursuant to Chapter 3314. of the Revised Code, including any participation in a college pursuant to Chapter 3365. of the Revised Code while enrolled in such community school;

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code;

(d) An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;

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

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

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

(3) Twenty per cent of the number of students enrolled in a joint vocational school district or under a vocational education compact, excluding any students entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code who are enrolled in another school district through an open enrollment policy as reported under division (A)(2)(d) of this section and then enroll in a joint vocational school district or under a vocational education compact;

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

(5) Beginning in fiscal year 2007, in the case of the report submitted for the first full week in February, or the alternative week if specified by the superintendent of public instruction, the number of students reported under division (A)(1) or (2) of this section for the first full week of the preceding October but who since that week have received high school diplomas.

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

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

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

(3) The number of children entitled to attend school in the district

pursuant to section 3313.64 or 3313.65 of the Revised Code who are:

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

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

(c) Enrolled in an adjacent or other school district under section 3313.98 of the Revised Code;

(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;

(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;

(f) Enrolled in a chartered nonpublic school with a scholarship paid under section 3310.08 of the Revised Code;

(g) Participating in a program operated by a county MR/DD board or a state institution.

(4) The number of pupils enrolled in joint vocational schools;

(5) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;

(6) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category two handicaps described in division (B) of section 3317.013 of the Revised Code;

(7) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;

(8) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;

(9) The average daily membership of handicapped children reported

under division (A)(1) or (2) of this section receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;

(10) The average daily membership of handicapped children reported under division (A)(1) or (2) of this section receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code;

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

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

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

(14)(a) The number of children, other than handicapped preschool children, the district placed with a county MR/DD board in fiscal year 1998;

(b) The number of handicapped children, other than handicapped preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;

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

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

(e) The number of handicapped children, other than handicapped

preschool children, placed with a county MR/DD board in the current fiscal year to receive special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;

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

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

(C)(1) Except as otherwise provided in this section for kindergarten students, 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.

(2) A student enrolled in a community school established under Chapter 3314. of the Revised Code shall be counted in the formula ADM and, if applicable, the category one, two, three, four, five, or six special education ADM of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code for the same proportion of the school year that the student is counted in the enrollment of the community school for purposes of section 3314.08 of the Revised Code.

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

(a) A child with a handicap described in section 3317.013 of the Revised Code may be counted both in formula ADM and in category one, two, three, four, five, or six special education ADM and, if applicable, in category one or two vocational education 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. Beginning in fiscal year 2007, each superintendent also shall certify to the state superintendent the formula ADM for the first full week in February. 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 division, shall consist of the average daily membership during such week, on an FTE basis, of the number of students receiving any educational services from the district, including students enrolled in a community school established under Chapter 3314. of the Revised Code who are attending the joint vocational district under an agreement between the district board of education and the governing authority of the community school and are entitled to attend school in a city, local, or exempted village school district whose territory is part of the territory of the joint vocational district. Beginning in fiscal year 2007, in the case of the report submitted for the first week in February, or the alternative week if specified by the superintendent of public instruction, the superintendent of the joint vocational school district may include the number of students reported under division (D)(1) of this section for the first full week of the preceding October but who since that week have received high school diplomas.

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

- (a) Students enrolled in adult education classes;
- (b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;
- (c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district;
- (d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

(2) To enable the department of education to obtain the data needed to

complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students for the same week for which formula ADM is certified:

- (a) Students enrolled in each grade included in the joint vocational district schools;
- (b) Handicapped children receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code;
- (c) Handicapped children receiving special education services for the category two handicaps described in division (B) of section 3317.013 of the Revised Code;
- (d) Handicapped children receiving special education services for category three handicaps described in division (C) of section 3317.013 of the Revised Code;
- (e) Handicapped children receiving special education services for category four handicaps described in division (D) of section 3317.013 of the Revised Code;
- (f) Handicapped children receiving special education services for the category five handicap described in division (E) of section 3317.013 of the Revised Code;
- (g) Handicapped children receiving special education services for category six handicaps described in division (F) of section 3317.013 of the Revised Code;
- (h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;
- (i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.

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

(E) In each school of each city, local, exempted village, joint vocational, and cooperative education school district there shall be maintained a record of school membership, which record shall accurately show, for each day the school is in session, the actual membership enrolled in regular day classes. For the purpose of determining average daily membership, the membership figure of any school shall not include any pupils except those pupils described by division (A) of this section. The record of membership for each school shall be maintained in such manner that no pupil shall be counted as in membership prior to the actual

date of entry in the school and also in such manner that where for any cause a pupil permanently withdraws from the school that pupil shall not be counted as in membership from and after the date of such withdrawal. There shall not be included in the membership of any school any of the following:

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

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

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

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

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

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

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

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

(F)(1) If the formula ADM for the first full school week in February is at

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

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

(3) If a student attending a community school under Chapter 3314. of the Revised Code is not included in the formula ADM certified for the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the department of education shall adjust the formula ADM of that school district to include the community school student in accordance with division (C)(2) of this section, and shall recalculate the school district's payments under this chapter for the entire fiscal year on the basis of that adjusted formula ADM. This requirement applies regardless of whether the student was enrolled, as defined in division (E) of this section, in the community school during the ~~first full school week in October~~ for which the formula ADM is being certified.

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

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

(i) The average daily membership of all handicapped children other than handicapped preschool children receiving services at the institution for each category of handicap described in divisions (A) to (F) of section 3317.013 of the Revised Code;

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

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

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

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

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

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

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

(H) Except as provided in division (I) of this section, when any city, local, or exempted village school district provides instruction for a nonresident pupil whose attendance is unauthorized attendance as defined in section 3327.06 of the Revised Code, that pupil's membership shall not be included in that district's membership figure used in the calculation of that district's formula ADM or included in the determination of any unit approved for the district under section 3317.05 of the Revised Code. The reporting official shall report separately the average daily membership of all pupils whose attendance in the district is unauthorized attendance, and the membership of each such pupil shall be credited to the school district in which the pupil is entitled to attend school under division (B) of section 3313.64 or section 3313.65 of the Revised Code as determined by the department of education.

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

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

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

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

(J) The superintendent of each cooperative education school district shall certify to the superintendent of public instruction, in a manner prescribed by the state board of education, the applicable average daily memberships for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code."

In line 1872, delete "license" and insert "certificate"

Delete lines 2078 through 2153

In line 2412, delete "3301.0714, 3302.021,"

In line 2413, delete "3317.01, 3317.02, "; delete "3323.091,"

In line 2414, delete "3323.20,"

Delete lines 2415 through 2451

In line 1 of the title, delete "3301.0714, 3302.021,"

In line 2 of the title, delete "3317.01, 3317.02,"

In line 3 of the title, delete "3323.091, 3323.20,"; delete the semicolon and insert "and"

In line 4 of the title, delete "3310.11, 3310.12,"

In line 6 of the title, delete "; and to amend Section 612.36.03 of"

In line 7 of the title, delete "Am. Sub. H.B. 66 of the 126th General Assembly"

In line 22 of the title, delete ", to delay until fiscal year 2007 the"

Delete lines 23 through 32 of the title

In line 33 of the title, delete "the use of student data verification codes" and insert ", to provide for the inclusion of certain Educational Choice Scholarship students in the formula ADM of their resident school districts"

Managers on the Part of the
House of Representatives

/s/ THOMAS A. RAGA
THOMAS A. RAGA

/s/ JOHN M. SCHLICHTER
JOHN M. SCHLICHTER

KENNETH A. CARANO

Managers on the Part of the
Senate

/s/ JOY PADGETT
JOY PADGETT

/s/ RANDY GARDNER
RANDY GARDNER

TERESA FEDOR

The question being, "Shall the report of the committee of Conference be agreed to?"

The yeas and nays were taken and resulted - yeas 72, nays 22, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Book	Brinkman	Brown	Bubp
Buehrer	Calvert	Carmichael	Cassell
Coley	Collier	Combs	Core
Daniels	DeBose	DeWine	Distel
Dolan	Domenick	Evans C.	Evans D.
Faber	Fende	Flowers	Gibbs
Gilb	Hagan	Healy	Hood
Hoops	Hughes	Latta	Law
Luckie	Martin	Mason	McGregor J.
Otterman	Perry	Peterson	Raga
Raussen	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart D.
Strahorn	Trakas	Uecker	Wagner
Wagoner	Webster	White D.	White J.
Widener	Widowfield	Willamowski	Williams
Wolpert	Yates	Yuko	Husted-72.

Those who voted in the negative were: Representatives

Boccieri	Carano	Chandler	DeGeeter
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Driehaus
Hartnett
Mitchell
Redfern
Sykes

Fessler
Key
Oelslager
Skindell

Foley
Koziura
Patton S.
Smith S.

Garrison
McGregor R.
Patton T.
Stewart J.
Ujvagi-22.

The report of the committee of Conference was agreed to.

Representative Raga moved to amend the title as follows:

Remove the name: "Bocchieri."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

REPORTS OF STANDING AND SELECT COMMITTEES AND BILLS FOR SECOND CONSIDERATION

Representative Stewart, D. submitted the following report:

The standing committee on State Government to which was referred **Sub. S. B. No. 281**-Senator Stivers, et al., having had the same under consideration, reports it back and recommends its passage.

RE: CONTINUING PROFESSIONAL TRAINING - PEACE
OFFICERS

Representative Buehrer moved to amend the title as follows:

Add the names: "Representatives Uecker, Setzer."

STEPHEN BUEHRER
JOSEPH W. UECKER
ARLENE J. SETZER
LARRY L. FLOWERS
THOMAS F. PATTON
WILLIAM J. HARTNETT

CHARLES R. BLASDEL
JIM CARMICHAEL
STEVE REINHARD
MIKE FOLEY
DAN STEWART
MIKE MITCHELL

The report was agreed to.

The bill was ordered to be engrossed and placed on the calendar.

BILLS FOR THIRD CONSIDERATION

Sub. S. B. No. 126-Senators Wachtmann, Stivers.

To amend sections 133.07, 140.03, 140.05, 325.19, 339.01, 339.02, 339.03, 339.06, 339.09, 339.091, 339.14, 339.16, 339.17, 1347.12, 1349.19, 4723.01, and 4723.32 and to repeal section 339.092 of the Revised Code to modify the laws governing county hospitals and licensed practical nurse duties and to exempt a state agency or agency of a political subdivision from the requirement that it disclose or give notice of unauthorized access to personal

information if the agency is a covered entity under the Health Insurance Portability and Accountability Act of 1996, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Boccieri	Book	Brinkman	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Foley	Garrison	Gibbs
Gilb	Hagan	Hartnett	Healy
Hood	Hoops	Hughes	Key
Koziura	Latta	Law	Luckie
Martin	Mason	McGregor J.	McGregor R.
Mitchell	Oelsluger	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Rausen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Stewart D.	Stewart J.	Strahorn
Sykes	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Webster	White D.
White J.	Widener	Widowfield	Willamowski
Williams	Wolpert	Yates	Yuko
			Husted-93.

The bill passed.

Representative White, J. moved to amend the title as follows:

Add the names: "Cassell, Combs, Daniels, DeBose, Evans, C., Luckie, Seaver, Smith, G., White, J.."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

S. B. No. 277-Senators Jacobson, Kearney, Cates, Armbruster, Coughlin, Gardner, Grendell, Harris, Jordan, Padgett, Clancy, Mumper, Niehaus, Schuler. -Representatives Book, Hartnett, Setzer, Stewart, D., Patton, T..

To create the National Statuary Collection Study Committee to recommend an individual to replace Governor William Allen as one of Ohio's representatives in the National Statuary Collection in the United States

Capitol, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 82, nays 12, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Boccieri	Book
Brinkman	Bubp	Buehrer	Calvert
Carano	Carmichael	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Garrison	Gibbs	Gilb
Hagan	Hartnett	Hood	Hoops
Hughes	Key	Koziura	Latta
Law	Luckie	Martin	Mason
McGregor J.	McGregor R.	Oelslager	Otterman
Patton T.	Peterson	Raga	Rausen
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Stewart D.
Stewart J.	Strahorn	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White D.	White J.	Widener	Widowfield
Willamowski	Williams	Wolpert	Yates
Yuko			Husted-82.

Those who voted in the negative were: Representatives

Barrett	Beatty	Brown	Cassell
Foley	Healy	Mitchell	Patton S.
Perry	Redfern	Smith S.	Sykes-12.

The bill passed.

Representative Buehrer moved to amend the title as follows:

Add the names: "Buehrer, Combs, Evans, C., Evans, D., Smith, G., Trakas."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

On motion of Representative Blasdel, the House recessed.

The House met pursuant to recess.

Sub. S. B. No. 311-Senators Gardner, Padgett, Harris, Clancy, Mumper, Jacobson, Cates, Goodman, Niehaus. -Representative Webster.

To amend sections 3301.41, 3301.42, 3313.472, 3313.603, 3313.61, 3313.614, 3313.615, 3314.012, 3314.03, 3325.08, and 3345.06 and to enact

sections 3301.43, 3301.46, 3302.032, 3313.6013, 3313.6014, 3319.0811, 3319.233, 3319.234, 3333.163, 3333.34, 3345.061, and 3345.062 of the Revised Code and to amend Section 6 of Sub. H.B. 115 of the 126th General Assembly to establish the Ohio Core curriculum, to restructure admission requirements and remedial courses in state universities, and to implement other initiatives to enhance secondary and post-secondary education in Ohio, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

Representative Flowers moved to amend as follows:

In line 139, delete "2008" and insert "2010"

In line 274, delete "2008" and insert "2010"

In line 332, delete "2008" and insert "2010"

In line 364, delete "2008" and insert "2010"

In line 365, delete "2012" and insert "2014"

In line 399, delete "2012" and insert "2014"

In line 523, delete "2008" and insert "2010"

In line 991, delete "2008" and insert "2010"

In line 999, delete "2008" and insert "2010"

In line 1330, delete "2012-2013" and insert "2014-2015"

In line 1335, delete "2008" and insert "2010"

In line 1389, delete "2012-2013" and insert "2014-2015"

In line 1398, delete "2012-2013 and 2013-2014" and insert "2014-2015 and 2015-2016"

In line 1403, delete "2014-2015" and insert "2016-2017"

In line 1409, delete "2015-2016" and insert "2017-2018"

In line 1415, delete "2016-2017" and insert "2018-2019"

In line 1424, delete "2016-2017" and insert "2018-2019"

In line 1430, delete "2012-2013" and insert "2014-2015"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 94, nays 2, as follows:

Those who voted in the affirmative were: Representatives

Aslanides

Barrett

Beatty

Blasdel

Blessing	Boccheri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fende
Fessler	Flowers	Foley	Garrison
Gibbs	Gilb	Hagan	Hartnett
Healy	Hood	Hoops	Hughes
Key	Koziura	Latta	Law
Luckie	Martin	Mason	McGregor J.
McGregor R.	Mitchell	Oelslager	Otterman
Patton S.	Patton T.	Perry	Peterson
Raga	Rausen	Redfern	Reidelbach
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
White D.	White J.	Widener	Widowfield
Williamowski	Williams	Wolpert	Yates
Yuko			Husted-94.

Representatives Reinhard and Webster voted in the negative-2.

The motion was agreed to and the bill so amended.

The question being, "Shall the bill as amended pass?"

Representative Williams moved to amend as follows:

Between lines 1637 and 1638, insert:

"Section 9. "The Partnership for Continued Learning shall contract with an independent entity to conduct an analysis of the financial resources necessary to implement the Ohio Core curriculum provisions of this act. The Partnership shall require the entity to complete the analysis and submit its written findings to the General Assembly not later than July 1, 2007. The analysis shall include:

(A) Cost estimates that account for the need for new teachers, enhanced teacher salaries, recruitment and retention programs, relicensure and retraining programs, professional development, enhanced student intervention, new science laboratories and equipment, and administration costs;

(B) Potential cost savings, such as student ability to test out of certain college classes, competency-based high school credit, increases in Advanced Placement credits and in credits earned before high school, and distance learning initiatives;

(C) Costs of and recommendations for realignment of existing resources.

Section 10. (A) Except as provided in division (B) of this section, Sections 1 and 2 of this act take effect on October 1, 2007.

(B) The amendments to sections 3301.41 and 3301.42 of the Revised Code, as amended by this act, and the enactment in this act of section 3301.43 of the Revised Code take effect on the ninety-first day after this act becomes law."

In line 1638, delete "9" and insert "11"

In line 1647, delete "10" and insert "12"

The question being, "Shall the motion to amend be agreed to?"

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 51, nays 44, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Bubp
Buehrer	Calvert	Carmichael	Coley
Collier	Combs	Core	Daniels
DeWine	Dolan	Evans D.	Faber
Flowers	Gibbs	Gilb	Hagan
Hoops	Latta	Law	Martin
McGregor J.	McGregor R.	Patton T.	Peterson
Raga	Rausen	Reinhard	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Taylor	Trakas
Uecker	Wagner	Wagoner	Webster
White D.	White J.	Widener	Widowfield
Willamowski	Wolpert		Husted-51.

Those who voted in the negative were: Representatives

Barrett	Beatty	Boccieri	Book
Brinkman	Brown	Carano	Cassell
Chandler	DeBose	DeGeeter	Distel
Domenick	Driehaus	Evans C.	Fessler
Foley	Garrison	Hartnett	Healy
Hood	Hughes	Key	Koziura
Luckie	Mason	Mitchell	Oelslager
Otterman	Patton S.	Perry	Redfern
Reidelbach	Sayre	Skindell	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Ujvagi	Williams	Yates	Yuko-44.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Collier moved to amend as follows:

In line 14, after "sections" insert "2151.011, "; after "3313.472," insert "3313.48, 3313.533,"

In line 15, after "3313.615," insert "3313.62, "; after "3314.03," insert

"3317.01, 3317.029,"

In line 16, after "amended" insert "and new section 3313.481 and"

Between lines 19 and 20, insert:

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

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

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

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

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

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

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

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

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

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

(c) Provides adoption services in conjunction with a public children services agency or private child placing agency.

(B) As used in this chapter:

(1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.

(2) "Adult" means an individual who is eighteen years of age or older.

(3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary

custody of a child to a public children services agency or a private child placing agency.

(4) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.

(5) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.

(6) "Child day camp," "child care," "child day-care center," "part-time child day-care center," "type A family day-care home," "certified type B family day-care home," "type B home," "administrator of a child day-care center," "administrator of a type A family day-care home," "in-home aide," and "authorized provider" have the same meanings as in section 5104.01 of the Revised Code.

(7) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of mental retardation and developmental disabilities, or the early childhood programs of the department of education.

(8) "Chronic truant" has the same meaning as in section 2152.02 of the Revised Code.

(9) "Commit" means to vest custody as ordered by the court.

(10) "Counseling" includes both of the following:

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child.

(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under Chapter 4757. of the Revised Code to engage in social work or professional counseling.

(11) "Custodian" means a person who has legal custody of a child or a public children services agency or private child placing agency that has permanent, temporary, or legal custody of a child.

(12) "Delinquent child" has the same meaning as in section 2152.02 of

the Revised Code.

(13) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.

(14) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.

(15) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(16) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

(17) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for five or more consecutive school days, seven or more school days in one school month, or twelve or more school days in a school year.

(18) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

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

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

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

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

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

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

(22) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other

person responsible for the child's care.

(23) "Mentally retarded person" has the same meaning as in section 5123.01 of the Revised Code.

(24) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.

(25) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.

(26) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.

(27) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, child care provided by type B family day-care home providers and by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, public schools, chartered nonpublic schools, educational service centers, hospitals, and medical clinics that are responsible for the care, physical custody, or control of children.

(28) "Out-of-home care child abuse" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

- (a) Engaging in sexual activity with a child in the person's care;
- (b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;
- (c) Use of restraint procedures on a child that cause injury or pain;
- (d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;
- (e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death.

(29) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:

- (a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special

needs of the child;

(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;

(c) Failure to develop a process for all of the following:

(i) Administration of prescription drugs or psychotropic drugs for the child;

(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;

(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.

(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;

(e) Confinement of the child to a locked room without monitoring by staff;

(f) Failure to provide ongoing security for all prescription and nonprescription medication;

(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.

(30) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations.

(31) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency.

(32) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies.

(33) "Person responsible for a child's care in out-of-home care" means any of the following:

(a) Any foster caregiver, in-home aide, or provider;

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care

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

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

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

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

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

(b) A congenital orthopedic impairment;

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

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

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

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

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

(38) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

(39) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the

Revised Code.

(40) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

(41) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

(42) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.

(43) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.

(44) "Residential care facility" means an institution, residence, or facility that is licensed by the department of mental health under section 5119.22 of the Revised Code and that provides care for a child.

(45) "Residential facility" means a home or facility that is licensed by the department of mental retardation and developmental disabilities under section 5123.19 of the Revised Code and in which a child with a developmental disability resides.

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

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

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

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

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

(51) "Shelter" means the temporary care of children in physically

unrestricted facilities pending court adjudication or disposition.

(52) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.

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

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

Between lines 240 and 241, insert:

"**Sec. 3313.48.** (A) The board of education of each city, exempted village, local, and joint vocational school district shall provide for the free education of the youth of school age within the district under its jurisdiction, at such places as will be most convenient for the attendance of the largest number thereof. ~~Except as provided in section 3313.481 of the Revised Code, each~~ Each school so provided and each chartered nonpublic school shall be open for instruction with pupils in attendance, including scheduled classes, supervised activities, and approved education options but excluding lunch and breakfast periods and extracurricular activities, for not less than one hundred eighty-two days ~~four hundred fifty-five hours in the case of pupils in kindergarten unless such pupils are provided all-day kindergarten, as defined in section 3317.029 of the Revised Code, in which case the pupils shall be in attendance for nine hundred ten hours; nine hundred ten hours in the case of pupils in grades one through six; and one thousand one hours in the case of pupils in grades seven through twelve in each school year, which may include all of the following:~~

~~(A)(1) Up to four school days~~ ten hours per year in which classes are dismissed one half day early or the equivalent amount of time during a different number of days ~~in grades kindergarten through six and up to eleven hours per year in grades seven through twelve during which pupils would otherwise be in attendance but are not required to attend~~ for the purpose of individualized parent-teacher conferences and reporting periods;

~~(B)(2) Up to two days~~ ten hours per year during which pupils would otherwise be in attendance but are not required to attend ~~for professional meetings of teachers when such days occur during a regular school week and schools are not in session~~ of grades kindergarten through six, and up to eleven hours per year for such meetings of teachers of grades seven through twelve;

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

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

~~Except as otherwise provided in this section, each day for grades seven through twelve shall consist of not less than five clock hours with pupils in attendance, except in such emergency situations, including lack of classroom space, as are approved by the state board of education. Except as otherwise provided in this section, each day for grades one through six shall consist of not less than five clock hours with pupils in attendance which may include fifteen minute morning and afternoon recess periods, except in such emergency situations, including lack of classroom space, as are approved by the state board of education.~~

(B) No school operated by a city, exempted village, local, or joint vocational school district shall reduce the number of hours in each school year and the number days in each school week that the school is scheduled to be open for instruction from the number of hours per year and the number of days per week the school was open for instruction during the previous school year unless either reduction is approved by a resolution adopted by the district board of education. Any reduction so approved shall not result in fewer hours of instruction per school year than the applicable number of hours required under this section.

(C) Prior to making any change in the hours or days in which a high school under its jurisdiction is open for instruction, the board of education of each city, exempted village, and local school district shall consider the compatibility of the proposed change with the scheduling needs of any joint vocational school district in which any of the high school's students are also enrolled. The board shall consider the impact of the proposed change on student access to the instructional programs offered by the joint vocational school district, incentives for students to participate in vocational education, transportation, and the timing of graduation. The board shall provide the joint vocational school district board with advance notice of the proposed change and the two boards shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the joint vocational school district prior to implementation of the change.

(D) Prior to making any change in the hours or days in which the schools under its jurisdiction are open for instruction, the board of education of each city, exempted village, and local school district shall consult with the chartered nonpublic schools and community schools, established under Chapter 3314. of the Revised Code, to which the district is required to transport students under section 3314.09 or 3327.01 of the Revised Code and shall consider the effect of the proposed change on the schedule for transportation of those students to their nonpublic or community schools.

Sec. 3313.481. Wherever in Title XXXIII of the Revised Code the term "school day" is used, unless otherwise specified, that term shall be construed to mean the time during a calendar day other than Saturday or Sunday that a school

is open for instruction pursuant to the schedule adopted by the board of education of the school district or the governing authority of the chartered nonpublic school in accordance with section 3313.48 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

(E) If a district board of education elects under this section, or is required by section 3313.534 of the Revised Code, to establish an alternative school, the district board may join with the board of education of one or more other districts to form a joint alternative school by forming a cooperative education school district under section 3311.52 or 3311.521 of the Revised Code, or a joint educational program under section 3313.842 of the Revised Code. The authority to employ personnel or to contract with a nonprofit or for profit entity under division (C) of this section applies to any alternative school program established under this division.

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

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

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

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

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

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

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

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

(c) A plan for social services to be provided at the alternative school,

such as, but not limited to, counseling services, psychological support services, and enrichment programs;

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

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

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

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

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

(1) The board shall publish notice of a request for proposals in a newspaper of general circulation in the district once each week for a period of at least two consecutive weeks prior to the date specified by the board for receiving proposals. Notices of requests for proposals shall contain a general description of the subject of the proposed contract and the location where the request for proposals may be obtained. The request for proposals shall include all of the following information:

(a) Instructions and information to respondents concerning the submission of proposals, including the name and address of the office where proposals are to be submitted;

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

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

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

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

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

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

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

(b) Demonstrated performance in the areas of cost containment, the provision of educational services of a high quality, and any other areas determined by the board;

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

(d) Financial responsibility.

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

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

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

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

(6) Any respondent may request in writing that the board not disclose confidential or proprietary information or trade secrets contained in the proposal

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

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

Between lines 881 and 882, insert:

"**Sec. 3313.62.** The school year shall begin on the first day of July of each calendar year and close on the thirtieth day of June of the succeeding calendar year. A school week shall consist of up to five days, and ~~a school month of four school weeks shall not include Saturday or Sunday.~~"

Between lines 1174 and 1175, insert:

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

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

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

Annually, the department of education shall calculate and report to each school district the district's total state and local funds for providing an adequate basic education to the district's nonhandicapped students, utilizing the determination in section 3317.012 of the Revised Code. In addition, the department shall calculate and report separately for each school district the district's total state and local funds for providing an adequate education for its handicapped students, utilizing the determinations in both sections 3317.012 and 3317.013 of the Revised Code.

Not later than the thirty-first day of August of each fiscal year, the department of education shall provide to each school district and county MR/DD

board a preliminary estimate of the amount of funding that the department calculates the district will receive under each of divisions (C)(1) and (4) of section 3317.022 of the Revised Code. No later than the first day of December of each fiscal year, the department shall update that preliminary estimate.

Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed at least monthly to each school district unless otherwise provided for. The state board shall submit a yearly distribution plan to the controlling board at its first meeting in July. The state board shall submit any proposed midyear revision of the plan to the controlling board in January. Any year-end revision of the plan shall be submitted to the controlling board in June. If moneys appropriated for each fiscal year are distributed other than monthly, such distribution shall be on the same basis for each school district.

The total amounts paid each month shall constitute, as nearly as possible, one-twelfth of the total amount payable for the entire year.

Until fiscal year 2007, payments made during the first six months of the fiscal year may be based on an estimate of the amounts payable for the entire year. Payments made in the last six months shall be based on the final calculation of the amounts payable to each school district for that fiscal year. Payments made in the last six months may be adjusted, if necessary, to correct the amounts distributed in the first six months, and to reflect enrollment increases when such are at least three per cent.

Beginning in fiscal year 2007, payments shall be calculated to reflect the biannual reporting of average daily membership. In fiscal year 2007 and in each fiscal year thereafter, annualized periodic payments for each school district shall be based on the district's student counts certified pursuant to section 3317.03 of the Revised Code as follows:

the sum of one-half of the number of students reported
for the first full week in October plus one-half of the
average of the numbers reported for the first full week
in October and for the first full week in February

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

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

3317.021 of the Revised Code.

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

A school district shall not be considered to have failed to comply with this division ~~or section 3313.481 of the Revised Code~~ because schools were open for instruction but either twelfth grade students were excused from attendance for up to ~~three days~~sixteen and one-half hours or only a portion of the kindergarten students were in attendance for up to ~~three days~~fifteen hours, in the case of students attending all-day kindergarten, and seven and one-half hours, in the case of students attending half-day kindergarten, in order to allow for the gradual orientation to school of such students.

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

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

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

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

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

Sec. 3317.029. (A) As used in this section:

(1) "Poverty percentage" means the quotient obtained by dividing the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC, as certified or adjusted under section 3317.10 of the Revised Code, by the district's three-year average formula ADM.

(2) "Statewide poverty percentage" means the five-year average of the total number of children ages five to seventeen years residing in the state and receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC, divided by the sum of the three-year average formula ADMs for all school districts in the state.

(3) "Poverty index" means the quotient obtained by dividing the school district's poverty percentage by the statewide poverty percentage.

(4) "Poverty student count" means the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC, as certified under section 3317.10 of the Revised Code.

(5) "Kindergarten ADM" means the number of students reported under section 3317.03 of the Revised Code as enrolled in kindergarten, excluding any kindergarten students reported under division (B)(3)(e) or (f) of section 3317.03 of the Revised Code.

(6) "Kindergarten through third grade ADM" means the amount calculated as follows:

(a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage;

(b) Add the number of students in grades one through three;

(c) Subtract from the sum calculated under division (A)(6)(b) of this section the number of special education students in grades kindergarten through three.

"Kindergarten through third grade ADM" shall not include any students reported under division (B)(3)(e) or (f) of section 3317.03 of the Revised Code.

(7) "All-day kindergarten" means a kindergarten class that is in session ~~five days per week~~ for not less than the same number of clock hours each ~~day~~ week as for pupils in grades one through six.

(8) "All-day kindergarten percentage" means the percentage of a district's actual total number of students enrolled in kindergarten who are enrolled in all-day kindergarten.

(9) "Buildings with the highest concentration of need" means the school buildings in a district with percentages of students in grades kindergarten through three receiving assistance under Ohio works first at least as high as the district-wide percentage of students receiving such assistance.

If, in any fiscal year, the information provided by the department of job and family services under section 3317.10 of the Revised Code is insufficient to determine the Ohio works first percentage in each building, "buildings with the highest concentration of need" has the meaning given in rules that the department of education shall adopt. The rules shall base the definition of "buildings with the highest concentration of need" on family income of students in grades kindergarten through three in a manner that, to the extent possible with available data, approximates the intent of this division and division (K) of this section to designate buildings where the Ohio works first percentage in those grades equals or exceeds the district-wide Ohio works first percentage.

(B) In addition to the amounts required to be paid to a school district under section 3317.022 of the Revised Code, the department of education shall compute and distribute to each school district for poverty-based assistance the greater of the following:

(1) The amount the district received in fiscal year 2005 for disadvantaged pupil impact aid pursuant to Section 41.10 of Am. Sub. H.B. 95 of the 125th ~~General Assembly~~ general assembly, as amended, minus the amount deducted from the district under Section 16 of Am. Sub. S.B. 2 of the 125th ~~General Assembly~~ general assembly that year for payments to internet- and computer-based community schools;

(2) The sum of the computations made under divisions (C) to (I) of this section.

(C) A payment for academic intervention programs, if the district's poverty index is greater than or equal to 0.25, calculated as follows:

(1) If the district's poverty index is greater than or equal to 0.25, calculate the district's level one amount for large-group academic intervention for all

students as follows:

(a) If the district's poverty index is greater than or equal to 0.25 but less than 0.75:

$$\begin{aligned} & \text{large-group intervention units X hourly rate X} \\ & \text{level one hours X } [(\text{poverty index} - 0.25) / 0.5] \\ & \text{X phase-in percentage} \end{aligned}$$

Where:

(i) "Large-group intervention units" equals the district's formula ADM divided by 20;

(ii) "Hourly rate" equals \$20.00 in fiscal year 2006 and \$20.40 in fiscal year 2007;

(iii) "Level one hours" equals 25 hours;

(iv) "Phase-in percentage" equals 0.60 in fiscal year 2006 and 1.00 in fiscal year 2007.

(b) If the district's poverty index is greater than or equal to 0.75:

$$\begin{aligned} & \text{large-group intervention units X hourly rate X} \\ & \text{level one hours X phase-in percentage} \end{aligned}$$

Where "large-group intervention units," "hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section.

(2) If the district's poverty index is greater than or equal to 0.75, calculate the district's level two amount for medium-group academic intervention for all students as follows:

(a) If the district's poverty index is greater than or equal to 0.75 but less than 1.50:

$$\begin{aligned} & \text{medium-group intervention units X hourly rate} \\ & \text{X } \{ \text{level one hours} + [25 \text{ hours X } ((\text{poverty index} - 0.75) / 0.75)] \} \\ & \text{X phase-in percentage} \end{aligned}$$

Where:

(i) "Medium group intervention units" equals the district's formula ADM divided by 15;

(ii) "Hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section.

(b) If the district's poverty index is greater than or equal to 1.50:

$$\begin{aligned} & \text{medium-group intervention units X hourly rate X} \\ & \text{level two hours X phase-in percentage} \end{aligned}$$

Where:

(i) "Medium group intervention units" has the same meaning as in

division (C)(2)(a)(i) of this section;

(ii) "Hourly rate" and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;

(iii) "Level two hours" equals 50 hours.

(3) If the district's poverty index is greater than or equal to 1.50, calculate the district's level three amount for small-group academic intervention for impoverished students as follows:

(a) If the district's poverty index is greater than or equal to 1.50 but less than 2.50:

$$\text{small group intervention units} \times \text{hourly rate} \times \\ \{ \text{level one hours} + [\text{level three hours} \times \\ (\text{poverty index} - 1.50)] \} \times \text{phase-in percentage}$$

Where:

(i) "Small group intervention units" equals the quotient of (the district's poverty student count times 3) divided by 10;

(ii) "Hourly rate," "level one hours," and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;

(iii) "Level three hours" equals 135 hours.

(b) If the district's poverty index is greater than or equal to 2.50:

$$\text{small group intervention units} \times \text{hourly rate} \\ \times \text{level three hours} \times \text{phase-in percentage}$$

Where:

(i) "Small group intervention units" has the same meaning as in division (C)(3)(a)(i) of this section;

(ii) "Hourly rate" and "phase-in percentage" have the same meanings as in division (C)(1)(a) of this section;

(iii) "Level three hours" equals 160 hours.

Any district that receives funds under division (C)(2) or (3) of this section annually shall submit to the department of education by a date established by the department a plan describing how the district will deploy those funds. The deployment measures described in that plan shall comply with any applicable spending requirements prescribed in division (J)(6) of this section or with any order issued by the superintendent of public instruction under section 3317.017 of the Revised Code.

(D) A payment for all-day kindergarten if the poverty index of the school district is greater than or equal to 1.0 or if the district's three-year average formula ADM exceeded seventeen thousand five hundred. In addition, the department shall make a payment under this division to any school district that, in a prior fiscal year, qualified for this payment and provided all-day

kindergarten, regardless of changes to the district's poverty index. The department shall calculate the payment under this division by multiplying the all-day kindergarten percentage by the kindergarten ADM and multiplying that product by the formula amount.

(E) A class-size reduction payment based on calculating the number of new teachers necessary to achieve a lower student-teacher ratio, as follows:

(1) Determine or calculate a formula number of teachers per one thousand students based on the poverty index of the school district as follows:

(a) If the poverty index of the school district is less than 1.0, the formula number of teachers is 50.0, which is the number of teachers per one thousand students at a student-teacher ratio of twenty to one;

(b) If the poverty index of the school district is greater than or equal to 1.0, but less than 1.5, the formula number of teachers is calculated as follows:
$$50.0 + \{[(\text{poverty index} - 1.0)/0.5] \times 16.667\}$$

Where 50.0 is the number of teachers per one thousand students at a student-teacher ratio of twenty to one; 0.5 is the interval from a poverty index of 1.0 to a poverty index of 1.5; and 16.667 is the difference in the number of teachers per one thousand students at a student-teacher ratio of fifteen to one and the number of teachers per one thousand students at a student-teacher ratio of twenty to one.

(c) If the poverty index of the school district is greater than or equal to 1.5, the formula number of teachers is 66.667, which is the number of teachers per one thousand students at a student-teacher ratio of fifteen to one.

(2) Multiply the formula number of teachers determined or calculated in division (E)(1) of this section by the kindergarten through third grade ADM for the district and divide that product by one thousand;

(3) Calculate the number of new teachers as follows:

(a) Multiply the kindergarten through third grade ADM by 50.0, which is the number of teachers per one thousand students at a student-teacher ratio of twenty to one, and divide that product by one thousand;

(b) Subtract the quotient obtained in division (E)(3)(a) of this section from the product in division (E)(2) of this section.

(4) Multiply the greater of the difference obtained under division (E)(3) of this section or zero by the statewide average teachers compensation. For this purpose, the "statewide average teacher compensation" is \$53,680 in fiscal year 2006 and \$54,941 in fiscal year 2007, which includes an amount for the value of fringe benefits.

(F) A payment for services to limited English proficient students, if the district's poverty index is greater than or equal to 1.0 and the proportion of its students who are limited English proficient, as reported in 2003 on its school

district report issued under section 3302.03 of the Revised Code for the 2002-2003 school year, is greater than or equal to 2.0%, calculated as follows:

(1) If the district's poverty index is greater than or equal to 1.0, but less than 1.75, determine the amount per limited English proficient student as follows:

$$\{0.125 + [0.125 \times ((\text{poverty index} - 1.0)/0.75)]\}$$

X formula amount

(2) If the district's poverty index is greater than or equal to 1.75, the amount per limited English proficient student equals:

$$0.25 \times \text{formula amount}$$

(3) Multiply the per student amount determined for the district under division (F)(1) or (2) of this section by the number of the district's limited English proficient students, times a phase-in percentage of 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007. For purposes of this calculation, the number of limited English proficient students for each district shall be the number determined by the department when it calculated the district's percentage of limited English proficient students for its school district report card issued in 2003 for the 2002-2003 school year.

Not later than December 31, 2006, the department of education shall recommend to the general assembly and the director of budget and management a method of identifying the number of limited English proficient students for purposes of calculating payments under this division after fiscal year 2007.

(G) A payment for professional development of teachers, if the district's poverty index is greater than or equal to 1.0, calculated as follows:

(1) If the district's poverty index is greater than or equal to 1.0, but less than 1.75, determine the amount per teacher as follows:

$$[(\text{poverty index} - 1.0)/0.75] \times 0.045 \times \text{formula amount}$$

(2) If the district's poverty index is greater than or equal to 1.75, the amount per teacher equals:

$$0.045 \times \text{formula amount}$$

(3) Determine the number of teachers, as follows:
(formula ADM/17)

(4) Multiply the per teacher amount determined for the district under division (G)(1) or (2) of this section by the number of teachers determined under division (G)(3) of this section, times a phase-in percentage of 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.

(H) A payment for dropout prevention, if the district is a big eight school district as defined in section 3314.02 of the Revised Code, calculated as follows:

$$0.005 \times \text{formula amount} \times \text{poverty index}$$

$$\times \text{formula ADM} \times \text{phase-in percentage}$$

Where "phase-in percentage" equals 0.40 in fiscal year 2006 and 0.70 in

fiscal year 2007.

(I) An amount for community outreach, if the district is an urban school district as defined in section 3314.02 of the Revised Code, calculated as follows:
0.005 X formula amount X poverty index X
formula ADM X phase-in percentage

Where "phase-in percentage" equals 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.

(J) This division applies only to school districts whose poverty index is 1.0 or greater.

(1) Each school district subject to this division shall first utilize funds received under this section so that, when combined with other funds of the district, sufficient funds exist to provide all-day kindergarten to at least the number of children in the district's all-day kindergarten percentage. To satisfy this requirement, a district may use funds paid under division (C), (F), (G), (H), or (I) of this section to provide all-day kindergarten in addition to the all-day kindergarten payment under division (D) of this section.

(2) Except as permitted under division (J)(1) of this section, each school district shall use its payment under division (F) of this section for one or more of the following purposes:

(a) To hire teachers for limited English proficient students or other personnel to provide intervention services for those students;

(b) To contract for intervention services for those students;

(c) To provide other services to assist those students in passing the third-grade reading achievement test, and to provide for those students the intervention services required by section 3313.608 of the Revised Code.

(3) Except as permitted under division (J)(1) of this section, each school district shall use its payment under division (G) of this section for professional development of teachers or other licensed personnel providing educational services to students only in one or more of the following areas:

(a) Data-based decision making;

(b) Standards-based curriculum models;

(c) Job-embedded professional development activities that are research-based, as defined in federal law.

In addition, each district shall use the payment only to implement programs identified on a list of eligible professional development programs provided by the department of education. The department annually shall provide the list to each district receiving a payment under division (G) of this section. However, a district may apply to the department for a waiver to implement an alternative professional development program in one or more of the areas specified in divisions (J)(3)(a) to (c) of this section. If the department grants the

waiver, the district may use its payment under division (G) of this section to implement the alternative program.

(4) Except as permitted under division (J)(1) of this section, each big eight school district shall use its payment under division (H) of this section either for preventing at-risk students from dropping out of school, for safety and security measures described in division (J)(5)(b) of this section, for academic intervention services described in division (J)(6) of this section, or for a combination of those purposes. Not later than September 1, 2005, the department of education shall provide each big eight school district with a list of dropout prevention programs that it has determined are successful. The department subsequently may update the list. Each district that elects to use its payment under division (H) of this section for dropout prevention shall use the payment only to implement a dropout prevention program specified on the department's list. However, a district may apply to the department for a waiver to implement an alternative dropout prevention program. If the department grants the waiver, the district may use its payment under division (H) of this section to implement the alternative program.

(5) Except as permitted under division (J)(1) of this section, each urban school district that has a poverty index greater than or equal to 1.0 shall use its payment under division (I) of this section for one or a combination of the following purposes:

(a) To hire or contract for community liaison officers, attendance or truant officers, or safety and security personnel;

(b) To implement programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;

(c) To implement academic intervention services described in division (J)(6) of this section.

(6) Except as permitted under division (J)(1) of this section, each school district with a poverty index greater than or equal to 1.0 shall use the amount of its payment under division (C) of this section, and may use any amount of its payment under division (H) or (I) of this section, for academic intervention services for students who have failed or are in danger of failing any of the tests administered pursuant to section 3301.0710 of the Revised Code, including intervention services required by section 3313.608 of the Revised Code. Except as permitted under division (J)(1) of this section, no district shall spend any portion of its payment under division (C) of this section for any other purpose. Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, no collective bargaining agreement entered into after June 30, 2005, shall require use of the payment for any other purpose.

(7) Except as otherwise required by division (K) or permitted under division (O) of this section, all remaining funds distributed under this section to districts with a poverty index greater than or equal to 1.0 shall be utilized for the purpose of the third grade guarantee. The third grade guarantee consists of

increasing the amount of instructional attention received per pupil in kindergarten through third grade, either by reducing the ratio of students to instructional personnel or by increasing the amount of instruction and curriculum-related activities by extending the length of the school day or the school year.

School districts may implement a reduction of the ratio of students to instructional personnel through any or all of the following methods:

(a) Reducing the number of students in a classroom taught by a single teacher;

(b) Employing full-time educational aides or educational paraprofessionals issued a permit or license under section 3319.088 of the Revised Code;

(c) Instituting a team-teaching method that will result in a lower student-teacher ratio in a classroom.

Districts may extend the school day either by increasing the amount of time allocated for each class, increasing the number of classes provided per day, offering optional academic-related after-school programs, providing curriculum-related extra curricular activities, or establishing tutoring or remedial services for students who have demonstrated an educational need. In accordance with section 3319.089 of the Revised Code, a district extending the school day pursuant to this division may utilize a participant of the work experience program who has a child enrolled in a public school in that district and who is fulfilling the work requirements of that program by volunteering or working in that public school. If the work experience program participant is compensated, the school district may use the funds distributed under this section for all or part of the compensation.

Districts may extend the school year either through adding regular days of instruction to the school calendar or by providing summer programs.

(K) Each district shall not expend any funds received under division (E) of this section in any school buildings that are not buildings with the highest concentration of need, unless there is a ratio of instructional personnel to students of no more than fifteen to one in each kindergarten and first grade class in all buildings with the highest concentration of need. This division does not require that the funds used in buildings with the highest concentration of need be spent solely to reduce the ratio of instructional personnel to students in kindergarten and first grade. A school district may spend the funds in those buildings in any manner permitted by division (J)(7) of this section, but may not spend the money in other buildings unless the fifteen-to-one ratio required by this division is attained.

(L)(1) By the first day of August of each fiscal year, each school district wishing to receive any funds under division (D) of this section shall submit to the department of education an estimate of its all-day kindergarten percentage.

Each district shall update its estimate throughout the fiscal year in the form and manner required by the department, and the department shall adjust payments under this section to reflect the updates.

(2) Annually by the end of December, the department of education, utilizing data from the information system established under section 3301.0714 of the Revised Code, shall determine for each school district subject to division (J) of this section whether in the preceding fiscal year the district's ratio of instructional personnel to students and its number of kindergarten students receiving all-day kindergarten appear reasonable, given the amounts of money the district received for that fiscal year pursuant to divisions (D) and (E) of this section. If the department is unable to verify from the data available that students are receiving reasonable amounts of instructional attention and all-day kindergarten, given the funds the district has received under this section and that class-size reduction funds are being used in school buildings with the highest concentration of need as required by division (K) of this section, the department shall conduct a more intensive investigation to ensure that funds have been expended as required by this section. The department shall file an annual report of its findings under this division with the chairpersons of the committees in each house of the general assembly dealing with finance and education.

(M)(1) Each school district with a poverty index less than 1.0 that receives a payment under division (D) of this section shall first utilize funds received under this section so that, when combined with other funds of the district, sufficient funds exist to provide all-day kindergarten to at least the number of children in the district's all-day kindergarten percentage. To satisfy this requirement, a district may use funds paid under division (C) or (I) of this section to provide all-day kindergarten in addition to the all-day kindergarten payment under division (D) of this section.

(2) Except as permitted under division (M)(1) of this section, each school district with a poverty index less than 1.0 that receives a payment under division (C) of this section shall use its payment under that division in accordance with all requirements of division (J)(6) of this section.

(3) Except as permitted under division (M)(1) of this section, each school district with a poverty index less than 1.0 that receives a payment under division (I) of this section shall use its payment under that division for one or a combination of the following purposes:

(a) To hire or contract for community liaison officers, attendance or truant officers, or safety and security personnel;

(b) To implement programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;

(c) To implement academic intervention services described in division (J)(6) of this section.

(4) Each school district to which division (M)(1), (2), or (3) of this

section applies shall expend the remaining funds received under this section, and any other district with a poverty index less than 1.0 shall expend all funds received under this section, for any of the following purposes:

- (a) The purchase of technology for instructional purposes for remediation;
 - (b) All-day kindergarten;
 - (c) Reduction of class sizes in grades kindergarten through three, as described in division (J)(7) of this section;
 - (d) Summer school remediation;
 - (e) Dropout prevention programs approved by the department of education under division (J)(4) of this section;
 - (f) Guaranteeing that all third graders are ready to progress to more advanced work;
 - (g) Summer education and work programs;
 - (h) Adolescent pregnancy programs;
 - (i) Head start, preschool, early childhood education, or early learning programs;
 - (j) Reading improvement and remediation programs described by the department of education;
 - (k) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;
 - (l) Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code;
 - (m) School breakfasts provided pursuant to section 3313.813 of the Revised Code.
- (N) If at any time the superintendent of public instruction determines that a school district receiving funds under division (D) of this section has enrolled less than the all-day kindergarten percentage reported for that fiscal year, the superintendent shall withhold from the funds otherwise due the district under this section a proportional amount as determined by the difference in the certified all-day kindergarten percentage and the percentage actually enrolled in all-day kindergarten.

The superintendent shall also withhold an appropriate amount of funds otherwise due a district for any other misuse of funds not in accordance with this section.

(O)(1) A district may use a portion of the funds calculated for it under division (D) of this section to modify or purchase classroom space to provide all-day kindergarten, if both of the following conditions are met:

(a) The district certifies to the department, in a manner acceptable to the department, that it has a shortage of space for providing all-day kindergarten.

(b) The district provides all-day kindergarten to the number of children in the all-day kindergarten percentage it certified under this section.

(2) A district may use a portion of the funds described in division (J)(7) of this section to modify or purchase classroom space to enable it to further reduce class size in grades kindergarten through two with a goal of attaining class sizes of fifteen students per licensed teacher. To do so, the district must certify its need for additional space to the department, in a manner satisfactory to the department."

In line 1479, after "sections" insert "2151.011, "; after "3313.472," insert "3313.48, 3313.533,"

In line 1480, after "3313.615," insert "3313.62, "; after "3314.03," insert "3317.01, 3317.029,"

In line 1481, after "3345.06" insert "and sections 3313.481 and 3313.482"

Between lines 1637 and 1638, insert:

Section 9. The amendment of sections 2151.011, 3313.48, 3313.533, 3313.62, and 3317.029, the repeal and reenactment of section 3313.481, and the repeal of section 3313.482 of the Revised Code by this act shall take effect July 1, 2007. Section 3317.01 of the Revised Code, as amended by this act, shall take effect July 1, 2008.

Section 10. The amendments to sections 3313.48, 3313.533, 3313.62, 3317.01, and 3317.029; the repeal and reenactment of section 3313.481; and the repeal of section 3313.482 of the Revised Code made by this act do not apply to any collective bargaining agreement executed under Chapter 4117. of the Revised Code prior to the effective date of this section. Any collective bargaining agreement or renewal executed after that date shall comply with the changes provided for in this act."

In line 1638, delete "9" and insert "11"

In line 1647, delete "10" and insert "12"

In line 1 of the title, after "sections" insert "2151.011, "; after "3313.472," insert "3313.48, 3313.533,"

In line 2 of the title, after "3313.615," insert "3313.62,"

In line 3 of the title, after "3314.03," insert "3317.01, 3317.029, "; delete the second "and" and insert a semicolon; after "enact" insert "new section

3313.481 and"

In line 6 of the title, after "3345.062" insert "; and to repeal sections 3313.481 and 3313.482"

In line 9 of the title, after the comma insert "to calculate the minimum school year based on hours, rather than days, of instruction,"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 77, nays 19, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Brinkman	Brown	Bubp	Calvert
Carano	Carmichael	Cassell	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Flowers
Gibbs	Gilb	Hagan	Hartnett
Hood	Hoops	Hughes	Key
Koziura	Latta	Law	Martin
McGregor J.	McGregor R.	Oelslager	Otterman
Patton T.	Perry	Peterson	Raga
Raussen	Reidelbach	Reinhard	Sayre
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart D.
Stewart J.	Taylor	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White D.	White J.	Widener	Widowfield
Williamowski	Williams	Wolpert	Yuko
			Husted-77.

Those who voted in the negative were: Representatives

Beatty	Bocieri	Book	Buehrer
Chandler	Fessler	Foley	Garrison
Healy	Luckie	Mason	Mitchell
Patton S.	Redfern	Skindell	Smith S.
Strahorn	Sykes		Yates-19.

The motion was agreed to and the bill so amended.

The question recurring, "Shall the bill as amended pass?"

Representative Williams moved to amend as follows:

In line 275, delete "to (F)" and insert ", (E), and (L)"

In line 424, delete all after "(F)"

Delete lines 425 through 468

In line 469, delete "(G)"

In line 484, delete "(G)" and insert "(F)"

In line 486, delete "(K)" and insert "(J)"

In line 489, delete "(H)" and insert "(G)"

In line 494, delete "(I)" and insert "(H)"

In line 499, delete "(J)" and insert "(I)"

In line 515, delete "(K)" and insert "(J)"

In line 516, delete "or (F)"

In lines 530 and 535, delete "(G)" and insert "(F)"

In line 539, delete "(L)" and insert "(K)"

Between lines 550 and 551, insert:

"(L) The state board of education shall adopt standards for excusing from the requirements of the Ohio core curriculum prescribed in division (C) of this section a student who is enrolled in a dropout prevention and recovery program and prescribing alternative requirements for such student to graduate from high school. The standards shall prescribe how to determine whether to excuse a student from the Ohio core curriculum on a student-by-student basis and not on a program-by-program basis."

In line 615, delete "(F)" and insert "(L)"

In line 654, delete "(F)" and insert "qualifies under division (L)"

In line 820, delete "(F)" and insert "(L)"

In line 865, delete "(F)" and insert "(L)"

In line 1005, delete "(F)" and insert "(L)"

In line 1008, delete "(J)" and insert "(I)"

The question being, "Shall the motion to amend be agreed to?"

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Bubp
Buehrer	Calvert	Carmichael	Coley
Collier	Combs	Core	Daniels
DeWine	Dolan	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hood	Hoops
Hughes	Latta	Law	Martin
McGregor J.	McGregor R.	Oelslager	Patton T.
Peterson	Raga	Rausen	Reidelbach
Reinhard	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.

Stewart J.	Taylor	Trakas	Uecker
Wagner	Wagoner	Webster	White D.
White J.	Widener	Widowfield	Willamowski
Wolpert			Husted-58.

Those who voted in the negative were: Representatives

Barrett	Beatty	Bocchieri	Book
Brinkman	Brown	Carano	Cassell
Chandler	DeBose	DeGeeter	Distel
Domenick	Driehaus	Fende	Foley
Garrison	Hartnett	Healy	Key
Koziura	Luckie	Mason	Mitchell
Otterman	Perry	Redfern	Sayre
Skindell	Smith S.	Stewart D.	Strahorn
Sykes	Ujvagi	Williams	Yates
			Yuko-37.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Bocchieri moved to amend as follows:

Between lines 1602 and 1603, insert:

"Section 7.1. The General Assembly recognizes the role filled by Central State University, Shawnee State University, and Youngstown State University as "access campuses," and for this reason has not applied to them the restructured admission requirements of division (B) of section 3345.06 or the phase-out of state subsidies for academic remedial and developmental courses under division (B) of section 3345.061 of the Revised Code. The General Assembly will continue the practice of appropriating supplemental subsidies for Central State University and Shawnee State University and, beginning in fiscal year 2008, will appropriate similar supplemental subsidies for Youngstown State University. These supplemental subsidies recognize that state share of instruction formulas historically have yielded less per student for lower division undergraduate courses and maintain the policy objective of reducing the student share of costs for resident undergraduates enrolled in lower division undergraduate courses at Ohio's access campuses."

The question being, "Shall the motion to amend be agreed to?"

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 57, nays 38, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Bubp
Buehrer	Calvert	Carmichael	Coley
Collier	Combs	Core	Daniels
DeWine	Dolan	Evans C.	Evans D.

Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hoops	Hughes
Latta	Law	Martin	McGregor J.
McGregor R.	Oelsluger	Patton T.	Peterson
Raga	Rausen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Stewart J.
Taylor	Trakas	Uecker	Wagner
Wagoner	Webster	White D.	White J.
Widener	Widowfield	Willamowski	Wolpert
			Husted-57.

Those who voted in the negative were: Representatives

Barrett	Beatty	Bocchieri	Book
Brinkman	Brown	Carano	Cassell
Chandler	DeBose	DeGeeter	Distel
Domenick	Driehaus	Fende	Foley
Garrison	Hartnett	Healy	Hood
Key	Koziura	Luckie	Mason
Mitchell	Otterman	Perry	Redfern
Sayre	Skindell	Smith S.	Stewart D.
Strahorn	Sykes	Ujvagi	Williams
Yates			Yuko-38.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Bocchieri moved to amend as follows:

In line 18, delete "and"; after "3345.062" insert ", and 3358.20"

Between lines 1478 and 1479, insert:

"Sec. 3358.20. (A) The provisions of this section prevail over conflicting provisions of this chapter; however, except as provided in this section, the state community college district created by this section and its board of trustees, officers, and employees shall comply with the provisions of this chapter, as if the state community college had been created under section 3358.02 of the Revised Code. Wherever in this chapter a reference is made to the date a state community college district is declared to be established, that date as it relates to the district created by this section shall be the date prescribed by the Ohio board of regents pursuant to division (C)(1) of this section.

(B) The Mahoning valley state community college district is hereby created. The territory of the district shall consist of the combined territories of Mahoning, Trumbull, and Columbiana counties.

(C)(1) Within thirty days after the effective date of this section, the board of regents shall begin taking actions necessary for the development of the state community college, so that it is in operation not later than January 1, 2008. The board of regents also shall prescribe a date that shall be considered the date the

state community college district is established.

(2) The board of regents shall notify the governor and the secretary of state of the date prescribed by the board of regents under division (C)(1) of this section.

(3) The governor shall make the appointments to the board of trustees of the state community college prescribed in section 3358.03 of the Revised Code not later than thirty days after the date prescribed by the board of regents under division (C)(1) of this section.

(D)(1) The board of regents shall develop the plan for the state community college required by section 3358.07 of the Revised Code. The board of regents shall choose the location or locations for the facilities from which the state community college shall operate. In developing the state community college, the board of regents shall consider using as many existing facilities as practicable.

(2) Notwithstanding the limit prescribed in section 3358.07 of the Revised Code permitting the board of trustees of a state community college district to contract for the state community college to be operated only in part by the board of trustees of a state university, the plan developed by the board of regents shall instead require the board of trustees of the state community college district created by this section to enter into a contract with the board of trustees of Youngstown state university for the whole operation of the state community college.

(3) Upon completion of the plan, the board of regents shall issue a charter for the state community college to the board of trustees of the state community college district.

(E) When the charter is issued to the board of trustees under division (D) of this section, the board of trustees shall take the steps necessary to appoint or employ officers and employees for the state community college and to enter into the contract prescribed in division (D)(2) of this section so that the state community college is in operation on January 1, 2008.

(F) The board of trustees of Youngstown state university shall negotiate a contract with the board of trustees of the state community college district created by this section for the operation of the state community college.

(G) Not later than June 1, 2007, the board of regents shall report to the general assembly on the progress made to that date in developing the state community college. The board of regents also may make any legislative recommendations the board of regents believes are necessary for the continued development and the operation of the state community college, including, but not limited to, recommendations for the appropriation of funds to acquire facilities for and to operate the state community college."

Between lines 1637 and 1638, insert:

"Section 9. In developing the Mahoning Valley State Community College created by section 3358.20 of the Revised Code, the Ohio Board of Regents shall consult with the North East Ohio Universities Collaboration and Innovation Study Commission, if the Commission is established by a separate act of the General Assembly."

In line 1638, delete "9" and insert "10"

In line 1647, delete "10" and insert "11"

In line 6 of the title, delete "and"; after "3345.062" insert ", and 3358.20"

In line 11 of the title, after the comma insert ", to create the Mahoning Valley State Community College"

The question being, "Shall the motion to amend be agreed to?"

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 58, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Bubp
Buehrer	Calvert	Carmichael	Coley
Collier	Combs	Core	Daniels
DeWine	Dolan	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hood	Hoops
Hughes	Latta	Law	Martin
McGregor J.	McGregor R.	Oelslager	Patton T.
Peterson	Raga	Raussen	Reidelbach
Reinhard	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Stewart J.	Taylor	Trakas	Uecker
Wagner	Wagoner	Webster	White D.
White J.	Widener	Widowfield	Willamowski
Wolpert			Husted-58.

Those who voted in the negative were: Representatives

Barrett	Beatty	Bocchieri	Book
Brinkman	Brown	Carano	Cassell
Chandler	DeBose	DeGeeter	Distel
Domenick	Driehaus	Fende	Foley
Garrison	Hartnett	Healy	Key
Koziura	Luckie	Mason	Mitchell
Otterman	Perry	Redfern	Sayre
Skindell	Smith S.	Stewart D.	Strahorn
Sykes	Ujvagi	Williams	Yates
			Yuko-37.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Reinhard moved to amend as follows:

In line 55, after "(14)" insert "One representative of a comprehensive or compact career-technical school, appointed by the governor:

(15)"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 91, nays 3, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Blasdel	Blessing
Boccieri	Book	Brinkman	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Foley	Garrison	Gibbs
Gilb	Hagan	Hartnett	Healy
Hood	Hoops	Hughes	Key
Latta	Law	Martin	Mason
McGregor J.	McGregor R.	Mitchell	Oelslager
Otterman	Patton T.	Perry	Peterson
Raga	Rausen	Redfern	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Taylor
Trakas	Uecker	Ujvagi	Wagner
Wagoner	Webster	White D.	White J.
Widener	Widowfield	Willamowski	Williams
Wolpert	Yuko		Husted-91.

Representatives Beatty, Luckie, and Yates voted in the negative-3.

The motion was agreed to and the bill so amended.

The question recurring, "Shall the bill as amended pass?"

Representative Garrison moved to amend as follows:

In lines 15 and 1298, after "3314.03," insert "3314.08, 3317.02,"

In line 17, after "3313.6014," insert "3313.82, 3317.0212,"

Between lines 881 and 882, insert:

"Sec. 3313.82. Beginning with the 2008-2009 school year, in each city, exempted village, local, and joint vocational school district, each ninth grade or tenth grade student whose grade point average in English, mathematics, or science is 2.5 or lower on a 4.0 scale shall be assigned, when that student is enrolled in either an English, mathematics, or science course, to a classroom for

that course in which the maximum class size is not greater than fifteen students per classroom teacher."

In line 980, after "3313.80," insert "3313.82."

Between lines 1174 and 1175, insert:

"Sec. 3314.08. (A) As used in this section:

(1) "Base formula amount" means the amount specified as such in a community school's financial plan for a school year pursuant to division (A)(15) of section 3314.03 of the Revised Code.

(2) "Cost-of-doing-business factor" has the same meaning as in section 3317.02 of the Revised Code.

(3) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.

(4) "Applicable special education weight" means the multiple specified in section 3317.013 of the Revised Code for a handicap described in that section.

(5) "Applicable vocational education weight" means:

(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division;

(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.

(6) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.

(7) A community school student is "included in the poverty student count" of a school district if the student is entitled to attend school in the district and the student's family receives assistance under the Ohio works first program.

(8) "Poverty-based assistance reduction factor" means the percentage figure, if any, for reducing the per pupil amount of poverty-based assistance a community school is entitled to receive pursuant to divisions (D)(5) and (6) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.

(9) "All-day kindergarten" has the same meaning as in section 3317.029 of the Revised Code.

(10) "SF-3 payment" means the sum of the payments to a school district in a fiscal year under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022, divisions (G), (L), and (N) of section 3317.024, and sections 3317.029, 3317.0212, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after making the adjustments required by sections 3313.981 and 3313.979, divisions (B), (C), (D), (E), (K), (L), (M), (N), and (O)

of section 3317.023, and division (C) of section 3317.20 of the Revised Code.

(B) The state board of education shall adopt rules requiring both of the following:

(1) The board of education of each city, exempted village, and local school district to annually report the number of students entitled to attend school in the district who are enrolled in grades one through twelve in a community school established under this chapter; the number of students entitled to attend school in the district who are enrolled in kindergarten in a community school; the number of those kindergartners who are enrolled in all-day kindergarten in their community school; the number of ninth grade or tenth grade students enrolled in a community school who when enrolled in an English, mathematics, or science course must be assigned to classrooms where the class size is not greater than fifteen students per classroom teacher, as required by section 3313.82 of the Revised Code; and for each child, the community school in which the child is enrolled.

(2) The governing authority of each community school established under this chapter to annually report all of the following:

(a) The number of students enrolled in grades one through twelve and the number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP;

(b) The number of enrolled students in grades one through twelve and the number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP;

(c) The number of students reported under division (B)(2)(b) of this section receiving special education and related services pursuant to an IEP for a handicap described in each of divisions (A) to (F) of section 3317.013 of the Revised Code;

(d) The full-time equivalent number of students reported under divisions (B)(2)(a) and (b) of this section who are enrolled in vocational education programs or classes described in each of divisions (A) and (B) of section 3317.014 of the Revised Code that are provided by the community school;

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

(f) The number of enrolled preschool handicapped students receiving special education services in a state-funded unit;

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

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

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

(j) For purposes of the payment prescribed in division (D)(11) of this section, the full-time-equivalent number of ninth grade or tenth grade students enrolled in a classroom for an English, mathematics, or science course where the class size is not greater than fifteen students per classroom teacher, as required by section 3313.82 of the Revised Code.

(C) From the SF-3 payment made to a city, exempted village, or local school district and, if necessary, from the payment made to the district under sections 321.24 and 323.156 of the Revised Code, the department of education shall annually subtract the sum of the amounts described in divisions (C)(1) to ~~(9)~~(10) of this section. However, when deducting payments on behalf of students enrolled in internet- or computer-based community schools, the department shall deduct only those amounts described in divisions (C)(1) and (2) of this section. Furthermore, the aggregate amount deducted under this division shall not exceed the sum of the district's SF-3 payment and its payment under sections 321.24 and 323.156 of the Revised Code.

(1) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students reported under divisions (B)(2)(a), (b), and (e) of this section who are enrolled in grades one through twelve, and one-half the number of students reported under those divisions who are enrolled in kindergarten, in that community school is multiplied by the greater of the following:

(a) The fiscal year 2005 base formula amount of that community school as adjusted by the school district's fiscal year 2005 cost-of-doing-business factor;

(b) The sum of (the current base formula amount of that community school times the school district's current cost-of-doing-business factor) 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.

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

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

(b) For each of the district's students reported under division (B)(2)(c) of this section as enrolled in kindergarten in a community school and receiving special education and related services pursuant to an IEP for a handicap

described in section 3317.013 of the Revised Code, one-half of the amount calculated as prescribed in division (C)(2)(a) of this section.

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

(4) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the number of the district's students enrolled in that community school who are included in the district's poverty student count is multiplied by the per pupil amount of poverty-based assistance the school district receives that year pursuant to division (B) or (C) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of that community school. If the district receives poverty-based assistance under division (B) of that section, the per pupil amount of that aid is the quotient of the amount the district received under that division divided by the district's poverty student count, as defined in that section. If the district receives poverty-based assistance under division (C) of section 3317.029 of the Revised Code, the per pupil amount of that aid for the district shall be calculated by the department.

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

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

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

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

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

(6) An amount equal to the sum of the amounts obtained when, for each community school where the district's students are enrolled, the district's per pupil amount received under division (F) of section 3317.029 of the Revised Code, as adjusted by any poverty-based assistance reduction factor of that community school, is multiplied by the number of the district's students enrolled

in the community school who are identified as limited-English proficient.

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

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

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

The district's per pupil amount under division (G) of section 3317.029 of the Revised Code is the district's amount per teacher calculated under division (G)(1) or (2) of that section divided by 17, times a multiple of 0.40 in fiscal year 2006 and 0.70 in fiscal year 2007.

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

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

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

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

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

(10) For each of the district's ninth grade or tenth grade students enrolled in a community school who, as certified to the department under division (B)(2)(j) of this section, are enrolled in a classroom for an English, mathematics, or science course where the class size is not greater than fifteen students per classroom teacher, as required by section 3313.82 of the Revised Code, an amount equal to 6.6 per cent of the per pupil amount for the base classroom teacher building block specified for the fiscal year in division (B)(1) of section 3317.012 of the Revised Code. This amount shall be deducted on a per-pupil.

per-course basis.

(D) The department shall annually pay to a community school established under this chapter the sum of the amounts described in divisions (D)(1) to ~~(10)(11)~~ of this section. However, the department shall calculate and pay to each internet- or computer-based community school only the amounts described in divisions (D)(1) to (3) of this section. Furthermore, the sum of the payments to all community schools under divisions (D)(1), (2), and (4) to ~~(10)(11)~~ of this section for the students entitled to attend school in any particular school district shall not exceed the sum of that district's SF-3 payment and its payment under sections 321.24 and 323.156 of the Revised Code. If the sum of the payments calculated under those divisions for the students entitled to attend school in a particular school district exceeds the sum of that district's SF-3 payment and its payment under sections 321.24 and 323.156 of the Revised Code, the department shall calculate and apply a proration factor to the payments to all community schools under those divisions for the students entitled to attend school in that district.

(1) Subject to section 3314.085 of the Revised Code, an amount equal to the sum of the amounts obtained when the number of students enrolled in grades one through twelve, plus one-half of the kindergarten students in the school, reported under divisions (B)(2)(a), (b), and (e) of this section who are not receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code is multiplied by the greater of the following:

(a) The community school's fiscal year 2005 base formula amount, as adjusted by the fiscal year 2005 cost-of-doing-business factor of the school district in which the student is entitled to attend school;

(b) The sum of (the community school's current base formula amount times the current cost-of-doing-business factor of the school district in which the student is entitled to attend school) 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.

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

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

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

(i) For each student reported under division (B)(2)(c) of this section as enrolled in the school in grades one through twelve and receiving special

education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, the following amount:

the greater of (the community school's fiscal year 2005
base formula amount X the fiscal year 2005
cost-of-doing-business factor of the district
where the student is entitled to attend school)
or [(the school's current base formula amount times
the current cost-of-doing-business factor of the school district
where the student is entitled to attend school) 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]
+ (the applicable special education weight X the
community school's base formula amount);

(ii) For each student reported under division (B)(2)(c) of this section as enrolled in kindergarten and receiving special education and related services pursuant to an IEP for a handicap described in section 3317.013 of the Revised Code, one-half of the amount calculated under the formula prescribed in division (D)(2)(b)(i) of this section.

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

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

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

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

the following:

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

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

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

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

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

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

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

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

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

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

(a) The number of the district's students enrolled in grades one through

twelve in that community school;

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

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

(10) An amount equal to the sum of the amounts obtained when, for each school district where the community school's students are entitled to attend school, the district's per pupil amount of state parity aid funding calculated under either division (C) or (D) of section 3317.0217 of the Revised Code is multiplied by the sum of the number of that district's students enrolled in grades one through twelve, and one-half of the number of that district's students enrolled in kindergarten, in the community school as reported under division (B)(2)(a) and (b) of this section;

(11) For each ninth grade or tenth grade student certified to the department under division (B)(2)(j) of this section as enrolled in the community school in a classroom for an English, mathematics, or science course where the class size is not greater than fifteen students per classroom teacher, as required by section 3313.82 of the Revised Code, 6.6 per cent of the per pupil amount for the base classroom teacher building block specified for the fiscal year in division (B)(1) of section 3317.012 of the Revised Code. This payment shall be made on a per-pupil, per-course basis.

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

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

(F) A community school may apply to the department of education for preschool handicapped or gifted unit funding the school would receive if it were a school district. Upon request of its governing authority, a community school that received unit funding as a school district-operated school before it became a community school shall retain any units awarded to it as a school

district-operated school provided the school continues to meet eligibility standards for the unit.

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

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

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

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

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

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

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

(K) For purposes of determining the number of students for which divisions (D)(5) and (6) of this section applies in any school year, a community school may submit to the department of job and family services, no later than the first day of March, a list of the students enrolled in the school. For each student on the list, the community school shall indicate the student's name, address, and date of birth and the school district where the student is entitled to attend school. Upon receipt of a list under this division, the department of job and family services shall determine, for each school district where one or more students on the list is entitled to attend school, the number of students residing in that school district who were included in the department's report under section 3317.10 of the Revised Code. The department shall make this determination on the basis of information readily available to it. Upon making this determination and no later than ninety days after submission of the list by the community school, the department shall report to the state department of education the number of students on the list who reside in each school district who were included in the

department's report under section 3317.10 of the Revised Code. In complying with this division, the department of job and family services shall not report to the state department of education any personally identifiable information on any student.

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

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

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

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

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

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

(3) A student's percentage of full-time equivalency shall be considered to be the percentage the hours of learning opportunity offered to that student is of nine hundred and twenty hours. However, no internet- or computer-based community school shall be credited for any time a student spends participating in

learning opportunities beyond ten hours within any period of twenty-four consecutive hours.

(M) The department of education shall reduce the amounts paid under division (D) of this section to reflect payments made to colleges under division (B) of section 3365.07 of the Revised Code.

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

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

(b) The school is in compliance with division (A)(1) or (2) of section 3314.22 of the Revised Code, relative to such student.

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

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

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

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

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

(b) Delays in data submission caused by either a community school or its

sponsor.

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3317.02. As used in this chapter:

(A) Unless otherwise specified, "school district" means city, local, and exempted village school districts.

(B) "Formula amount" means the base cost for the fiscal year specified in division (B)(4) of section 3317.012 of the Revised Code.

(C) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one or two vocational education ADM in the same proportion the student is counted in formula ADM.

(D) "Formula ADM" means, for a city, local, or exempted village school district, the number reported pursuant to division (A) of section 3317.03 of the Revised Code, and for a joint vocational school district, the number reported pursuant to division (D) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, for payments in which formula ADM is a factor, the formula ADM for each school district for the fiscal year is the sum of one-half of the number reported for October of that fiscal year plus one-half of the average of the numbers reported for October and February of that fiscal year.

(E) "Three-year average formula ADM" means the average of formula ADMs for the current and preceding two fiscal years.

(F)(1) "Category one special education ADM" means the average daily membership of handicapped children receiving special education services for the handicap specified in division (A) of section 3317.013 of the Revised Code and reported under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category one special education ADM for a fiscal year is the sum of one-half of the number reported for October of that fiscal year plus one-half of the average of the numbers reported for October and February of that fiscal year.

(2) "Category two special education ADM" means the average daily membership of handicapped children receiving special education services for those handicaps specified in division (B) of section 3317.013 of the Revised Code and reported under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category two special education ADM for a fiscal year is the sum of one-half of the number reported for October of that fiscal year plus one-half of the average of the numbers reported for October and February of that fiscal year.

(3) "Category three special education ADM" means the average daily

membership of students receiving special education services for those handicaps specified in division (C) of section 3317.013 of the Revised Code, and reported under division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category three special education ADM for a fiscal year is the sum of one-half of the number reported for October of that fiscal year plus one-half of the average of the numbers reported for October and February of that fiscal year.

(4) "Category four special education ADM" means the average daily membership of students receiving special education services for those handicaps specified in division (D) of section 3317.013 of the Revised Code and reported under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category four special education ADM for a fiscal year is the sum of one-half of the number reported for October of that fiscal year plus one-half of the average of the numbers reported for October and February of that fiscal year.

(5) "Category five special education ADM" means the average daily membership of students receiving special education services for the handicap specified in division (E) of section 3317.013 of the Revised Code and reported under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category five special education ADM for a fiscal year is the sum of one-half of the number reported for October of that fiscal year plus one-half of the average of the numbers reported for October and February of that fiscal year.

(6) "Category six special education ADM" means the average daily membership of students receiving special education services for the handicap specified in division (F) of section 3317.013 of the Revised Code and reported under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category six special education ADM for a fiscal year is the sum of one-half of the number reported for October of that fiscal year plus one-half of the average of the numbers reported for October and February of that fiscal year.

(7) "Category one vocational education ADM" means the average daily membership of students receiving vocational education services described in division (A) of section 3317.014 of the Revised Code and reported under division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category one vocational education ADM for a fiscal year is the sum of one-half of the number reported for October of that fiscal year plus one-half of the average of the numbers reported for October and February of that fiscal year.

(8) "Category two vocational education ADM" means the average daily membership of students receiving vocational education services described in division (B) of section 3317.014 of the Revised Code and reported under division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised Code. Beginning in fiscal year 2007, the district's category two vocational education ADM for a

fiscal year is the sum of one-half of the number reported for October of that fiscal year plus one-half of the average of the numbers reported for October and February of that fiscal year.

(G) "Handicapped preschool child" means a handicapped child, as defined in section 3323.01 of the Revised Code, who is at least age three but is not of compulsory school age, as defined in section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.

(H) "County MR/DD board" means a county board of mental retardation and developmental disabilities.

(I) "Recognized valuation" means the amount calculated for a school district pursuant to section 3317.015 of the Revised Code.

(J) "Transportation ADM" means the number of children reported under division (B)(13) of section 3317.03 of the Revised Code.

(K) "Average efficient transportation use cost per student" means a statistical representation of transportation costs as calculated under division (D)(2) of section 3317.022 of the Revised Code.

(L) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

(M) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(N) "Cost-of-doing-business factor" means the amount indicated in division (N)(1) or (2) of this section for the county in which a city, local, exempted village, or joint vocational school district is located. If a city, local, or exempted village school district is located in more than one county, the factor is the amount indicated for the county to which the district is assigned by the state department of education. If a joint vocational school district is located in more than one county, the factor is the amount indicated for the county in which the joint vocational school with the greatest formula ADM operated by the district is located.

(1) In fiscal year 2006, the cost-of-doing-business factor for each county is:

COUNTY	COST-OF-DOING-BUSINESS FACTOR AMOUNT
Adams	1.00233
Allen	1.01373
Ashland	1.01980
Ashtabula	1.02647
Athens	1.00093
Auglaize	1.01647

Belmont	1.00427
Brown	1.01180
Butler	1.04307
Carroll	1.00913
Champaign	1.02973
Clark	1.02980
Clermont	1.03607
Clinton	1.02193
Columbiana	1.01427
Coshocton	1.01153
Crawford	1.01093
Cuyahoga	1.04173
Darke	1.02253
Defiance	1.00973
Delaware	1.03520
Erie	1.02587
Fairfield	1.02440
Fayette	1.02127
Franklin	1.04053
Fulton	1.0220
Gallia	1.00000
Geauga	1.03340
Greene	1.02960
Guernsey	1.00440
Hamilton	1.05000
Hancock	1.01433
Hardin	1.02373
Harrison	1.00493
Henry	1.02120
Highland	1.00987
Hocking	1.01253
Holmes	1.01187
Huron	1.01953
Jackson	1.00920
Jefferson	1.00487
Knox	1.01860
Lake	1.03493
Lawrence	1.00540
Licking	1.02540
Logan	1.02567
Lorain	1.03433
Lucas	1.02600
Madison	1.03253
Mahoning	1.02307
Marion	1.02040
Medina	1.03573
Meigs	1.00173

Mercer	1.01353
Miami	1.02740
Monroe	1.00333
Montgomery	1.03020
Morgan	1.00593
Morrow	1.02007
Muskingum	1.00847
Noble	1.00487
Ottawa	1.03240
Paulding	1.00767
Perry	1.01067
Pickaway	1.02607
Pike	1.00687
Portage	1.03147
Preble	1.02947
Putnam	1.01440
Richland	1.01327
Ross	1.01007
Sandusky	1.02140
Scioto	1.00080
Seneca	1.01487
Shelby	1.01853
Stark	1.01700
Summit	1.03613
Trumbull	1.02340
Tuscarawas	1.00593
Union	1.03333
Van Wert	1.00887
Vinton	1.00633
Warren	1.04387
Washington	1.00400
Wayne	1.02320
Williams	1.01520
Wood	1.02400
Wyandot	1.01140

(2) In fiscal year 2007, the cost-of-doing-business factor for each county

is:

COUNTY	COST-OF-DOING-BUSINESS FACTOR AMOUNT
Adams	1.00117
Allen	1.00687
Ashland	1.00990
Ashtabula	1.01323
Athens	1.00047
Auglaize	1.00823
Belmont	1.00213

Brown	1.00590
Butler	1.02153
Carroll	1.00457
Champaign	1.01487
Clark	1.01490
Clermont	1.01803
Clinton	1.01097
Columbiana	1.00713
Coshocton	1.00577
Crawford	1.00547
Cuyahoga	1.02087
Darke	1.01127
Defiance	1.00487
Delaware	1.01760
Erie	1.01293
Fairfield	1.01220
Fayette	1.01063
Franklin	1.02027
Fulton	1.01100
Gallia	1.00000
Geauga	1.01670
Greene	1.01480
Guernsey	1.00220
Hamilton	1.02500
Hancock	1.00717
Hardin	1.01187
Harrison	1.00247
Henry	1.01060
Highland	1.00493
Hocking	1.00627
Holmes	1.00593
Huron	1.00977
Jackson	1.00460
Jefferson	1.00243
Knox	1.00930
Lake	1.01747
Lawrence	1.00270
Licking	1.01270
Logan	1.01283
Lorain	1.01717
Lucas	1.01300
Madison	1.01627
Mahoning	1.01153
Marion	1.01020
Medina	1.01787
Meigs	1.00087
Mercer	1.00677

Miami	1.01370
Monroe	1.00167
Montgomery	1.01510
Morgan	1.00297
Morrow	1.01003
Muskingum	1.00423
Noble	1.00243
Ottawa	1.01620
Paulding	1.00383
Perry	1.00533
Pickaway	1.01303
Pike	1.00343
Portage	1.01573
Preble	1.01473
Putnam	1.00720
Richland	1.00663
Ross	1.00503
Sandusky	1.01070
Scioto	1.00040
Seneca	1.00743
Shelby	1.00927
Stark	1.00850
Summit	1.01807
Trumbull	1.01170
Tuscarawas	1.00297
Union	1.01667
Van Wert	1.00443
Vinton	1.00317
Warren	1.02193
Washington	1.00200
Wayne	1.01160
Williams	1.00760
Wood	1.01200
Wyandot	1.00570

(O) "Tax exempt value" of a school district means the amount certified for a school district under division (A)(4) of section 3317.021 of the Revised Code.

(P) "Potential value" of a school district means the recognized valuation of a school district plus the tax exempt value of the district.

(Q) "District median income" means the median Ohio adjusted gross income certified for a school district. On or before the first day of July of each year, the tax commissioner shall certify to the department of education for each city, exempted village, and local school district the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district.

(R) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state.

(S) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income.

(T) "Medically fragile child" means a child to whom all of the following apply:

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.

(2) The child requires the services of a registered nurse on a daily basis.

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for the mentally retarded.

(U) A child may be identified as "other health handicapped-major" if the child's condition meets the definition of "other health impaired" established in rules adopted by the state board of education prior to July 1, 2001, and if either of the following apply:

(1) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child." The superintendent of public instruction shall issue an initial list no later than September 1, 2001.

(2) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district superintendent may petition the superintendent of public instruction for a determination that a child is a medically fragile child.

(V) A child may be identified as "other health handicapped-minor" if the child's condition meets the definition of "other health impaired" established in rules adopted by the state board of education prior to July 1, 2001, but the child's condition does not meet either of the conditions specified in division (U)(1) or (2) of this section.

(W) "SF-3 payment" means the sum of the payments to a school district in a fiscal year under divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022, divisions (G), (L), and (N) of section 3317.024, and sections 3317.029, 3317.0212, 3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of the Revised Code after making the adjustments required by sections 3313.981 and 3313.979 of the Revised Code, divisions (B), (C), (D), (E), (K), (L), (M), (N), and (O) of section 3317.023, and division (C) of section 3317.20 of the Revised Code.

(X) "Property exemption value" means zero in fiscal year 2006, and in fiscal year 2007 and each fiscal year thereafter, the amount certified for a school

district under divisions (A)(6) and (7) of section 3317.021 of the Revised Code.

Sec. 3317.0212. Beginning in fiscal year 2008, the department of education annually shall pay each city, local, exempted village, and joint vocational school district, for each ninth grade or tenth grade student enrolled in a classroom for an English, mathematics, or science course, for whom it is required by section 3313.82 of the Revised Code that the class size be not greater than fifteen students per classroom teacher, an amount equal to 6.6 per cent of the per pupil amount for the base classroom teacher building block specified for the fiscal year in division (B)(1) of section 3317.012 of the Revised Code, on a per-pupil, per-course basis.

Each district shall certify to the department in the manner specified by the department the number of students enrolled in a qualifying classroom."

In line 3 of the title, after "3314.03," insert "3314.08, 3317.02,"

In line 5 of the title, after "3313.6014," insert "3313.82, 3317.0212,"

The question being, "Shall the motion to amend be agreed to?"

Representative Flowers moved that the motion be laid on the table.

The question being, "Shall the motion to amend be laid on the table?"

The yeas and nays were taken and resulted - yeas 57, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Blasdel	Blessing	Bubp
Buehrer	Calvert	Carmichael	Coley
Collier	Combs	Core	Daniels
DeWine	Dolan	Evans C.	Evans D.
Faber	Fessler	Flowers	Gibbs
Gilb	Hagan	Hood	Hoops
Hughes	Latta	Law	Martin
McGregor J.	McGregor R.	Oelslager	Patton T.
Peterson	Raga	Rausen	Reidelbach
Reinhard	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Taylor	Trakas	Uecker	Wagner
Wagoner	Webster	White D.	White J.
Widener	Widowfield	Willamowski	Wolpert
			Husted-57.

Those who voted in the negative were: Representatives

Barrett	Beatty	Bocchieri	Book
Brinkman	Brown	Carano	Cassell
Chandler	DeBose	DeGeeter	Distel
Domenick	Driehaus	Fende	Foley
Garrison	Hartnett	Healy	Key
Koziura	Luckie	Mason	Mitchell
Otterman	Perry	Redfern	Sayre

Skindell
Sykes

Stewart D.
Ujvagi

Stewart J.
Williams

Strahorn
Yates
Yuko-37.

The motion to amend was laid on the table.

The question recurring, "Shall the bill as amended pass?"

Representative Flowers moved to amend as follows:

In line 340, after the underlined period insert "Such initiatives are expected to require an investment of \$120,000,000 over five years."

In lines 1528, 1529, and 1530, strike through "\$13,200,000" and insert "\$30,000,000"

Between lines 1596 and 1597, insert:

"(F) Of the foregoing appropriation item 200-536, Ohio Core Support, up to \$16,800,000 in fiscal year 2007 shall be used to fund grants under the Ohio Core Grant Program. This program shall be administered by the Ohio Department of Education. Grant funds shall be used by eligible school districts to directly support Ohio Core purposes such as building teacher capacity, recruiting and retaining teachers in required disciplines, providing intervention services to students, and other related purposes. The grants shall be awarded by the Department to eligible school districts, as determined by the Department. The Department shall consult with the Partnership for Continued Learning in establishing processes and procedures to distribute funds to eligible school districts. The Department shall evaluate the effectiveness of the grant program.

The General Assembly intends to fund the Ohio Core Grant Program from fiscal year 2008 through fiscal year 2012 at a minimum of \$16,800,000 each fiscal year."

In line 11 of the title, delete "and"

In line 13 of the title, after "Ohio" insert ", and to make an appropriation"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 83, nays 11, as follows:

Those who voted in the affirmative were: Representatives

Aslanides
Boccieri
Calvert
Chandler
Core
DeWine
Driehaus
Fende
Gibbs
Hoops
Law

Barrett
Book
Carano
Coley
Daniels
Distel
Evans C.
Flowers
Gilb
Hughes
Luckie

Beatty
Brown
Carmichael
Collier
DeBose
Dolan
Evans D.
Foley
Hagan
Key
Martin

Blessing
Bubp
Cassell
Combs
DeGeeter
Domenick
Faber
Garrison
Hartnett
Latta
Mason

McGregor J.	McGregor R.	Mitchell	Oelslager
Otterman	Patton T.	Perry	Peterson
Raga	Raussen	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Smith G.
Stewart D.	Stewart J.	Taylor	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Webster	White D.	White J.	Widener
Widowfield	Willamowski	Williams	Wolpert
Yates	Yuko		Husted-83.

Those who voted in the negative were: Representatives

Blasdel	Brinkman	Buehrer	Fessler
Healy	Hood	Koziura	Redfern
Skindell	Strahorn		Sykes-11.

The motion was agreed to and the bill so amended.

The question recurring, "Shall the bill as amended pass?"

The yeas and nays were taken and resulted - yeas 55, nays 41, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Blessing	Buehrer	Calvert	Carmichael
Cassell	Coley	Collier	Combs
Core	Daniels	DeWine	Dolan
Evans D.	Faber	Flowers	Gibbs
Gilb	Hagan	Hoops	Latta
Law	Luckie	Martin	McGregor J.
McGregor R.	Mitchell	Patton T.	Peterson
Raga	Raussen	Reidelbach	Reinhard
Schaffer	Schlichter	Schneider	Seaver
Seitz	Setzer	Smith G.	Taylor
Trakas	Uecker	Wagoner	Webster
White D.	White J.	Widener	Willamowski
Wolpert	Yates		Husted-55.

Those who voted in the negative were: Representatives

Bocchieri	Book	Brinkman	Brown
Bubp	Carano	Chandler	DeBose
DeGeeter	Distel	Domenick	Driehaus
Evans C.	Fende	Fessler	Foley
Garrison	Hartnett	Healy	Hood
Hughes	Key	Koziura	Mason
Oelslager	Otterman	Patton S.	Perry
Redfern	Sayre	Skindell	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Ujvagi	Wagner	Widowfield	Williams
			Yuko-41.

The bill passed.

Representative Setzer moved to amend the title as follows:

Add the names: "Blessing, Combs, Evans, D., Martin, Schlichter, Setzer."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Blasdel moved that House Rule 66, pertaining to bills being placed on the calendar, be suspended and that **Sub. H. B. No.**

166-Representative Bocchieri, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

Sub. H. B. No. 166-Representatives Bocchieri, McGregor, J., Koziura, Otterman, Taylor, Evans, D., Key.

To amend section 4505.01 and to enact section 4505.063 of the Revised Code to apply the motor vehicle certificate of title law to trailers and semitrailers that weigh 4,000 pounds or less and are not farm trailers, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

The yeas and nays were taken and resulted - yeas 84, nays 11, as follows:

Those who voted in the affirmative were: Representatives

Barrett	Beatty	Blasdel	Blessing
Bocchieri	Book	Brown	Bubp
Calvert	Carano	Carmichael	Cassell
Chandler	Coley	Collier	Combs
Core	Daniels	DeBose	DeGeeter
DeWine	Distel	Dolan	Domenick
Driehaus	Evans C.	Evans D.	Fende
Fessler	Flowers	Foley	Garrison
Gibbs	Gilb	Hartnett	Healy
Hoops	Hughes	Key	Koziura
Latta	Luckie	Mason	McGregor J.
McGregor R.	Mitchell	Oelslager	Otterman
Patton S.	Patton T.	Perry	Peterson
Raga	Rauszen	Redfern	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Trakas
Uecker	Ujvagi	Wagoner	Webster
White D.	White J.	Widowfield	Williams
Wolpert	Yates	Yuko	Husted-84.

Those who voted in the negative were: Representatives

Aslanides	Brinkman	Buehrer	Faber
Hagan	Hood	Law	Martin
Wagner	Widener		Willamowski-11.

The bill passed.

Representative Boccieri moved to amend the title as follows:

Add the names: "Carano, Cassell, Chandler, Combs, Daniels, Domenick, Fende, Luckie, Patton, S., Patton, T., Seitz, Williams, Yates, Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Blasdel moved that House Rule 66, pertaining to bills being placed on the calendar, be suspended and that **Sub. S. B. No. 260**-Senator Austria, et al. be taken up for immediate consideration the third time.

The motion was agreed to without objection.

Sub. S. B. No. 260-Senators Austria, Spada, Amstutz, Armbruster, Carey, Cates, Clancy, Coughlin, Dann, Fingerhut, Gardner, Goodman, Grendell, Hagan, Harris, Hottinger, Jacobson, Jordan, Kearney, Mumper, Niehaus, Padgett, Schuler, Schuring, Stivers, Wachtmann, Wilson, Zurz, Fedor, Miller, R., Roberts. -Representatives Latta, Evans, D., Hughes, Gilb, Yuko.

To amend sections 109.42, 2743.191, 2903.212, 2903.213, 2903.214, 2907.02, 2907.07, 2919.26, 2921.34, 2923.02, 2929.01, 2929.13, 2929.14, 2929.19, 2930.16, 2941.148, 2950.01, 2950.09, 2950.11, 2950.13, 2950.14, 2967.12, 2967.121, 2971.03, 2971.04, 2971.05, 2971.06, 2971.07, 3109.04, 3113.31, 5120.49, 5120.61, 5120.66, and 5149.10 and to enact sections 2941.1418, 2941.1419, and 2941.1420 of the Revised Code to change the penalties and conditions when a person is convicted of rape or attempted rape and the victim is less than 13; to increase the penalty for importuning and establish a presumption for a prison term if the victim is under 13; to require the Department of Rehabilitation and Correction to notify sheriffs of the release of sex offenders and child-victim oriented offenders and to require BCII to include on its Internet sex offender database, and sheriffs who operate on the Internet a sex offender database, to include on the database the information received about the offender; to provide for the consideration of specified convictions of members of the household of a parent in making child custody determinations; to modify provision regarding protection orders for victims of sexually oriented offenses; and to declare an emergency, was taken up for consideration the third time.

The question being, "Shall the emergency clause stand as part of the bill?"

Representative Seitz moved to amend as follows:

In line 890, after the period insert "If an offender is convicted of or pleads guilty to a violation of division (A)(1)(b) of this section, if the offender was less than sixteen years of age at the time the offender committed the violation of that division, and if the offender during or immediately after the commission of the offense did not cause serious physical harm to the victim, the victim was ten years of age or older at the time of the commission of the

violation, and the offender has not previously been convicted of or pleaded guilty to a violation of this section or a substantially similar existing or former law of this state, another state, or the United States, the court shall not sentence the offender to a prison term or term of life imprisonment pursuant to section 2971.03 of the Revised Code, and instead the court shall sentence the offender as otherwise provided in this division."

In line 2006, after "Code" insert "and would be sentenced under section 2971.03 of the Revised Code"

In line 2703, after "and" insert "either"

In line 2705, after "Code" insert "or division (B) of section 2907.02 of the Revised Code provides that the court shall not sentence the offender pursuant to section 2971.03 of the Revised Code"

In line 2808, after "sentenced" insert "under section 2971.03 of the Revised Code"

In line 2811, after the underlined comma insert "if the offender is sentenced to a term of life without parole under division (B) of section 2907.02 of the Revised Code."

In line 2968, after "sentenced" insert "under section 2971.03 of the Revised Code"

In line 2970, after the underlined comma insert "if the offender is sentenced to a term of life without parole under division (B) of section 2907.02 of the Revised Code."

In line 3198, after "amendment" insert "and division (B) of section 2907.02 of the Revised Code does not prohibit the court from sentencing the offender pursuant to section 2971.03 of the Revised Code."

In line 3229, after the first "that" insert "the offender was sixteen years of age or older at the time of the commission of the offense and that"

In line 3238, after the first "that" insert "the offender was sixteen years of age or older at the time of the commission of the offense and that"

In line 3240, after "Code" insert a close parenthesis

In line 3250, delete "either the" and insert "specifies that one of the following applies:

(A) The"

In line 3251, delete "or the" and insert ".

(B) The"

In line 3253, delete ". The" and insert ". and the offender was sixteen years of age or older at the time of the commission of the offense.

The"

In line 3261, delete "either"

In line 3264, after "force" insert ", and the offender was sixteen years of age or older at the time of the commission of the offense"

In line 3512, delete "either" and insert "any"; delete "applies" and insert "apply"

In line 3519, after "amendment" insert ", and either the offender is sentenced under section 2971.03 of the Revised Code or a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code"

In line 3899, after "Code" insert "and if either the person is sentenced under section 2971.03 of the Revised Code, or the court imposes upon the offender a sentence of life without parole under division (B) of section 2907.02 of the Revised Code"

In line 3944, after "amendment" insert "for which sentence is imposed under section 2971.03 of the Revised Code or for which a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code"

In line 4089, after "amendment" insert ", and either the offender is sentenced under section 2971.03 of the Revised Code, or a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code"

In line 4883, after "amendment" insert "and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code"

In line 5463, after "imprisonment" insert "and except as otherwise provided in division (B) of section 2907.02 of the Revised Code"

In line 5552, after "Code" insert "and either the offender is sentenced under section 2971.03 of the Revised Code or a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code"

In line 5960, after "Code" insert "or division (B) of that section prohibits the court from sentencing the offender pursuant to section 2971.03 of the Revised Code"

In line 5975, after "amendment" insert "pursuant to section 2971.03 of the Revised Code"

In line 7064, after "amendment" insert "and either who is sentenced under section 2971.03 of the Revised Code or upon whom a sentence of life without parole is imposed under division (B) of section 2907.02 of the Revised Code"

The question being, "Shall the motion to amend be agreed to?"

The yeas and nays were taken and resulted - yeas 58, nays 37, as follows:

Those who voted in the affirmative were: Representatives

Barrett	Beatty	Blasdel	Blessing
Book	Brinkman	Brown	Bubp
Carano	Cassell	Chandler	Daniels
DeBose	DeGeeter	DeWine	Distel
Driehaus	Fende	Fessler	Foley
Garrison	Gibbs	Hartnett	Healy
Hoops	Key	Koziura	Law
Luckie	Martin	Mason	McGregor J.
McGregor R.	Mitchell	Otterman	Patton S.
Perry	Peterson	Rausen	Redfern
Reidelbach	Reinhard	Sayre	Schneider
Seaver	Seitz	Skindell	Smith G.
Smith S.	Stewart D.	Strahorn	Sykes
Uecker	Ujvagi	Wagner	Williams
Yates			Yuko-58.

Those who voted in the negative were: Representatives

Aslanides	Bocieri	Buehrer	Calvert
Carmichael	Coley	Collier	Combs
Core	Dolan	Domenick	Evans C.
Evans D.	Faber	Flowers	Gilb
Hagan	Hood	Hughes	Latta
Oelslager	Patton T.	Raga	Schaffer
Schlichter	Setzer	Stewart J.	Trakas
Wagoner	Webster	White D.	White J.
Widener	Widowfield	Willamowski	Wolpert
			Husted-37.

The motion was agreed to and the bill so amended.

The question recurring, "Shall the emergency clause stand as part of the bill?"

The yeas and nays were taken and resulted - yeas 80, nays 15, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Beatty	Blasdel	Blessing
Bocieri	Book	Bubp	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeGeeter	DeWine	Distel	Driehaus
Evans C.	Evans D.	Faber	Fende
Flowers	Foley	Garrison	Gibbs
Gilb	Hagan	Hartnett	Healy
Hood	Hoops	Hughes	Koziura
Latta	Law	Luckie	Martin
Mason	McGregor J.	McGregor R.	Mitchell
Oelslager	Otterman	Patton S.	Patton T.
Perry	Peterson	Rausen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer

Schlichter	Schneider	Seaver	Seitz
Setzer	Smith G.	Stewart D.	Stewart J.
Strahorn	Sykes	Uecker	Ujvagi
Wagner	Wagoner	Webster	White D.
White J.	Widener	Widowfield	Willamowski
Williams	Wolpert	Yuko	Husted-80.

Those who voted in the negative were: Representatives

Barrett	Brinkman	Brown	Buehrer
Calvert	DeBose	Dolan	Domenick
Fessler	Key	Raga	Skindell
Smith S.	Trakas		Yates-15.

Having received a constitutional majority, the emergency clause stood as part of the bill.

The question being, "Shall the bill pass as an emergency measure?"

The yeas and nays were taken and resulted - yeas 95, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fende
Fessler	Flowers	Foley	Garrison
Gibbs	Gilb	Hagan	Hartnett
Healy	Hood	Hoops	Hughes
Key	Koziura	Latta	Law
Luckie	Martin	Mason	McGregor J.
McGregor R.	Mitchell	Oelslager	Otterman
Patton S.	Patton T.	Perry	Peterson
Raga	Raussen	Redfern	Reidelbach
Reinhard	Sayre	Schaffer	Schlichter
Schneider	Seaver	Seitz	Setzer
Skindell	Smith G.	Smith S.	Stewart D.
Stewart J.	Strahorn	Sykes	Trakas
Uecker	Ujvagi	Wagner	Wagoner
Webster	White D.	White J.	Widener
Widowfield	Willamowski	Williams	Wolpert
Yates	Yuko		Husted-95.

The bill having received the required constitutional majority, passed as an emergency measure.

Representative Latta moved to amend the title as follows:

Add the names: "Bocchieri, Bubp, Collier, Combs, DeBose, DeGeeter, Dolan, Domenick, Driehaus, Evans, C., Faber, Fende, Flowers, Gibbs, Hagan, Koziura, Law, Mason, McGregor, J., McGregor, R., Mitchell, Oelslager, Otterman, Patton, T., Peterson, Raussen, Reidelbach, Sayre, Schaffer, Schneider, Seaver, Seitz, Smith, G., Stewart, J., Trakas, Uecker, Ujvagi, Wagoner, Webster, White, D., White, J., Widener, Widowfield, Williams."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Representative Blasdel moved that House Rules be suspended and that **Sub. S.B. No. 281**-Senator Stivers, et al., be taken up for consideration the third time.

The motion was agreed to without objection.

Sub. S. B. No. 281-Senators Stivers, Padgett, Mumper, Goodman, Austria, Spada, Zurz. -Representatives Uecker, Setzer.

To amend sections 109.761, 109.802, 2921.51, 2929.13, 2929.14, and 2941.1414 to enact new section 109.803, and to repeal section 109.803 of the Revised Code to mandate up to 24 hours a year of continuing professional training for peace officers and state highway patrol troopers, to provide a mechanism for the granting for a calendar year because of emergency circumstances of an extension of the time within which a peace officer or trooper must complete the required minimum number of hours of training, to establish the method by which the Attorney General reimburses the costs of training programs for peace officers and troopers of public appointing authorities, to prohibit impersonating BCII investigators, to apply the increased penalties for aggravated vehicular homicide when the victim is a peace officer to when the victim is a BCII investigator, and to make an appropriation, was taken up for consideration the third time.

The question being, "Shall the bill pass?"

12/19/06

The Honorable Jon A. Husted, Speaker
The Ohio House of Representatives
Columbus, Ohio

Speaker Husted,

Pursuant to House Rule No. 57, I respectfully request that I be excused from voting on **Sub. S. B. No. 281**-Senator Stivers, et al., because it might be construed that I have an interest in the legislation.

Sincerely yours,

/s/ CHRIS WIDENER
CHRIS WIDENER
State Representative
84 House District

The request was granted.

The yeas and nays were taken and resulted - yeas 93, nays 1, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Blessing	Bocieri	Book	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Fessler
Flowers	Foley	Garrison	Gibbs
Gilb	Hagan	Hartnett	Healy
Hood	Hoops	Hughes	Key
Koziura	Latta	Law	Luckie
Martin	Mason	McGregor J.	McGregor R.
Mitchell	Oelslager	Otterman	Patton S.
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Sykes	Trakas	Uecker
Ujvagi	Wagner	Wagoner	Webster
White D.	White J.	Widowfield	Willamowski
Williams	Wolpert	Yates	Yuko
			Husted-93.

Representative Brinkman voted in the negative-1.

The bill passed.

Representative Schaffer moved to amend the title as follows:

Add the names: "Blessing, Carano, Cassell, Combs, DeBose, Distel, Domenick, Evans, C., Evans, D., Hagan, Otterman, Patton, T., Yuko."

The motion was agreed to and the title so amended.

The title as amended was agreed to.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Am. Sub. H. B. No. 276 - Representatives Stewart, J., Miller, Carano, Hartnett, Evans, C., Perry, Allen, Taylor, Peterson, Setzer, Williams, Garrison, Chandler, Woodard, Barrett, Aslanides, Beatty, Brown, DeBose, Domenick, Fende, Flowers, Harwood, Mason, Mitchell, Otterman, Sayre, Smith, G., Stewart, D., Strahorn, Yates, Yuko Senators Padgett, Roberts

To amend sections 3301.0710, 3301.0711, 3301.0714, 3301.0715, 3302.03, 3313.53, 3313.608, 3313.614, 3314.014, 3314.03, 3314.08, 3314.17, 3314.22, 3319.073, and 3329.01 and to enact sections 117.53, 3301.0716, 3301.0723, 3301.22, 3313.666, 3313.667, 3315.20, 3354.26, and 3701.62 and to repeal section 3319.227 of the Revised Code with respect to school policies prohibiting harassment, intimidation, or bullying; to expand in-service training in child abuse prevention that school districts and community schools must provide; to eliminate the summer administration of the third grade reading achievement test; to allow specified students to substitute passage of the Ohio Graduation Test for passage of the ninth grade proficiency test in the same subject to satisfy diploma requirements; to require school districts and community schools to administer the kindergarten readiness assessment between four weeks prior to the start of school and October 1; to permit the Department of Education to have access to personally identifiable student information under specified conditions; to provide for the assignment of EMIS student data verification codes for children receiving early intervention services under the Help Me Grow program; to allow community schools established outside of the statewide caps to be managed by operators not currently managing schools in Ohio; to expand the circumstances in which community school performance data is included on school district report cards; to specify a procedure for a parent to waive entitlement to a computer from an Internet- or computer-based community school; to repeal the authorization for teachers to temporarily teach an area or grade level outside of their license or certificate; to permit a school district board of education to renew the contract of a director, supervisor, or coach of a pupil-activity program who is not a licensed educator without first offering that position to a licensed educator; to permit temporary deficits in school district special funds under certain conditions; to require textbook publishers to comply with the National Instructional Materials Accessibility Standard; to permit waivers from the minimum number of school days in the 2006-2007 school year for certain joint vocational school districts that experience delays in a state-assisted construction project; and to permit the boards of trustees of Rio Grande Community College and the University of Rio Grande to cooperate in employing a president and operating the community college.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested:

In line 1482, delete "notify" and insert "semiannually provide"

In line 1483, delete "in writing" and insert "a written summary"

In line 1484, after "incidents" insert "and post the summary on its web site, if the district has a web site, to the extent permitted by section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232q, as amended"

Attest:

David A. Battocletti,
Clerk.

Pursuant to Joint Rule 16, Representative Blasdel moved that the Senate amendments to **Am. Sub. H.B. No. 276** - Representative J. Stewart et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. Sub. H. B. No. 276**-Representative Stewart, J., et al., were taken up for consideration.

Am. Sub. H. B. No. 276-Representatives Stewart, J., Miller, Carano, Hartnett, Evans, C., Perry, Allen, Taylor, Peterson, Setzer, Williams, Garrison, Chandler, Woodard, Barrett, Aslanides, Beatty, Brown, DeBose, Domenick, Fende, Flowers, Harwood, Mason, Mitchell, Otterman, Sayre, Smith, G., Stewart, D., Strahorn, Yates, Yuko. -Senators Padgett, Roberts.

To amend sections 3301.0710, 3301.0711, 3301.0714, 3301.0715, 3302.03, 3313.53, 3313.608, 3313.614, 3314.014, 3314.03, 3314.08, 3314.17, 3314.22, 3319.073, and 3329.01 and to enact sections 117.53, 3301.0716, 3301.0723, 3301.22, 3313.666, 3313.667, 3315.20, 3354.26, and 3701.62 and to repeal section 3319.227 of the Revised Code with respect to school policies prohibiting harassment, intimidation, or bullying; to expand in-service training in child abuse prevention that school districts and community schools must provide; to eliminate the summer administration of the third grade reading achievement test; to allow specified students to substitute passage of the Ohio Graduation Test for passage of the ninth grade proficiency test in the same subject to satisfy diploma requirements; to require school districts and community schools to administer the kindergarten readiness assessment between four weeks prior to the start of school and October 1; to permit the Department of Education to have access to personally identifiable student information under specified conditions; to provide for the assignment of EMIS student data verification codes for children receiving early intervention services under the Help Me Grow program; to allow community schools established outside of the statewide caps to be managed by operators not currently managing schools in Ohio; to expand the circumstances in which

community school performance data is included on school district report cards; to specify a procedure for a parent to waive entitlement to a computer from an Internet- or computer-based community school; to repeal the authorization for teachers to temporarily teach an area or grade level outside of their license or certificate; to permit a school district board of education to renew the contract of a director, supervisor, or coach of a pupil-activity program who is not a licensed educator without first offering that position to a licensed educator; to permit temporary deficits in school district special funds under certain conditions; to require textbook publishers to comply with the National Instructional Materials Accessibility Standard; to permit waivers from the minimum number of school days in the 2006-2007 school year for certain joint vocational school districts that experience delays in a state-assisted construction project; and to permit the boards of trustees of Rio Grande Community College and the University of Rio Grande to cooperate in employing a president and operating the community college.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 90, nays 5, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Blessing	Bocchieri	Book	Brown
Bubp	Buehrer	Calvert	Carano
Carmichael	Cassell	Chandler	Coley
Collier	Combs	Core	Daniels
DeBose	DeGeeter	DeWine	Distel
Dolan	Domenick	Driehaus	Evans C.
Evans D.	Faber	Fende	Flowers
Foley	Garrison	Gibbs	Gilb
Hagan	Hartnett	Healy	Hood
Hoops	Hughes	Key	Koziura
Latta	Law	Luckie	Martin
Mason	McGregor R.	Mitchell	Oelslager
Otterman	Patton S.	Patton T.	Perry
Peterson	Raga	Rausen	Redfern
Reidelbach	Reinhard	Sayre	Schaffer
Schlichter	Schneider	Seaver	Seitz
Setzer	Skindell	Smith G.	Smith S.
Stewart D.	Stewart J.	Strahorn	Sykes
Uecker	Ujvagi	Wagoner	Webster
White D.	White J.	Widener	Widowfield
Willamowski	Williams	Wolpert	Yates
Yuko			Husted-90.

Representatives Brinkman, Fessler, McGregor J., Trakas, and Wagner voted in the negative-5.

The Senate amendments were concurred in.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Am. Sub. H. B. No. 461 - Representatives Wolpert, Yuko, Ujvagi, Otterman, Healy, Latta, Evans, D., Gilb, Hughes, Barrett, Bulp, Cassell, Chandler, Collier, Combs, Core, Daniels, DeGeeter, Distel, Domenick, Evans, C., Faber, Fende, Fessler, Flowers, Gibbs, Hagan, Hartnett, Harwood, Kilbane, Law, Martin, Mason, McGregor, J., McGregor, R., Oelslager, Patton, T., Raussen, Reidelbach, Schaffer, Schlichter, Schneider, Smith, G., Stewart, J., Taylor, Wagner, Wagoner, Webster, White, Widener, Williams
Senators Grendell, Stivers, Jordan, Cates, Gardner, Harris, Wachtmann, Mumper

To amend sections 2743.51, 2743.56, 2903.06, 2903.08, 2903.11, 2909.32, 2909.33, 2909.34, 2923.02, 2929.01, 2929.02, 2929.13, 2929.14, 2929.18, 2929.19, 2945.75, 2953.08, 4503.233, 4503.234, 4507.02, 4507.08, 4507.164, 4510.10, 4510.13, 4510.16, 4510.161, 4510.41, 4510.54, and 4511.19 and to enact sections 2929.142 and 4510.18 of the Revised Code, and to amend Section 6 of Am. Sub. S.B. 238 of the 126th General Assembly, to increase the prison term for aggravated vehicular homicide when the offender has at least three prior convictions of OVI, OVUAC, or the OVI-type offense related to vessels or aircraft, of aggravated vehicular homicide or aggravated vehicular assault based on OVI or the OVI-type offense related to vessels or aircraft, or of involuntary manslaughter based on OVI, OVUAC, or an OVI-type offense related to snowmobiles, locomotives, watercraft, or aircraft; to require a court to impose a Class 2 driver's license suspension for aggravated murder, murder, attempted murder, or felonious assault by means of a motor vehicle; to increase the length of the driver's license suspension required for aggravated vehicular homicide or vehicular homicide if the offender previously was convicted of a traffic-related murder, felonious assault, or attempted murder; to permit a court to impose a lifetime driver's license suspension for aggravated vehicular assault if the offender previously was convicted of a traffic-related homicide, manslaughter, or assault offense or a traffic-related murder, felonious assault, or attempted murder; to establish that driving under a lifetime suspension imposed for one of those offenses in those circumstances is a felony of the third degree; to allow a certified copy of a BMV record to be used as proof of a prior conviction; to expand the circumstances in which evidence on the concentration of alcohol, drugs of abuse, or a combination of them in a person's blood, breath, or urine may be admitted as evidence; to allow a person who suffers serious physical harm as a result of a hit-skip accident to file a claim for an award of reparations from the Crime Victims Reparations Fund; to make immobilization of a vehicle and impoundment of its license plates for the offense of "driving under financial responsibility law suspension or cancellation" or a violation of a comparable

municipal ordinance discretionary rather than mandatory when the offender has no previous conviction in the preceding five years; to authorize the imposition of a fine equal to the value of the vehicle when title to a vehicle that is subject to an immobilization order is assigned or transferred without court approval; and to revise the procedures pursuant to which a court may order a payment plan or extension of time for payment of reinstatement fees owed by an offender relative to a suspension of driving privileges; to exempt specified federally insured depository institutions from provisions in current law that require a declaration of material assistance/nonassistance to terrorists, designate the Office of Budget and Management as the repository for business precertifications, modify the precertification process, and establish a fine for failure to certify; and to extend the date by which the Task Force on Implementing the Federal Domestic Violence Option in Ohio must submit its report to the General Assembly and the Governor.

As a substitute bill with the following additional amendments, in which the concurrence of the House is requested:

In line 5602, after "(D)(1)" insert "(a) In any criminal prosecution or juvenile court proceeding for a violation of division (A)(1)(a) of this section or for an equivalent offense, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in section 2317.02 of the Revised Code, may be admitted with expert testimony to be considered with any other relevant and competent evidence in determining the guilt or innocence of the defendant.

(b)"

In line 5610, delete ". when either division"

In line 5611, delete "(D)(1)(a) or (b) of this section applies"

Delete lines 5619 to 5627

In line 5628, reinsert "a"; delete "(b) A"

In line 5722, delete "obtained pursuant to section"

In line 5723, delete "2317.022 of the Revised Code or"

In line 5739, reinsert "certified"

In line 5747, reinsert "in general and, in"

In line 5748, reinsert "this particular analysis, under rules of the department of health"

Attest:

David A. Battocletti,
Clerk.

Pursuant to Joint Rule 16, Representative Blasdel moved that the Senate amendments to **Am. Sub. H.B. No. 461** - Representative Wolpert et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Am. Sub. H. B. No. 461**-Representative Wolpert, et al., were taken up for consideration.

Am. Sub. H. B. No. 461-Representatives Wolpert, Yuko, Ujvagi, Otterman, Healy, Latta, Evans, D., Gilb, Hughes, Barrett, Bubp, Cassell, Chandler, Collier, Combs, Core, Daniels, DeGeeter, Distel, Domenick, Evans, C., Faber, Fende, Fessler, Flowers, Gibbs, Hagan, Hartnett, Harwood, Kilbane, Law, Martin, Mason, McGregor, J., McGregor, R., Oelslager, Patton, T., Raussen, Reidelbach, Schaffer, Schlichter, Schneider, Smith, G., Stewart, J., Taylor, Wagner, Wagoner, Webster, White, Widener, Williams. -Senators Grendell, Stivers, Jordan, Cates, Gardner, Harris, Wachtmann, Mumper.

To amend sections 2743.51, 2743.56, 2903.06, 2903.08, 2903.11, 2909.32, 2909.33, 2909.34, 2923.02, 2929.01, 2929.02, 2929.13, 2929.14, 2929.18, 2929.19, 2945.75, 2953.08, 4503.233, 4503.234, 4507.02, 4507.08, 4507.164, 4510.10, 4510.13, 4510.16, 4510.161, 4510.41, 4510.54, and 4511.19 and to enact sections 2929.142 and 4510.18 of the Revised Code, and to amend Section 6 of Am. Sub. S.B. 238 of the 126th General Assembly, to increase the prison term for aggravated vehicular homicide when the offender has at least three prior convictions of OVI, OVUAC, or the OVI-type offense related to vessels or aircraft, of aggravated vehicular homicide or aggravated vehicular assault based on OVI or the OVI-type offense related to vessels or aircraft, or of involuntary manslaughter based on OVI, OVUAC, or an OVI-type offense related to snowmobiles, locomotives, watercraft, or aircraft; to require a court to impose a Class 2 driver's license suspension for aggravated murder, murder, attempted murder, or felonious assault by means of a motor vehicle; to increase the length of the driver's license suspension required for aggravated vehicular homicide or vehicular homicide if the offender previously was convicted of a traffic-related murder, felonious assault, or attempted murder; to permit a court to impose a lifetime driver's license suspension for aggravated vehicular assault if the offender previously was convicted of a traffic-related homicide, manslaughter, or assault offense or a traffic-related murder, felonious assault, or attempted murder; to establish that driving under a lifetime suspension imposed for one of those offenses in those circumstances is a felony of the third degree; to allow a certified copy of a BMV record to be used as proof of a prior conviction; to expand the circumstances in which evidence on the concentration of alcohol, drugs of abuse, or a combination of them in a person's blood, breath, or urine may be admitted as evidence; to allow a person who suffers serious physical harm as a result of a hit-skip accident to file a claim for an award of reparations from the Crime Victims Reparations Fund; to make immobilization of a vehicle and impoundment of its license plates for the offense of "driving under financial

responsibility law suspension or cancellation" or a violation of a comparable municipal ordinance discretionary rather than mandatory when the offender has no previous conviction in the preceding five years; to authorize the imposition of a fine equal to the value of the vehicle when title to a vehicle that is subject to an immobilization order is assigned or transferred without court approval; and to revise the procedures pursuant to which a court may order a payment plan or extension of time for payment of reinstatement fees owed by an offender relative to a suspension of driving privileges; to exempt specified federally insured depository institutions from provisions in current law that require a declaration of material assistance/nonassistance to terrorists, designate the Office of Budget and Management as the repository for business precertifications, modify the precertification process, and establish a fine for failure to certify; and to extend the date by which the Task Force on Implementing the Federal Domestic Violence Option in Ohio must submit its report to the General Assembly and the Governor.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fende
Fessler	Flowers	Foley	Garrison
Gibbs	Gilb	Hagan	Hartnett
Healy	Hood	Hoops	Hughes
Key	Koziura	Latta	Law
Luckie	Martin	Mason	McGregor J.
McGregor R.	Mitchell	Oelslager	Otterman
Patton T.	Perry	Peterson	Raga
Rausen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Webster	White D.
White J.	Widener	Widowfield	Willamowski
Williams	Wolpert	Yates	Yuko
			Husted-93.

The Senate amendments were concurred in.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Sub. H. B. No. 454 - Representatives Coley, Wagoner, Hartnett, Harwood, Brown, Bubb, Allen, Aslanides, Boccieri, Collier, DeBose, Dolan, Domenick, Evans, C., Fende, Hughes, McGregor, J., Patton, T., Reidelbach, Schneider, Seitz, Setzer, Smith, G. Senators Carey, Kearney, Spada

To amend sections 109.71, 121.07, 1101.15, 1109.15, 1109.43, 1111.02, 1111.04, 1111.06, 1111.07, 1111.08, 1121.30, 1151.14, 1151.321, 1161.18, 1161.51, 1181.06, 1181.25, 1315.21, 1315.99, 1733.25, 3953.30, 3953.32, 3953.33, 4719.01, and 4973.17; to enact new sections 1151.348, 1315.01 to 1315.11, and 1315.16 to 1315.18; to enact sections 1161.601, 1315.081, 1315.101, 1315.12, 1315.121, 1315.122, 1315.13, 1315.14, 1315.15, 1315.151, 1315.152, 1315.153, and 1315.161; to repeal sections 1151.348, 1315.01, 1315.02, 1315.03, 1315.04, 1315.05, 1315.06, 1315.07, 1315.08, 1315.09, 1315.10, 1315.11, 1315.16, 1315.17, and 1315.18; and to repeal section 1125.28 of the Revised Code, as it results from S.B. 293 of the 121st General Assembly, to modify the Financial Institutions Law with respect to debt suspension and cancellation contracts, trust powers, boards of directors, on premises police officers, and bankers' banks; to revise the Money Transmitters Law, including with respect to licensing, net worth, reporting, investigations, and enforcement; and to modify the Title Insurance Law relative to lender's title insurance, closing or settlement protection, and annual reviews of escrow and other accounts.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

David A. Battocletti,
Clerk.

Pursuant to Joint Rule 16, Representative Blasdel moved that the Senate amendments to **Sub. H. B. No. 454** - Representative Coley et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 454**-Representative Coley, et al., were taken up for consideration.

Sub. H. B. No. 454-Representatives Coley, Wagoner, Hartnett, Harwood, Brown, Bubb, Allen, Aslanides, Boccieri, Collier, DeBose, Dolan, Domenick, Evans, C., Fende, Hughes, McGregor, J., Patton, T., Reidelbach, Schneider, Seitz, Setzer, Smith, G.. -Senators Carey, Kearney, Spada.

To amend sections 109.71, 121.07, 1101.15, 1109.15, 1109.43, 1111.02, 1111.04, 1111.06, 1111.07, 1111.08, 1121.30, 1151.14, 1151.321, 1161.18, 1161.51, 1181.06, 1181.25, 1315.21, 1315.99, 1733.25, 3953.30, 3953.32, 3953.33, 4719.01, and 4973.17; to enact new sections 1151.348, 1315.01 to 1315.11, and 1315.16 to 1315.18; to enact sections 1161.601, 1315.081, 1315.101, 1315.12, 1315.121, 1315.122, 1315.13, 1315.14, 1315.15, 1315.151, 1315.152, 1315.153, and 1315.161; to repeal sections 1151.348, 1315.01, 1315.02, 1315.03, 1315.04, 1315.05, 1315.06, 1315.07, 1315.08, 1315.09, 1315.10, 1315.11, 1315.16, 1315.17, and 1315.18; and to repeal section 1125.28 of the Revised Code, as it results from S.B. 293 of the 121st General Assembly, to modify the Financial Institutions Law with respect to debt suspension and cancellation contracts, trust powers, boards of directors, on premises police officers, and bankers' banks; to revise the Money Transmitters Law, including with respect to licensing, net worth, reporting, investigations, and enforcement; and to modify the Title Insurance Law relative to lender's title insurance, closing or settlement protection, and annual reviews of escrow and other accounts.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fende
Fessler	Flowers	Foley	Garrison
Gibbs	Gilb	Hagan	Hartnett
Healy	Hood	Hoops	Hughes
Key	Koziura	Latta	Law
Luckie	Martin	Mason	McGregor J.
McGregor R.	Mitchell	Oelslager	Otterman
Patton T.	Perry	Peterson	Raga
Raussen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Webster	White D.
White J.	Widener	Widowfield	Willamowski
Williams	Wolpert	Yates	Yuko
			Husted-93.

The Senate amendments were concurred in.

Message from the Senate

Mr. Speaker:

I am directed to inform the House of Representatives that the Senate has concurred in the passage of the following bill:

Sub. H. B. No. 551 - Representatives Latta, Fende, Setzer, Wolpert, Law, McGregor, J., Evans, D., Seitz, Hughes, Bulp, Yuko, Willamowski, Aslanides, Schaffer, Otterman, Combs, Evans, C., Oelslager, Reidelbach, Webster, Buehrer, Patton, T., Beatty, Brown, Chandler, Collier, Daniels, DeBose, Dolan, Domenick, Flowers, Garrison, Gibbs, Gilb, Hagan, Hartnett, Harwood, Hoops, Koziura, Martin, Mason, McGregor, R., Perry, Reinhard, Seaver, Smith, S., Stewart, D., Stewart, J., Strahorn, Uecker, Ujvagi, Williams, Yates - Senators Cates, Gardner, Hottinger, Padgett

To amend sections 2743.49 and 5502.52 of the Revised Code to prohibit a person from making a false report that results in the implementation of the statewide emergency alert program or a local or regional emergency alert program and to revise the formula to be used by the Auditor of State in determining the amount of the adjustment to be made in the dollar figure specified by statute for a recovery by a wrongfully imprisoned individual.

As a substitute bill, in which the concurrence of the House is requested.

Attest:

David A. Battocletti,
Clerk.

Pursuant to Joint Rule 16, Representative Blasdel moved that the Senate amendments to **Sub. H.B. No. 551** - Representative Latta et al., be taken up for immediate consideration.

The motion was agreed to without objection.

The Senate amendments to **Sub. H. B. No. 551**-Representative Latta, et al., were taken up for consideration.

Sub. H. B. No. 551-Representatives Latta, Fende, Setzer, Wolpert, Law, McGregor, J., Evans, D., Seitz, Hughes, Bulp, Yuko, Willamowski, Aslanides, Schaffer, Otterman, Combs, Evans, C., Oelslager, Reidelbach, Webster, Buehrer, Patton, T., Beatty, Brown, Chandler, Collier, Daniels, DeBose, Dolan, Domenick, Flowers, Garrison, Gibbs, Gilb, Hagan, Hartnett, Harwood, Hoops, Koziura, Martin, Mason, McGregor, R., Perry, Reinhard, Seaver, Smith, S., Stewart, D., Stewart, J., Strahorn, Uecker, Ujvagi, Williams, Yates. -Senators Cates, Gardner, Hottinger, Padgett.

To amend sections 2743.49 and 5502.52 of the Revised Code to prohibit a

person from making a false report that results in the implementation of the statewide emergency alert program or a local or regional emergency alert program and to revise the formula to be used by the Auditor of State in determining the amount of the adjustment to be made in the dollar figure specified by statute for a recovery by a wrongfully imprisoned individual.

The question being, "Shall the Senate amendments be concurred in?"

The yeas and nays were taken and resulted - yeas 93, nays 0, as follows:

Those who voted in the affirmative were: Representatives

Aslanides	Barrett	Beatty	Blasdel
Blessing	Bocchieri	Book	Brinkman
Brown	Bubp	Buehrer	Calvert
Carano	Carmichael	Cassell	Chandler
Coley	Collier	Combs	Core
Daniels	DeBose	DeGeeter	DeWine
Distel	Dolan	Domenick	Driehaus
Evans C.	Evans D.	Faber	Fende
Fessler	Flowers	Foley	Garrison
Gibbs	Gilb	Hagan	Hartnett
Healy	Hood	Hoops	Hughes
Key	Koziura	Latta	Law
Luckie	Martin	Mason	McGregor J.
McGregor R.	Mitchell	Oelslager	Otterman
Patton T.	Perry	Peterson	Raga
Rausen	Redfern	Reidelbach	Reinhard
Sayre	Schaffer	Schlichter	Schneider
Seaver	Seitz	Setzer	Skindell
Smith G.	Smith S.	Stewart D.	Stewart J.
Strahorn	Trakas	Uecker	Ujvagi
Wagner	Wagoner	Webster	White D.
White J.	Widener	Widowfield	Willamowski
Williams	Wolpert	Yates	Yuko
			Husted-93.

The Senate amendments were concurred in.

On motion of Representative Blasdel, the House recessed.

The House met pursuant to recess.

On motion of Representative Blasdel, the House adjourned until Wednesday, December 20, 2006 at 11:00 o'clock a.m.

Attest:

LAURA P. CLEMENS,
Clerk.