



# Ohio Legislative Service Commission

## Bill Analysis

Max Gakh

### **S.B. 12**

128th General Assembly  
(As Introduced)

**Sens.** Sawyer, Roberts, Fedor, R. Miller, Turner, Schiavoni

---

## **BILL SUMMARY**

- Provides for full formula state funding for all students enrolled in all-day kindergarten classes in schools operated by school districts and community schools by permitting those students to be counted as one full-time equivalent (FTE) student in student counts used for funding purposes.
- Eliminates the current poverty-based assistance payment for all-day kindergarten, which provides some all-day kindergarten funding to school districts and community schools with relatively high concentrations of poverty.
- Eliminates a provision permitting school districts to charge families for all-day kindergarten services if the districts do not receive poverty-based assistance for all-day kindergarten.

---

## **CONTENT AND OPERATION**

### **Kindergarten students and the full-time equivalent formula**

(R.C. 3317.02, 3317.03, and 3317.029; conforming change in R.C. 3314.08)

Under current law, each kindergarten student generally is counted as one-half of one full-time equivalent (FTE) student for purposes of calculating state operating funds for the school district or community school the student attends. This is based on a presumption in the law that kindergarten students attend school half of the time that students in grades 1 through 12 attend school. Thus, under the base-cost formula, each kindergarten student accounts for one-half of the full formula amount.<sup>1</sup>

---

<sup>1</sup> The full formula amount is \$5,732 in fiscal year 2009.

The bill provides for full formula state funding for all students enrolled in all-day kindergarten classes in schools operated by school districts and community schools. It does this by allowing school districts and community schools to count those students as one FTE student in their student counts used for funding purposes, instead of only one-half FTE as under current law. "All-day kindergarten" as defined in the bill means a kindergarten class that is in session five days per week for not less than the same number of clock hours each day as for pupils in grades one through six.

### **All-day kindergarten payments to community schools**

(R.C. 3314.13 (repealed by the bill) and 3317.029; conforming changes in R.C. 3314.08, 3314.084, and 5727.84)

Under current law, community schools receive state payments that are deducted from the state aid accounts of the resident school districts of their students. Accordingly, a community school (other than an Internet- or computer-based community school) may receive the all-day kindergarten poverty-based assistance payment of one-half the formula amount for each student for whom it actually provides all-day kindergarten, as long as the student's resident district is eligible for the payment, regardless of whether that district actually provides all-day kindergarten. The bill repeals this provision.

### **Poverty-based assistance for all-day kindergarten**

(R.C. 3317.029(D); conforming changes in R.C. 3317.016 and 3317.017)

Under current law, in addition to their other state payments, certain school districts with relatively high concentrations of poverty may be eligible to receive a poverty-based assistance payment for the provision of all-day kindergarten. A district with a "poverty index" of 1.0 or greater (meaning the district's percentage of students living in families receiving public assistance is at least as high as the statewide percentage) or a district with a three-year average formula ADM (average daily membership) that is greater than 17,500 students is eligible to receive this payment. The amount of this payment is equal to one-half of the formula amount for each child attending all-day kindergarten. In other words, the district will receive the other half of the full formula funding to account for providing a full day of service to the student. The law also provides that a district that received this payment for a previous fiscal year continues to be eligible even if its poverty index goes below the 1.0 threshold.

The bill eliminates the poverty-based assistance for all-day kindergarten provision by providing that it does not apply to fiscal years after fiscal year 2009.

## **Charging for all-day kindergarten for districts not receiving poverty-based assistance; Department of Education survey**

(R.C. 3321.01(H))

Current law provides that a school district that is *not* eligible for state poverty-based assistance payments for all-day kindergarten available under current law may charge fees or tuition for students enrolled in all-day kindergarten classes. If a district charges for all-day kindergarten, it must develop a sliding fee schedule based on a student's family income. Current law also requires the Department of Education to conduct an annual survey of the school districts eligible to charge all-day kindergarten fees and issue an annual survey report. The bill repeals the fee and tuition authority and the survey provisions.

### **Effective date**

(Section 3)

The bill delays the effective date of its provisions until July 1, 2009. Since the bill is subject to the referendum, it must become law and be filed with the Secretary of State on or before April 2, 2009 for the delayed effective date to have any force. If the bill becomes law and is filed with the Secretary of State after April 2, 2009, it will become effective on the 91st day after the filing date and not at the start of fiscal year 2010.

---

### **HISTORY**

<b>ACTION</b>	<b>DATE</b>
Introduced	02-10-09

s0012-i-128.docx/kl

