

As Introduced

**128th General Assembly
Regular Session
2009-2010**

S. B. No. 12

Senator Sawyer

Cosponsors: Senators Roberts, Fedor, Miller, R., Turner, Schiavoni

—

A B I L L

To amend sections 3314.08, 3314.084, 3314.26, 1
3317.016, 3317.017, 3317.02, 3317.029, 3317.03, 2
3321.01, and 5727.84 and to repeal section 3314.13 3
of the Revised Code to provide formula funding for 4
all-day kindergarten for all school districts and 5
community schools that offer it. 6

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

Section 1. That sections 3314.08, 3314.084, 3314.26, 7
3317.016, 3317.017, 3317.02, 3317.029, 3317.03, 3321.01, and 8
5727.84 of the Revised Code be amended to read as follows: 9

Sec. 3314.08. (A) As used in this section: 10

(1) "Base formula amount" means the amount specified as such 11
in a community school's financial plan for a school year pursuant 12
to division (A)(15) of section 3314.03 of the Revised Code. 13

(2) "IEP" has the same meaning as in section 3323.01 of the 14
Revised Code. 15

(3) "Applicable special education weight" means the multiple 16
specified in section 3317.013 of the Revised Code for a disability 17
described in that section. 18

(4) "Applicable vocational education weight" means:	19
(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;	20 21 22
(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.	23 24 25
(5) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.	26 27 28
(6) 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.	29 30 31 32
(7) "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) to (9) 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.	33 34 35 36 37 38
(8) "All-day kindergarten" has the same meaning as in section 3317.029 <u>3317.02</u> of the Revised Code.	39 40
(9) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.	41 42
(B) The state board of education shall adopt rules requiring both of the following:	43 44
(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	45 46 47 48

established under this chapter, the number of students entitled to 49
attend school in the district who are enrolled in kindergarten in 50
a community school, the number of those kindergartners who are 51
enrolled in all-day kindergarten in their community school, and 52
for each child, the community school in which the child is 53
enrolled. 54

(2) The governing authority of each community school 55
established under this chapter to annually report all of the 56
following: 57

(a) The number of students enrolled in grades one through 58
twelve and the number of students enrolled in kindergarten in the 59
school who are not receiving special education and related 60
services pursuant to an IEP; 61

(b) The number of enrolled students in grades one through 62
twelve and the number of enrolled students in kindergarten, who 63
are receiving special education and related services pursuant to 64
an IEP; 65

(c) The number of students reported under division (B)(2)(b) 66
of this section receiving special education and related services 67
pursuant to an IEP for a disability described in each of divisions 68
(A) to (F) of section 3317.013 of the Revised Code; 69

(d) The number of students in kindergarten reported under 70
divisions (B)(2)(a) and (b) of this section who are enrolled in 71
all-day kindergarten; 72

(e) The full-time equivalent number of students reported 73
under divisions (B)(2)(a) and (b) of this section who are enrolled 74
in vocational education programs or classes described in each of 75
divisions (A) and (B) of section 3317.014 of the Revised Code that 76
are provided by the community school; 77

~~(e)~~(f) Twenty per cent of the number of students reported 78
under divisions (B)(2)(a) and (b) of this section who are not 79

reported under division (B)(2)~~(d)~~(e) of this section but who are 80
enrolled in vocational education programs or classes described in 81
each of divisions (A) and (B) of section 3317.014 of the Revised 82
Code at a joint vocational school district under a contract 83
between the community school and the joint vocational school 84
district and are entitled to attend school in a city, local, or 85
exempted village school district whose territory is part of the 86
territory of the joint vocational district; 87

~~(f)~~(g) The number of enrolled preschool children with 88
disabilities receiving special education services in a 89
state-funded unit; 90

~~(g)~~(h) The community school's base formula amount; 91

~~(h)~~(i) For each student, the city, exempted village, or local 92
school district in which the student is entitled to attend school; 93

~~(i)~~(j) Any poverty-based assistance reduction factor that 94
applies to a school year. 95

(C) From the state education aid calculated for a city, 96
exempted village, or local school district and, if necessary, from 97
the payment made to the district under sections 321.24 and 323.156 98
of the Revised Code, the department of education shall annually 99
subtract the sum of the amounts described in divisions (C)(1) to 100
(9) of this section. However, when deducting payments on behalf of 101
students enrolled in internet- or computer-based community 102
schools, the department shall deduct only those amounts described 103
in divisions (C)(1) and (2) of this section. Furthermore, the 104
aggregate amount deducted under this division shall not exceed the 105
sum of the district's state education aid and its payment under 106
sections 321.24 and 323.156 of the Revised Code. 107

(1) An amount equal to the sum of the amounts obtained when, 109
for each community school where the district's students are 110

enrolled, the number of the district's students reported under 111
divisions (B)(2)(a), (b), and ~~(e)~~(f) of this section who are 112
enrolled in all-day kindergarten and grades one through twelve, 113
and one-half the number of students reported under those divisions 114
who are enrolled in traditional half-day kindergarten, in that 115
community school is multiplied by the sum of the base formula 116
amount of that community school plus the per pupil amount of the 117
base funding supplements specified in divisions (C)(1) to (4) of 118
section 3317.012 of the Revised Code. 119

(2) The sum of the amounts calculated under divisions 120
(C)(2)(a) and (b) of this section: 121

(a) For each of the district's students reported under 122
division (B)(2)(c) of this section as enrolled in a community 123
school in all-day kindergarten and grades one through twelve and 124
receiving special education and related services pursuant to an 125
IEP for a disability described in section 3317.013 of the Revised 126
Code, the product of the applicable special education weight times 127
the community school's base formula amount; 128

(b) For each of the district's students reported under 129
division (B)(2)(c) of this section as enrolled in traditional 130
half-day kindergarten in a community school and receiving special 131
education and related services pursuant to an IEP for a disability 132
described in section 3317.013 of the Revised Code, one-half of the 133
amount calculated as prescribed in division (C)(2)(a) of this 134
section. 135

(3) For each of the district's students reported under 136
division (B)(2)~~(d)~~(e) of this section for whom payment is made 137
under division (D)(4) of this section, the amount of that payment; 138

(4) An amount equal to the sum of the amounts obtained when, 139
for each community school where the district's students are 140
enrolled, the number of the district's students enrolled in that 141

community school who are included in the district's poverty 142
student count is multiplied by the per pupil amount of 143
poverty-based assistance the school district receives that year 144
pursuant to division (C) of section 3317.029 of the Revised Code, 145
as adjusted by any poverty-based assistance reduction factor of 146
that community school. The per pupil amount of that aid for the 147
district shall be calculated by the department. 148

(5) An amount equal to the sum of the amounts obtained when, 149
for each community school where the district's students are 150
enrolled, the district's per pupil amount of aid received under 151
division (E) of section 3317.029 of the Revised Code, as adjusted 152
by any poverty-based assistance reduction factor of the community 153
school, is multiplied by the sum of the following: 154

(a) The number of the district's students reported under 155
division (B)(2)(a) of this section who are enrolled in all-day 156
kindergarten and grades one to three in that community school and 157
who are not receiving special education and related services 158
pursuant to an IEP; 159

(b) ~~One-half of the district's students who are enrolled in~~ 160
~~all-day or any other~~ traditional half-day kindergarten ~~class~~ in 161
that community school and who are not receiving special education 162
and related services pursuant to an IEP; 163

~~(c) One half of the district's students who are enrolled in~~ 164
~~all-day kindergarten in that community school and who are not~~ 165
~~receiving special education and related services pursuant to an~~ 166
~~IEP.~~ 167

The district's per pupil amount of aid under division (E) of 168
section 3317.029 of the Revised Code is the quotient of the amount 169
the district received under that division divided by the 170
district's kindergarten through third grade ADM, as defined in 171
that section. 172

(6) An amount equal to the sum of the amounts obtained when, 173
for each community school where the district's students are 174
enrolled, the district's per pupil amount received under division 175
(F) of section 3317.029 of the Revised Code, as adjusted by any 176
poverty-based assistance reduction factor of that community 177
school, is multiplied by the number of the district's students 178
enrolled in the community school who are identified as 179
limited-English proficient. 180

(7) An amount equal to the sum of the amounts obtained when, 181
for each community school where the district's students are 182
enrolled, the district's per pupil amount received under division 183
(G) of section 3317.029 of the Revised Code, as adjusted by any 184
poverty-based assistance reduction factor of that community 185
school, is multiplied by the sum of the following: 186

(a) The number of the district's students enrolled in all-day 187
kindergarten and grades one through twelve in that community 188
school; 189

(b) One-half of the number of the district's students 190
enrolled in traditional half-day kindergarten in that community 191
school. 192

The district's per pupil amount under division (G) of section 193
3317.029 of the Revised Code is the district's amount per teacher 194
calculated under division (G)(1) or (2) of that section divided by 195
17. 196

(8) An amount equal to the sum of the amounts obtained when, 197
for each community school where the district's students are 198
enrolled, the district's per pupil amount received under divisions 199
(H) and (I) of section 3317.029 of the Revised Code, as adjusted 200
by any poverty-based assistance reduction factor of that community 201
school, is multiplied by the sum of the following: 202

(a) The number of the district's students enrolled in all-day 203

<u>kindergarten and</u> grades one through twelve in that community	204
school;	205
(b) One-half of the number of the district's students	206
enrolled in <u>traditional half-day</u> kindergarten in that community	207
school.	208
The district's per pupil amount under divisions (H) and (I)	209
of section 3317.029 of the Revised Code is the amount calculated	210
under each division divided by the district's formula ADM, as	211
defined in section 3317.02 of the Revised Code.	212
(9) An amount equal to the per pupil state parity aid funding	213
calculated for the school district under either division (C) or	214
(D) of section 3317.0217 of the Revised Code multiplied by the sum	215
of the number of students in <u>all-day kindergarten and</u> grades one	216
through twelve, and one-half of the number of students in	217
<u>traditional half-day</u> kindergarten, who are entitled to attend	218
school in the district and are enrolled in a community school as	219
reported under division (B)(1) of this section.	220
(D) The department shall annually pay to a community school	221
established under this chapter the sum of the amounts described in	222
divisions (D)(1) to (10) of this section. However, the department	223
shall calculate and pay to each internet- or computer-based	224
community school only the amounts described in divisions (D)(1) to	225
(3) of this section. Furthermore, the sum of the payments to all	226
community schools under divisions (D)(1), (2), and (4) to (10) of	227
this section for the students entitled to attend school in any	228
particular school district shall not exceed the sum of that	229
district's state education aid and its payment under sections	230
321.24 and 323.156 of the Revised Code. If the sum of the payments	231
calculated under those divisions for the students entitled to	232
attend school in a particular school district exceeds the sum of	233
that district's state education aid and its payment under sections	234
321.24 and 323.156 of the Revised Code, the department shall	235

calculate and apply a proration factor to the payments to all 236
community schools under those divisions for the students entitled 237
to attend school in that district. 238

(1) Subject to section 3314.085 of the Revised Code, an 239
amount equal to the sum of the amounts obtained when the number of 240
students enrolled in all-day kindergarten and grades one through 241
twelve in the school, plus one-half of the number of students 242
enrolled in traditional half-day kindergarten students in the 243
school, reported under divisions (B)(2)(a), (b), and ~~(e)~~(f) of 244
this section who are not receiving special education and related 245
services pursuant to an IEP for a disability described in section 246
3317.013 of the Revised Code is multiplied by the sum of the 247
community school's base formula amount plus the per pupil amount 248
of the base funding supplements specified in divisions (C)(1) to 249
(4) of section 3317.012 of the Revised Code. 250

~~(2) Prior to fiscal year 2007, the greater of the amount 251
calculated under division (D)(2)(a) or (b) of this section, and in 252
fiscal year 2007 and thereafter, the amount calculated under 253
division (D)(2)(b) of this section:~~ 254

~~(a) The aggregate amount that the department paid to the 255
community school in fiscal year 1999 for students receiving 256
special education and related services pursuant to IEPs, excluding 257
federal funds and state disadvantaged pupil impact aid funds;~~ 258

~~(b) The sum of the amounts calculated under divisions 259
(D)(2)~~(b)~~(i)(a) and ~~(ii)~~(b) of this section:~~ 260

~~(i)(a) For each student reported under division (B)(2)(c) of 261
this section as enrolled in the school in all-day kindergarten and 262
grades one through twelve and receiving special education and 263
related services pursuant to an IEP for a disability described in 264
section 3317.013 of the Revised Code, the following amount:~~ 265

(the school's base formula amount plus 266

the per pupil amount of the base funding supplements specified in 267
divisions (C)(1) to (4) of section 3317.012 of the Revised Code) 268
+ (the applicable special education weight X the 269
community school's base formula amount); 270

~~(ii)~~(b) For each student reported under division (B)(2)(c) of 271
this section as enrolled in traditional half-day kindergarten and 272
receiving special education and related services pursuant to an 273
IEP for a disability described in section 3317.013 of the Revised 274
Code, one-half of the amount calculated under the formula 275
prescribed in division (D)(2)~~(b)~~~~(i)~~(a) of this section. 276

(3) An amount received from federal funds to provide special 277
education and related services to students in the community 278
school, as determined by the superintendent of public instruction. 279

(4) For each student reported under division (B)(2)~~(d)~~(e) of 280
this section as enrolled in vocational education programs or 281
classes that are described in section 3317.014 of the Revised 282
Code, are provided by the community school, and are comparable as 283
determined by the superintendent of public instruction to school 284
district vocational education programs and classes eligible for 285
state weighted funding under section 3317.014 of the Revised Code, 286
an amount equal to the applicable vocational education weight 287
times the community school's base formula amount times the 288
percentage of time the student spends in the vocational education 289
programs or classes. 290

(5) An amount equal to the sum of the amounts obtained when, 291
for each school district where the community school's students are 292
entitled to attend school, the number of that district's students 293
enrolled in the community school who are included in the 294
district's poverty student count is multiplied by the per pupil 295
amount of poverty-based assistance that school district receives 296
that year pursuant to division (C) of section 3317.029 of the 297
Revised Code, as adjusted by any poverty-based assistance 298

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 all-day kindergarten and 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~~ traditional half-day 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 330
the Revised Code, as adjusted by any poverty-based assistance 331
reduction factor of the community school. 332

(8) An amount equal to the sum of the amounts obtained when, 333
for each school district where the community school's students are 334
entitled to attend school, the district's per pupil amount 335
received under division (G) of section 3317.029 of the Revised 336
Code, as adjusted by any poverty-based assistance reduction factor 337
of the community school, is multiplied by the sum of the 338
following: 339

(a) The number of the district's students enrolled in all-day 340
kindergarten and grades one through twelve in that community 341
school; 342

(b) One-half of the number of the district's students 343
enrolled in traditional half-day kindergarten in that community 344
school. 345

The district's per pupil amount under division (G) of section 346
3317.029 of the Revised Code shall be determined as described in 347
division (C)(7) of this section. 348

(9) An amount equal to the sum of the amounts obtained when, 349
for each school district where the community school's students are 350
entitled to attend school, the district's per pupil amount 351
received under divisions (H) and (I) of section 3317.029 of the 352
Revised Code, as adjusted by any poverty-based assistance 353
reduction factor of the community school, is multiplied by the sum 354
of the following: 355

(a) The number of the district's students enrolled in all-day 356
kindergarten and grades one through twelve in that community 357
school; 358

(b) One-half of the number of the district's students 359
enrolled in traditional half-day kindergarten in that community 360

school. 361

The district's per pupil amount under divisions (H) and (I) 362
of section 3317.029 of the Revised Code shall be determined as 363
described in division (C)(8) of this section. 364

(10) An amount equal to the sum of the amounts obtained when, 365
for each school district where the community school's students are 366
entitled to attend school, the district's per pupil amount of 367
state parity aid funding calculated under either division (C) or 368
(D) of section 3317.0217 of the Revised Code is multiplied by the 369
sum of the number of that district's students enrolled in all-day 370
kindergarten and grades one through twelve, and one-half of the 371
number of that district's students enrolled in traditional 372
half-day kindergarten, in the community school as reported under 373
division (B)(2)(a) and (b) of this section. 374

(E)(1) If a community school's costs for a fiscal year for a 375
student receiving special education and related services pursuant 376
to an IEP for a disability described in divisions (B) to (F) of 377
section 3317.013 of the Revised Code exceed the threshold 378
catastrophic cost for serving the student as specified in division 379
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 380
submit to the superintendent of public instruction documentation, 381
as prescribed by the superintendent, of all its costs for that 382
student. Upon submission of documentation for a student of the 383
type and in the manner prescribed, the department shall pay to the 384
community school an amount equal to the school's costs for the 385
student in excess of the threshold catastrophic costs. 386

(2) The community school shall only report under division 387
(E)(1) of this section, and the department shall only pay for, the 388
costs of educational expenses and the related services provided to 389
the student in accordance with the student's individualized 390
education program. Any legal fees, court costs, or other costs 391
associated with any cause of action relating to the student may 392

not be included in the amount. 393

(F) A community school may apply to the department of 394
education for preschool children with disabilities or gifted unit 395
funding the school would receive if it were a school district. 396
Upon request of its governing authority, a community school that 397
received unit funding as a school district-operated school before 398
it became a community school shall retain any units awarded to it 399
as a school district-operated school provided the school continues 400
to meet eligibility standards for the unit. 401

A community school shall be considered a school district and 402
its governing authority shall be considered a board of education 403
for the purpose of applying to any state or federal agency for 404
grants that a school district may receive under federal or state 405
law or any appropriations act of the general assembly. The 406
governing authority of a community school may apply to any private 407
entity for additional funds. 408

(G) A board of education sponsoring a community school may 409
utilize local funds to make enhancement grants to the school or 410
may agree, either as part of the contract or separately, to 411
provide any specific services to the community school at no cost 412
to the school. 413

(H) A community school may not levy taxes or issue bonds 414
secured by tax revenues. 415

(I) No community school shall charge tuition for the 416
enrollment of any student. 417

(J)(1)(a) A community school may borrow money to pay any 418
necessary and actual expenses of the school in anticipation of the 419
receipt of any portion of the payments to be received by the 420
school pursuant to division (D) of this section. The school may 421
issue notes to evidence such borrowing. The proceeds of the notes 422
shall be used only for the purposes for which the anticipated 423

receipts may be lawfully expended by the school. 424

(b) A school may also borrow money for a term not to exceed 425
fifteen years for the purpose of acquiring facilities. 426

(2) Except for any amount guaranteed under section 3318.50 of 427
the Revised Code, the state is not liable for debt incurred by the 428
governing authority of a community school. 429

(K) For purposes of determining the number of students for 430
which divisions (D)(5) and (6) of this section applies in any 431
school year, a community school may submit to the department of 432
job and family services, no later than the first day of March, a 433
list of the students enrolled in the school. For each student on 434
the list, the community school shall indicate the student's name, 435
address, and date of birth and the school district where the 436
student is entitled to attend school. Upon receipt of a list under 437
this division, the department of job and family services shall 438
determine, for each school district where one or more students on 439
the list is entitled to attend school, the number of students 440
residing in that school district who were included in the 441
department's report under section 3317.10 of the Revised Code. The 442
department shall make this determination on the basis of 443
information readily available to it. Upon making this 444
determination and no later than ninety days after submission of 445
the list by the community school, the department shall report to 446
the state department of education the number of students on the 447
list who reside in each school district who were included in the 448
department's report under section 3317.10 of the Revised Code. In 449
complying with this division, the department of job and family 450
services shall not report to the state department of education any 451
personally identifiable information on any student. 452

(L) The department of education shall adjust the amounts 453
subtracted and paid under divisions (C) and (D) of this section to 454
reflect any enrollment of students in community schools for less 455

than the equivalent of a full school year. The state board of 456
education within ninety days after April 8, 2003, shall adopt in 457
accordance with Chapter 119. of the Revised Code rules governing 458
the payments to community schools under this section ~~and section~~ 459
~~3314.13 of the Revised Code,~~ including initial payments in a 460
school year and adjustments and reductions made in subsequent 461
periodic payments to community schools and corresponding 462
deductions from school district accounts as provided under 463
divisions (C) and (D) of this section ~~and section 3314.13 of the~~ 464
~~Revised Code.~~ For purposes of this section ~~and section 3314.13 of~~ 465
~~the Revised Code:~~ 466

(1) A student shall be considered enrolled in the community 467
school for any portion of the school year the student is 468
participating at a college under Chapter 3365. of the Revised 469
Code. 470

(2) A student shall be considered to be enrolled in a 471
community school during a school year for the period of time 472
beginning on the later of the date on which the school both has 473
received documentation of the student's enrollment from a parent 474
and the student has commenced participation in learning 475
opportunities as defined in the contract with the sponsor, or 476
thirty days prior to the date on which the student is entered into 477
the education management information system established under 478
section 3301.0714 of the Revised Code. For purposes of applying 479
this division and division (L)(3) of this section to a community 480
school student, "learning opportunities" shall be defined in the 481
contract, which shall describe both classroom-based and 482
non-classroom-based learning opportunities and shall be in 483
compliance with criteria and documentation requirements for 484
student participation which shall be established by the 485
department. Any student's instruction time in non-classroom-based 486
learning opportunities shall be certified by an employee of the 487

community school. A student's enrollment shall be considered to 488
cease on the date on which any of the following occur: 489

(a) The community school receives documentation from a parent 490
terminating enrollment of the student. 491

(b) The community school is provided documentation of a 492
student's enrollment in another public or private school. 493

(c) The community school ceases to offer learning 494
opportunities to the student pursuant to the terms of the contract 495
with the sponsor or the operation of any provision of this 496
chapter. 497

(3) The department shall determine each community school 498
student's percentage of full-time equivalency based on the 499
percentage of learning opportunities offered by the community 500
school to that student, reported either as number of hours or 501
number of days, is of the total learning opportunities offered by 502
the community school to a student who attends for the school's 503
entire school year. However, no internet- or computer-based 504
community school shall be credited for any time a student spends 505
participating in learning opportunities beyond ten hours within 506
any period of twenty-four consecutive hours. Whether it reports 507
hours or days of learning opportunities, each community school 508
shall offer not less than nine hundred twenty hours of learning 509
opportunities during the school year. 510

(M) The department of education shall reduce the amounts paid 511
under division (D) of this section to reflect payments made to 512
colleges under division (B) of section 3365.07 of the Revised 513
Code. 514

(N)(1) No student shall be considered enrolled in any 515
internet- or computer-based community school or, if applicable to 516
the student, in any community school that is required to provide 517
the student with a computer pursuant to division (C) of section 518

3314.22 of the Revised Code, unless both of the following 519
conditions are satisfied: 520

(a) The student possesses or has been provided with all 521
required hardware and software materials and all such materials 522
are operational so that the student is capable of fully 523
participating in the learning opportunities specified in the 524
contract between the school and the school's sponsor as required 525
by division (A)(23) of section 3314.03 of the Revised Code; 526

(b) The school is in compliance with division (A) of section 527
3314.22 of the Revised Code, relative to such student. 528

(2) In accordance with policies adopted jointly by the 529
superintendent of public instruction and the auditor of state, the 530
department shall reduce the amounts otherwise payable under 531
division (D) of this section to any community school that includes 532
in its program the provision of computer hardware and software 533
materials to any student, if such hardware and software materials 534
have not been delivered, installed, and activated for each such 535
student in a timely manner or other educational materials or 536
services have not been provided according to the contract between 537
the individual community school and its sponsor. 538

The superintendent of public instruction and the auditor of 539
state shall jointly establish a method for auditing any community 540
school to which this division pertains to ensure compliance with 541
this section. 542

The superintendent, auditor of state, and the governor shall 543
jointly make recommendations to the general assembly for 544
legislative changes that may be required to assure fiscal and 545
academic accountability for such schools. 546

(O)(1) If the department determines that a review of a 547
community school's enrollment is necessary, such review shall be 548
completed and written notice of the findings shall be provided to 549

the governing authority of the community school and its sponsor 550
within ninety days of the end of the community school's fiscal 551
year, unless extended for a period not to exceed thirty additional 552
days for one of the following reasons: 553

(a) The department and the community school mutually agree to 554
the extension. 555

(b) Delays in data submission caused by either a community 556
school or its sponsor. 557

(2) If the review results in a finding that additional 558
funding is owed to the school, such payment shall be made within 559
thirty days of the written notice. If the review results in a 560
finding that the community school owes moneys to the state, the 561
following procedure shall apply: 562

(a) Within ten business days of the receipt of the notice of 563
findings, the community school may appeal the department's 564
determination to the state board of education or its designee. 565

(b) The board or its designee shall conduct an informal 566
hearing on the matter within thirty days of receipt of such an 567
appeal and shall issue a decision within fifteen days of the 568
conclusion of the hearing. 569

(c) If the board has enlisted a designee to conduct the 570
hearing, the designee shall certify its decision to the board. The 571
board may accept the decision of the designee or may reject the 572
decision of the designee and issue its own decision on the matter. 573

(d) Any decision made by the board under this division is 574
final. 575

(3) If it is decided that the community school owes moneys to 576
the state, the department shall deduct such amount from the 577
school's future payments in accordance with guidelines issued by 578
the superintendent of public instruction. 579

~~(Q)~~(P) The department shall not subtract from a school 580
district's state aid account under division (C) of this section 581
and shall not pay to a community school under division (D) of this 582
section any amount for any of the following: 583

(1) Any student who has graduated from the twelfth grade of a 584
public or nonpublic high school; 585

(2) Any student who is not a resident of the state; 586

(3) Any student who was enrolled in the community school 587
during the previous school year when tests were administered under 588
section 3301.0711 of the Revised Code but did not take one or more 589
of the tests required by that section and was not excused pursuant 590
to division (C)(1) or (3) of that section, unless the 591
superintendent of public instruction grants the student a waiver 592
from the requirement to take the test and a parent is not paying 593
tuition for the student pursuant to section 3314.26 of the Revised 594
Code. The superintendent may grant a waiver only for good cause in 595
accordance with rules adopted by the state board of education. 596

(4) Any student who has attained the age of twenty-two years, 597
except for veterans of the armed services whose attendance was 598
interrupted before completing the recognized twelve-year course of 599
the public schools by reason of induction or enlistment in the 600
armed forces and who apply for enrollment in a community school 601
not later than four years after termination of war or their 602
honorable discharge. If, however, any such veteran elects to 603
enroll in special courses organized for veterans for whom tuition 604
is paid under federal law, or otherwise, the department shall not 605
subtract from a school district's state aid account under division 606
(C) of this section and shall not pay to a community school under 607
division (D) of this section any amount for that veteran. 608

Sec. 3314.084. (A) As used in this section: 609

(1) "Formula ADM" has the same meaning as in section 3317.03 of the Revised Code. 610
611

(2) "Home" has the same meaning as in section 3313.64 of the Revised Code. 612
613

(3) "School district of residence" has the same meaning as in section 3323.01 of the Revised Code; however, a community school established under this chapter is not a "school district of residence" for purposes of this section. 614
615
616
617

(B) Notwithstanding anything to the contrary in section 3314.08 or 3317.03 of the Revised Code, all of the following apply in the case of a child who is enrolled in a community school and is also living in a home: 618
619
620
621

(1) For purposes of the report required under division (B)(1) of section 3314.08 of the Revised Code, the child's school district of residence, and not the school district in which the home that the child is living in is located, shall be considered to be the school district in which the child is entitled to attend school. That school district of residence, therefore, shall make the report required under division (B)(1) of section 3314.08 of the Revised Code with respect to the child. 622
623
624
625
626
627
628
629

(2) For purposes of the report required under division (B)(2) of section 3314.08 of the Revised Code, the community school shall report the name of the child's school district of residence. 630
631
632

(3) The child's school district of residence shall count the child in that district's formula ADM. 633
634

(4) The school district in which the home that the child is living in is located shall not count the child in that district's formula ADM. 635
636
637

(5) The ~~Department~~ department of ~~Education~~ education shall deduct the applicable amounts prescribed under division (C) of 638
639

section 3314.08 ~~and division (D) of section 3314.13~~ of the Revised Code from the child's school district of residence and shall not deduct those amounts from the school district in which the home that the child is living in is located.

(6) The ~~Department~~ department shall make the payments prescribed in divisions (D) and (E) of section 3314.08 ~~and section 3314.13~~ of the Revised Code, as applicable, to the community school.

Sec. 3314.26. (A) Each internet- or computer-based community school shall withdraw from the school any student who, for two consecutive school years, has failed to participate in the spring administration of any test prescribed under section 3301.0710 or 3301.0712 of the Revised Code for the student's grade level and was not excused from the test pursuant to division (C)(1) or (3) of section 3301.0711 of the Revised Code, regardless of whether a waiver was granted for the student under division ~~(Q)~~(P)(3) of section 3314.08 of the Revised Code. The school shall report any such student's data verification code, as assigned pursuant to section 3301.0714 of the Revised Code, to the department of education. The department shall maintain a list of all data verification codes reported under this division and section 3313.6410 of the Revised Code and provide that list to each internet- or computer-based community school and to each school to which section 3313.6410 of the Revised Code applies.

(B) No internet- or computer-based community school shall receive any state funds under this chapter for any enrolled student whose data verification code appears on the list maintained by the department under division (A) of this section.

Notwithstanding any provision of the Revised Code to the contrary, the parent of any such student shall pay tuition to the internet- or computer-based community school in an amount equal to

the state funds the school otherwise would receive for that 671
student, as determined by the department. An internet- or 672
computer-based community school may withdraw any student for whom 673
the parent does not pay tuition as required by this division. 674

Sec. 3317.016. In addition to its form SF-3, or any successor 675
to that form, the department of education shall publish on its web 676
site a spreadsheet for each school district that specifies the 677
constituent components of the district's "building blocks" funds, 678
as follows: 679

(A) For compensation of base classroom teachers, as described 680
in division (B)(1) of section 3317.012 of the Revised Code, each 681
spreadsheet shall specify the district's aggregate and per pupil 682
amounts of state funds and of combined state and local funds, the 683
average compensation decided by the general assembly for base 684
classroom teachers, as specified in that division, and the number 685
of base classroom teachers attributable to the district based on 686
the student-teacher ratio decided by the general assembly, as 687
specified in that division. 688

(B) Each spreadsheet shall specify the district's aggregate 689
and per pupil amounts of state funds and of combined state and 690
local funds for each of the following: 691

(1) Other personnel support, as described in division (B)(2) 692
of section 3317.012 of the Revised Code; 693

(2) Nonpersonnel support, as described in division (B)(3) of 694
that section; 695

(3) Academic intervention services, as described in division 696
(C)(1) of that section; 697

(4) Professional development, as described in division (C)(2) 698
of that section; 699

(5) Data-based decision making, as described in division 700

(C)(3) of that section;	701
(6) Professional development for data-based decision making, as described in division (C)(4) of that section.	702 703
(C) Each spreadsheet shall separately specify the district's aggregate and per pupil state funds for each of the following components of poverty-based assistance under section 3317.029 of the Revised Code:	704 705 706 707
(1) Academic intervention funding under division (C) of that section;	708 709
(2) All day kindergarten under division (D) of that section;	710
(3) Increased classroom learning opportunities under division (E) of that section;	711 712
(4) <u>(3)</u> Services to limited English proficient students under division (F) of that section;	713 714
(5) <u>(4)</u> Professional development, under division (G) of that section;	715 716
(6) <u>(5)</u> Dropout prevention under division (H) of that section;	717
(7) <u>(6)</u> Community outreach under division (I) of that section;	718
(8) <u>(7)</u> Assistance in closing the achievement gap under division (K) of that section.	719 720
Sec. 3317.017. (A) Not later than July 1, 2006, the superintendent of public instruction shall adopt a rule under which the superintendent may issue an order with respect to the spending, by a school district declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code, of the following state building block funds intended to pay instructional-related costs:	721 722 723 724 725 726 727
(1) State funds for compensation of base classroom teachers, as described in division (B)(1) of section 3317.012 of the Revised	728 729

Code;	730
(2) State funds for academic intervention services under division (C)(1) of section 3317.012 and division (C) of section 3317.029 of the Revised Code;	731 732 733
(3) State funds for professional development under divisions (C)(2) and (4) of section 3317.012 and division (G) of section 3317.029 of the Revised Code;	734 735 736
(4) State funds for data based decision making under division (C)(3) of section 3317.012 of the Revised Code;	737 738
(5) State funds for all day kindergarten under division (D) of section 3317.029 of the Revised Code;	739 740
(6) State funds for increased classroom learning opportunities under division (E) of section 3317.029 of the Revised Code;	741 742 743
(7) <u>(6)</u> State funds for services to limited English proficient students under division (F) of section 3317.029 of the Revised Code;	744 745 746
(8) <u>(7)</u> State funds for dropout prevention under division (H) of section 3317.029 of the Revised Code;	747 748
(9) <u>(8)</u> State funds for community outreach under division (I) of section 3317.029 of the Revised Code;	749 750
(10) <u>(9)</u> State funds for assistance in closing the achievement gap under division (K) of section 3317.029 of the Revised Code.	751 752
(B) The rule shall authorize the superintendent of public instruction to issue an order that does one or a combination of the following:	753 754 755
(1) Requires the school district to periodically report to the superintendent of public instruction on its spending of the state funds paid for each building blocks component described in divisions (A)(1) to (10) <u>(9)</u> of this section;	756 757 758 759

(2) Requires the district to establish a separate account for 760
each of the building blocks components described in divisions 761
(A)(1) to ~~(10)~~(9) of this section to which the district shall 762
credit the state funds paid for each; 763

(3) Directs the district's spending of any or all of the 764
state funds paid for the components described in divisions (A)(1) 765
to ~~(10)~~(9) of this section in accordance with the descriptions and 766
requirements of sections 3317.012 and 3317.029 of the Revised 767
Code. 768

(C) The rule shall specify situations in which the 769
superintendent may issue an order and the types of orders the 770
superintendent will issue for each of those situations. The rule, 771
however, shall authorize the superintendent to issue orders in 772
situations that are not enumerated or described in the rule. 773

(D) The board of education of each school district to which 774
the superintendent of public instruction issues an order pursuant 775
to the rule adopted under this section shall comply with that 776
order. 777

Sec. 3317.02. As used in this chapter: 778

(A) Unless otherwise specified, "school district" means city, 779
local, and exempted village school districts. 780

(B) "Formula amount" means the base cost for the fiscal year 781
specified in division (B)(4) of section 3317.012 of the Revised 782
Code. 783

(C) "FTE basis" means a count of students based on full-time 784
equivalency, in accordance with rules adopted by the department of 785
education pursuant to section 3317.03 of the Revised Code. Each 786
student enrolled in traditional half-day kindergarten shall be 787
counted as one-half of one full-time equivalent student, and each 788
student enrolled in all-day kindergarten shall be counted as one 789

full-time equivalent student. In adopting its rules under this 790
division, the department shall provide for counting any student in 791
category one, two, three, four, five, or six special education ADM 792
or in category one or two vocational education ADM in the same 793
proportion the student is counted in formula ADM. 794

(D) "Formula ADM" means, for a city, local, or exempted 795
village school district, the final number verified by the 796
superintendent of public instruction, based on the number reported 797
pursuant to division (A) of section 3317.03 of the Revised Code, 798
as adjusted, if so ordered, under division (K) of that section. 799
"Formula ADM" means, for a joint vocational school district, the 800
final number verified by the superintendent of public instruction, 801
based on the number reported pursuant to division (D) of section 802
3317.03 of the Revised Code, as adjusted, if so ordered, under 803
division (K) of that section. Beginning in fiscal year 2007, for 804
payments in which formula ADM is a factor, the formula ADM for 805
each school district for the fiscal year is the sum of one-half of 806
the number verified and adjusted for October of that fiscal year 807
plus one-half of the average of the numbers verified and adjusted 808
for October and February of that fiscal year. 809

(E) "Three-year average formula ADM" means the average of 811
formula ADMs for the preceding three fiscal years. 812

(F)(1) "Category one special education ADM" means the average 813
daily membership of children with disabilities receiving special 814
education services for the disability specified in division (A) of 815
section 3317.013 of the Revised Code and reported under division 816
(B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code. 817
Beginning in fiscal year 2007, the district's category one special 818
education ADM for a fiscal year is the sum of one-half of the 819
number reported for October of that fiscal year plus one-half of 820
the average of the numbers reported for October and February of 821

that fiscal year. 822

(2) "Category two special education ADM" means the average 823
daily membership of children with disabilities receiving special 824
education services for those disabilities specified in division 825
(B) of section 3317.013 of the Revised Code and reported under 826
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 827
Code. Beginning in fiscal year 2007, the district's category two 828
special education ADM for a fiscal year is the sum of one-half of 829
the number reported for October of that fiscal year plus one-half 830
of the average of the numbers reported for October and February of 831
that fiscal year. 832

(3) "Category three special education ADM" means the average 833
daily membership of students receiving special education services 834
for those disabilities specified in division (C) of section 835
3317.013 of the Revised Code, and reported under division (B)(7) 836
or (D)(2)(d) of section 3317.03 of the Revised Code. Beginning in 837
fiscal year 2007, the district's category three special education 838
ADM for a fiscal year is the sum of one-half of the number 839
reported for October of that fiscal year plus one-half of the 840
average of the numbers reported for October and February of that 841
fiscal year. 842

(4) "Category four special education ADM" means the average 843
daily membership of students receiving special education services 844
for those disabilities specified in division (D) of section 845
3317.013 of the Revised Code and reported under division (B)(8) or 846
(D)(2)(e) of section 3317.03 of the Revised Code. Beginning in 847
fiscal year 2007, the district's category four special education 848
ADM for a fiscal year is the sum of one-half of the number 849
reported for October of that fiscal year plus one-half of the 850
average of the numbers reported for October and February of that 851
fiscal year. 852

(5) "Category five special education ADM" means the average 853

daily membership of students receiving special education services 854
for the disabilities specified in division (E) of section 3317.013 855
of the Revised Code and reported under division (B)(9) or 856
(D)(2)(f) of section 3317.03 of the Revised Code. Beginning in 857
fiscal year 2007, the district's category five special education 858
ADM for a fiscal year is the sum of one-half of the number 859
reported for October of that fiscal year plus one-half of the 860
average of the numbers reported for October and February of that 861
fiscal year. 862

(6) "Category six special education ADM" means the average 863
daily membership of students receiving special education services 864
for the disabilities specified in division (F) of section 3317.013 865
of the Revised Code and reported under division (B)(10) or 866
(D)(2)(g) of section 3317.03 of the Revised Code. Beginning in 867
fiscal year 2007, the district's category six special education 868
ADM for a fiscal year is the sum of one-half of the number 869
reported for October of that fiscal year plus one-half of the 870
average of the numbers reported for October and February of that 871
fiscal year. 872

(7) "Category one vocational education ADM" means the average 873
daily membership of students receiving vocational education 874
services described in division (A) of section 3317.014 of the 875
Revised Code and reported under division (B)(11) or (D)(2)(h) of 876
section 3317.03 of the Revised Code. Beginning in fiscal year 877
2007, the district's category one vocational education ADM for a 878
fiscal year is the sum of one-half of the number reported for 879
October of that fiscal year plus one-half of the average of the 880
numbers reported for October and February of that fiscal year. 881

(8) "Category two vocational education ADM" means the average 882
daily membership of students receiving vocational education 883
services described in division (B) of section 3317.014 of the 884
Revised Code and reported under division (B)(12) or (D)(2)(i) of 885

section 3317.03 of the Revised Code. Beginning in fiscal year 886
2007, the district's category two vocational education ADM for a 887
fiscal year is the sum of one-half of the number reported for 888
October of that fiscal year plus one-half of the average of the 889
numbers reported for October and February of that fiscal year. 890

(G) "Preschool child with a disability" means a child with a 891
disability, as defined in section 3323.01 of the Revised Code, who 892
is at least age three but is not of compulsory school age, as 893
defined in section 3321.01 of the Revised Code, and who is not 894
currently enrolled in kindergarten. 895

(H) "County MR/DD board" means a county board of mental 896
retardation and developmental disabilities. 897

(I) "Recognized valuation" means the amount calculated for a 898
school district pursuant to section 3317.015 of the Revised Code. 899

(J) "Transportation ADM" means the number of children 900
reported under division (B)(13) of section 3317.03 of the Revised 901
Code. 902

(K) "Average efficient transportation use cost per student" 903
means a statistical representation of transportation costs as 904
calculated under division (D)(2) of section 3317.022 of the 905
Revised Code. 906

(L) "Taxes charged and payable" means the taxes charged and 907
payable against real and public utility property after making the 908
reduction required by section 319.301 of the Revised Code, plus 909
the taxes levied against tangible personal property. 910

(M) "Total taxable value" means the sum of the amounts 911
certified for a city, local, exempted village, or joint vocational 912
school district under divisions (A)(1) and (2) of section 3317.021 913
of the Revised Code. 914

(N) "Tax exempt value" of a school district means the amount 915

certified for a school district under division (A)(4) of section 916
3317.021 of the Revised Code. 917

(O) "Potential value" of a school district means the 918
recognized valuation of a school district plus the tax exempt 919
value of the district. 920

(P) "District median income" means the median Ohio adjusted 921
gross income certified for a school district. On or before the 922
first day of July of each year, the tax commissioner shall certify 923
to the department of education and the office of budget and 924
management for each city, exempted village, and local school 925
district the median Ohio adjusted gross income of the residents of 926
the school district determined on the basis of tax returns filed 927
for the second preceding tax year by the residents of the 928
district. 929

(Q) "Statewide median income" means the median district 930
median income of all city, exempted village, and local school 931
districts in the state. 932

(R) "Income factor" for a city, exempted village, or local 933
school district means the quotient obtained by dividing that 934
district's median income by the statewide median income. 935

(S) "Medically fragile child" means a child to whom all of 936
the following apply: 937

(1) The child requires the services of a doctor of medicine 938
or osteopathic medicine at least once a week due to the 939
instability of the child's medical condition. 940

(2) The child requires the services of a registered nurse on 941
a daily basis. 942

(3) The child is at risk of institutionalization in a 943
hospital, skilled nursing facility, or intermediate care facility 944
for the mentally retarded. 945

(T) A child may be identified as having an "other health impairment-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.

(U) A child may be identified as having an "other health impairment-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 (T)(1) or (2) of this section.

(V) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(W) "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.

(X) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(Y) "All-day kindergarten" means a kindergarten class that is

in session five days per week for not less than the same number of 977
clock hours each day as for pupils in grades one through six. 978

Sec. 3317.029. (A) As used in this section: 979

(1) "Poverty percentage" means the quotient obtained by 980
dividing the average number of children ages five to seventeen 981
residing in the school district and living in a family receiving 982
assistance under the Ohio works first program or an antecedent 983
program known as TANF or ADC for the preceding five years, as 984
certified or adjusted under section 3317.10 of the Revised Code, 985
by the district's three-year average formula ADM. 986

(2) "Statewide poverty percentage" means the average of the 987
total number of children ages five to seventeen years residing in 988
the state and receiving assistance under the Ohio works first 989
program or an antecedent program known as TANF or ADC for the 990
preceding five years, divided by the sum of the three-year average 991
formula ADMs for all school districts in the state. 992

(3) "Poverty index" means the quotient obtained by dividing 993
the school district's poverty percentage by the statewide poverty 994
percentage. 995

(4) "Poverty student count" means the average number of 996
children ages five to seventeen residing in the school district 997
and living in a family receiving assistance under the Ohio works 998
first program or an antecedent program known as TANF or ADC for 999
the preceding five years, as certified under section 3317.10 of 1000
the Revised Code. 1001

(5) ~~"Kindergarten ADM" means the number of students reported~~ 1002
~~under section 3317.03 of the Revised Code as enrolled in~~ 1003
~~kindergarten, excluding any kindergarten students reported under~~ 1004
~~division (B)(3)(e), (f), or (g) of section 3317.03 of the Revised~~ 1005
~~Code.~~ 1006

~~(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 The number of students in grades ~~one~~ kindergarten
through three;~~

~~(c) Subtract from the sum calculated under division ~~(A)(6)(b)~~
of this section the minus~~

~~(b) 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), (f), or (g) 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 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)~~(6) "All-day kindergarten ADM" means the number of
students reported under section 3317.03 of the Revised Code as
enrolled in all-day kindergarten, excluding any kindergarten
students reported under division (B)(3)(e), (f), or (g) of that
section.

~~(10)~~(7) "Academic distress percentage" means the quotient of
the number of district-operated buildings in the school district
designated under section 3302.03 of the Revised Code as in a state
of academic watch or academic emergency, divided by the total
number of buildings in the district that were open for instruction
during the same school year to which the ratings apply.

~~(11)~~(8) "Statewide academic distress percentage" means the 1037
quotient of the statewide number of school district buildings and 1038
community schools designated under section 3302.03 of the Revised 1039
Code as in a state of academic watch or academic emergency, 1040
divided by the statewide total number of school district buildings 1041
and community schools that were open for instruction during the 1042
same school year to which the ratings apply. 1043

~~(12)~~(9) "Academic distress index" means the quotient of the 1044
school district's academic distress percentage, divided by the 1045
statewide academic distress percentage. 1046

~~(13)~~(10) "Buildings with the highest concentration of need" 1047
means the school buildings in a district that meet either of the 1048
following criteria: 1049

(a) Are in school improvement status pursuant to the "No 1050
Child Left Behind Act of 2001," as defined in section 3302.01 of 1051
the Revised Code; 1052

(b) Have percentages of students receiving assistance under 1053
Ohio works first at least as high as the district-wide percentage 1054
of students receiving such assistance. However, the district shall 1055
give priority to any of those buildings that have been declared to 1056
be in a state of academic watch or academic emergency under 1057
section 3302.03 of the Revised Code. 1058

If, in any fiscal year, the information provided by the 1059
department of job and family services under section 3317.10 of the 1060
Revised Code is insufficient to determine the Ohio works first 1061
percentage in each building, "buildings with the highest 1062
concentration of need" has the meaning given in rules that the 1063
department of education shall adopt. The rules shall base the 1064
definition of "buildings with the highest concentration of need" 1065
on family income of students in a manner that, to the extent 1066
possible with available data, approximates the intent to designate 1067

buildings where the Ohio works first percentage equals or exceeds 1068
the district-wide Ohio works first percentage. 1069

(B) The department of education shall compute for each school 1070
district for poverty-based assistance the sum of the computations 1071
made under divisions (C) to (I) and (K) of this section and shall 1072
pay that sum to the district in accordance with division (A) of 1073
section 3317.022 of the Revised Code. 1074

(C) A payment for academic intervention programs, if the 1075
district's poverty index is greater than or equal to 0.25, 1076
calculated as follows: 1077

(1) If the district's poverty index is greater than or equal 1078
to 0.25, calculate the district's level one amount for large-group 1079
academic intervention for all students as follows: 1080

(a) If the district's poverty index is greater than or equal 1081
to 0.25 but less than 0.75: 1082

large-group intervention units X hourly rate X 1083

level one hours X [(poverty index - 0.25)/0.5] 1084

Where: 1085

(i) "Large-group intervention units" equals the district's 1086
formula ADM divided by 20; 1087

(ii) "Hourly rate" equals \$21.01 in fiscal year 2008 and 1088
\$21.64 in fiscal year 2009; 1089

(iii) "Level one hours" equals 25 hours. 1090

(b) If the district's poverty index is greater than or equal 1091
to 0.75: 1092

large-group intervention units X hourly rate X 1093

level one hours 1094

Where "large-group intervention units," "hourly rate," and 1095
"level one hours" have the same meanings as in division (C)(1)(a) 1096
of this section. 1097

(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:

medium-group intervention units X hourly rate
X {level one hours + [25 hours X ((poverty index - 0.75)/0.75)]}

Where:

(i) "Medium group intervention units" equals the district's formula ADM divided by 15;

(ii) "Hourly rate" and "level one hours" 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:

medium-group intervention units X hourly rate X
level two hours

Where:

(i) "Medium group intervention units" has the same meaning as in division (C)(2)(a)(i) of this section;

(ii) "Hourly rate" has the same meaning 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:

small group intervention units X hourly rate X 1127
{level one hours + [level three hours X 1128
(poverty index - 1.50)]} 1129

Where: 1130

(i) "Small group intervention units" equals the quotient of 1131
(the district's poverty student count times 3) divided by 10; 1132

(ii) "Hourly rate" and "level one hours" have the same 1133
meanings as in division (C)(1)(a) of this section; 1134

(iii) "Level three hours" equals 135 hours. 1135

(b) If the district's poverty index is greater than or equal 1136
to 2.50: 1137

small group intervention units X hourly rate 1138
X level three hours 1139

Where: 1140

(i) "Small group intervention units" has the same meaning as 1141
in division (C)(3)(a)(i) of this section; 1142

(ii) "Hourly rate" has the same meaning as in division 1143
(C)(1)(a) of this section; 1144

(iii) "Level three hours" equals 160 hours. 1145

Any district that receives funds under division (C)(2) or (3) 1146
of this section annually shall submit to the department of 1147
education by a date established by the department a plan 1148
describing how the district will deploy those funds. The 1149
deployment measures described in that plan shall comply with any 1150
applicable spending requirements prescribed in division (J)~~(6)~~(5) 1151
of this section or with any order issued by the superintendent of 1152
public instruction under section 3317.017 of the Revised Code. 1153

(D) A This division does not apply to fiscal years after 1154
fiscal year 2009. 1155

A payment for all-day kindergarten if the poverty index of 1156

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 ADM by the
formula amount.

(E) A payment for increased classroom learning opportunities
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, 1188
which is the number of teachers per one thousand students at a 1189
student-teacher ratio of fifteen to one. 1190

(2) Multiply the formula number of teachers determined or 1191
calculated in division (E)(1) of this section by the kindergarten 1192
through third grade ADM for the district and divide that product 1193
by one thousand; 1194

(3) Calculate the number of new teachers as follows: 1195

(a) Multiply the kindergarten through third grade ADM by 1196
50.0, which is the number of teachers per one thousand students at 1197
a student-teacher ratio of twenty to one, and divide that product 1198
by one thousand; 1199

(b) Subtract the quotient obtained in division (E)(3)(a) of 1200
this section from the product in division (E)(2) of this section. 1201

(4) Multiply the greater of the difference obtained under 1202
division (E)(3) of this section or zero by the statewide average 1203
teachers compensation. For this purpose, the "statewide average 1204
teacher compensation" is \$56,754 in fiscal year 2008 and \$58,621 1205
in fiscal year 2009, which includes an amount for the value of 1206
fringe benefits. 1207

(F) A payment for services to limited English proficient 1208
students, if the district's poverty index is greater than or equal 1209
to 1.0 and the proportion of its students who are limited English 1210
proficient, as reported in 2003 on its school district report card 1211
issued under section 3302.03 of the Revised Code for the 2002-2003 1212
school year, is greater than or equal to 2.0%, calculated as 1213
follows: 1214

(1) If the district's poverty index is greater than or equal 1215
to 1.0, but less than 1.75, determine the amount per limited 1216
English proficient student as follows: 1217

{0.125 + [0.125 X ((poverty index - 1.0)/0.75)]}	1218
X formula amount	1219
(2) If the district's poverty index is greater than or equal	1220
to 1.75, the amount per limited English proficient student equals:	1221
0.25 X formula amount	1222
(3) Multiply the per student amount determined for the	1223
district under division (F)(1) or (2) of this section by the	1224
number of the district's limited English proficient students,	1225
times a phase-in percentage of 0.70 in fiscal years 2008 and 2009.	1226
For purposes of this calculation, the number of limited English	1227
proficient students for each district shall be the number	1228
determined by the department when it calculated the district's	1229
percentage of limited English proficient students for its school	1230
district report card issued in 2003 for the 2002-2003 school year.	1231
	1232
(G) A payment for professional development of teachers, if	1233
the district's poverty index is greater than or equal to 1.0,	1234
calculated as follows:	1235
(1) If the district's poverty index is greater than or equal	1236
to 1.0, but less than 1.75, determine the amount per teacher as	1237
follows:	1238
[(poverty index - 1.0)/0.75] X 0.045 X formula amount	1239
(2) If the district's poverty index is greater than or equal	1240
to 1.75, the amount per teacher equals:	1241
0.045 X formula amount	1242
(3) Determine the number of teachers, as follows:	1243
(formula ADM/17)	1244
(4) Multiply the per teacher amount determined for the	1245
district under division (G)(1) or (2) of this section by the	1246
number of teachers determined under division (G)(3) of this	1247
section.	1248

(H) A payment for dropout prevention, if the district is a	1249
big eight school district as defined in section 3314.02 of the	1250
Revised Code, calculated as follows:	1251
0.005 X formula amount X poverty index	1252
X formula ADM	1253
(I) An amount for community outreach, if the district is an	1254
urban school district as defined in section 3314.02 of the Revised	1255
Code, calculated as follows:	1256
0.005 X formula amount X poverty index X	1257
formula ADM	1258
(J) This division applies only to school districts that	1259
receive more than ten thousand dollars under this section. Each	1260
such district shall use funds paid under this section only for one	1261
or more of the following purposes:	1262
(1) To provide all day kindergarten to the children in the	1263
district's all day kindergarten ADM;	1264
(2) To provide services to students with limited English	1265
proficiency through one or more of the following activities:	1266
(a) Hiring teachers for limited English proficient students	1267
or other personnel to provide intervention services for those	1268
students;	1269
(b) Contracting for intervention services for those students;	1270
	1271
(c) Providing other services to assist those students in	1272
passing the third-grade reading achievement test, and to provide	1273
for those students the intervention services required by section	1274
3313.608 of the Revised Code.	1275
(3) <u>(2)</u> To provide professional development of teachers or	1276
other licensed personnel providing educational services to	1277
students only in one or more of the following areas:	1278

(a) Data-based decision making;	1279
(b) Standards-based curriculum models;	1280
(c) High quality professional development activities that are research-based, as defined by state standards developed under section 3319.61 of the Revised Code;	1281 1282 1283
(d) Professional learning communities.	1284
In addition, each district that elects to use funds paid under this section for professional development shall only 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 this section.	1285 1286 1287 1288 1289 1290
(4) <u>(3)</u> For preventing at-risk students from dropping out of school. Not later than September 1, 2007, the department of education shall provide each school district receiving a payment under this section 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 this section for dropout prevention shall use the payment only to implement a dropout prevention program specified on the department's list.	1291 1292 1293 1294 1295 1296 1297 1298 1299
(5) <u>(4)</u> For one or a combination of the following purposes:	1300
(a) To hire or contract for community liaison officers, attendance or truant officers, or safety and security personnel;	1301 1302
(b) To implement programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning in accordance with safe school guidelines adopted by the state board of education;	1303 1304 1305 1306
(c) To implement academic intervention services described in division (J) (6) <u>(5)</u> of this section.	1307 1308

~~(6) Except as permitted under division (J)(1) of this~~ 1309
~~section, each~~ (5) Each school district with a poverty index 1310
greater than or equal to 1.0 shall use the amount of its payment 1311
under division (C) of this section for academic intervention 1312
services, designed in accordance with student intervention 1313
guidelines adopted by the state board, for students who have 1314
failed or are in danger of failing any of the tests administered 1315
pursuant to section 3301.0710 of the Revised Code, including 1316
intervention services required by section 3313.608 of the Revised 1317
Code. ~~Except as permitted under division (J)(1) of this section,~~ 1318
~~no~~ No district shall spend any portion of its payment under 1319
division (C) of this section for any other purpose. 1320
Notwithstanding any provision to the contrary in Chapter 4117. of 1321
the Revised Code, no collective bargaining agreement entered into 1322
after June 30, 2005, shall require use of the payment for any 1323
other purpose. 1324

~~(7)~~(6) For increased classroom learning opportunities by 1325
increasing the amount of instructional attention received per 1326
pupil in kindergarten through third grade, either by reducing the 1327
ratio of students to instructional personnel or by increasing the 1328
amount of instruction and curriculum-related activities by 1329
extending the length of the school day or the school year. 1330

School districts may implement a reduction of the ratio of 1331
students to instructional personnel through any or all of the 1332
following methods: 1333

(a) Reducing the number of students in a classroom taught by 1334
a single teacher; 1335

(b) Employing full-time educational aides or educational 1336
paraprofessionals, issued a permit or license under section 1337
3319.088 of the Revised Code, who are engaged in classroom support 1338
activities; 1339

(c) Instituting a team-teaching method that will result in a 1340
lower student-teacher ratio in a classroom. 1341

Districts may extend the school day either by increasing the 1342
amount of time allocated for each class, increasing the number of 1343
classes provided per day, offering optional academic-related 1344
after-school programs, providing curriculum-related extra 1345
curricular activities, or establishing tutoring or remedial 1346
services for students who have demonstrated an educational need. 1347
In accordance with section 3319.089 of the Revised Code, a 1348
district extending the school day pursuant to this division may 1349
utilize a participant of the work experience program who has a 1350
child enrolled in a public school in that district and who is 1351
fulfilling the work requirements of that program by volunteering 1352
or working in that public school. If the work experience program 1353
participant is compensated, the school district may use the funds 1354
distributed under this section for all or part of the 1355
compensation. 1356

Districts may extend the school year either through adding 1357
regular days of instruction to the school calendar or by providing 1358
summer programs. 1359

~~(8)~~(7) For early childhood programs or early learning 1360
programs, as defined by the department of education, for children 1361
age three or four who are not eligible for kindergarten; 1362

~~(9)~~(8) To furnish, free of charge, materials used in courses 1363
of instruction, except for the necessary textbooks or electronic 1364
textbooks required to be furnished without charge pursuant to 1365
section 3329.06 of the Revised Code, to pupils living in families 1366
participating in Ohio works first in accordance with section 1367
3313.642 of the Revised Code; 1368

~~(10)~~(9) For programs designed to reduce nonacademic barriers 1369
to learning, in accordance with guidelines developed by the 1370

department of education; 1371

~~(11)~~(10) For start-up costs associated with school breakfast 1372
programs provided pursuant to section 3313.813 of the Revised 1373
Code. 1374

A school district may apply to the department, in the form 1375
and manner prescribed by the department, for a waiver to spend 1376
funds paid under this section for programs not described in 1377
divisions (J)(1) to ~~(11)~~(10) of this section. The waiver 1378
application shall specify the rationale for the alternative 1379
expenditure and the intended benefits for disadvantaged students. 1380
If the department grants the waiver, the district may use funds 1381
paid under this section to implement the alternative program. 1382

(K) A payment for assistance in closing the achievement gap, 1383
calculated as follows: 1384

(1) In fiscal year 2008 the department shall pay each school 1385
district that has both a poverty index that is greater than or 1386
equal to 1.0 and an academic distress index, as determined based 1387
on the most recent report card issued under section 3302.03 of the 1388
Revised Code, that is greater than or equal to 1.0, an amount 1389
calculated in accordance with the following formula: 1390

poverty index X academic distress index X 1391
(0.0015 X formula amount) X formula ADM 1392

(2) In fiscal year 2009: 1393

(a) If the district received a payment under division (K)(1) 1394
of this section for fiscal year 2008, and its academic distress 1395
percentage for fiscal year 2009, as determined based on the most 1396
recent report card issued under section 3302.03 of the Revised 1397
Code, is less than its academic distress percentage for fiscal 1398
year 2008, the department shall pay the district the product of 1399
its payment under division (K)(1) of this section for fiscal year 1400
2008 times 1.035. 1401

(b) If the district received a payment under division (K)(1) 1402
of this section for fiscal year 2008, and its academic distress 1403
percentage for fiscal year 2009, as determined based on the most 1404
recent report card issued under section 3302.03 of the Revised 1405
Code, is greater than or equal to its academic distress percentage 1406
for fiscal year 2008, the department shall pay the district the 1407
same amount as its payment under division (K)(1) of this section 1408
for fiscal year 2008. 1409

(c) If the district did not receive a payment under division 1410
(K)(1) of this section for fiscal year 2008, and it has both a 1411
poverty index that is greater than or equal to 1.0 and an academic 1412
distress index, as determined based on the most recent report card 1413
issued under section 3302.03 of the Revised Code, that is greater 1414
than or equal to 1.0 for fiscal year 2009, the department shall 1415
pay the district an amount calculated in accordance with the 1416
following formula: 1417

poverty index X academic distress index X 1418

(0.0015 X formula amount) X formula ADM 1419

(L) This division applies only to funds paid under division 1420
(K)(2)(b) of this section. 1421

(1) If applicable, each school district shall use the funds 1422
for any necessary expenses for the continued operation of a school 1423
district academic distress commission appointed under section 1424
3302.10 of the Revised Code. 1425

(2) After satisfying the requirement of division (L)(1) of 1426
this section, each district shall spend the remaining funds only 1427
for one or more of the following purposes and only in buildings 1428
with the highest concentration of need: 1429

(a) Assistance in improving student performance; 1430

(b) Professional development for teachers and administrators; 1431

(c) Assistance in recruiting and retaining teachers and 1432

administrators. 1433

~~(M)(1) Each school district wishing to receive any funds 1434
under division (D) of this section shall submit to the department 1435
of education the number of students attending all day kindergarten 1436
when reporting formula ADM under section 3317.03 of the Revised 1437
Code. 1438~~

~~(2) Each school district that receives a payment under 1439
division (D) of this section shall first utilize funds received 1440
under that division to provide all day kindergarten. 1441~~

~~(N) Except as permitted under division (M)(1) of this 1442
section, each school district with a poverty index less than 1.0 1443
that receives a payment under division (C) of this section shall 1444
use its payment under that division in accordance with all 1445
requirements of division (J)~~(6)~~(5) of this section. 1446~~

~~(O) If at any time the superintendent of public instruction 1447
determines that a school district receiving funds under division 1448
(D) of this section has enrolled fewer than the number of all day 1449
kindergarten students reported for that fiscal year, the 1450
superintendent shall withhold from the funds otherwise due the 1451
district under this section a proportional amount as determined by 1452
the difference in the certified all day kindergarten ADM and the 1453
actual all day kindergarten ADM. 1454~~

~~(N) The superintendent of public instruction shall also 1455
withhold an appropriate amount of funds otherwise due a district 1456
for any ~~other~~ misuse of funds not in accordance with this section. 1457~~

~~(P)(1) A district may use a portion of the funds paid under 1458
this section to modify or purchase classroom space to provide 1459
all day kindergarten, if both of the following conditions are met: 1460~~

1461

~~(a) The district certifies to the department, in a manner 1462
acceptable to the department, that it has a shortage of space for 1463~~

~~providing all day kindergarten.~~ 1464

~~(b) The district provides all day kindergarten to the number of children in the all day kindergarten percentage it certified under this section.~~ 1465
1466
1467

~~(2)(O)~~ A district may use a portion of the funds paid under 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. 1468
1469
1470
1471
1472
1473
1474

~~(Q)(P)~~ Not later than the thirtieth day of September each year, each school district paid more than ten thousand dollars under this section shall report to the department, in the form and manner prescribed by the department, how the district deployed funds received under this section in the prior fiscal year. If a school district does not meet adequate progress standards as defined by the department, the department shall make recommendations to the district for deploying funds under this section in a more effective manner. 1475
1476
1477
1478
1479
1480
1481
1482
1483

Sec. 3317.03. ~~Notwithstanding divisions (A)(1), (B)(1), and (C) of this section, except as provided in division (A)(2)(h) of this section, any student enrolled in kindergarten more than half time shall be reported as one half student under this section.~~ 1484
1485
1486
1487

(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 1488
1489
1490
1491
1492
1493
1494

superintendent's supervision, the formula ADM for the first full 1495
week in February. If a school under the superintendent's 1496
supervision is closed for one or more days during that week due to 1497
hazardous weather conditions or other circumstances described in 1498
the first paragraph of division (B) of section 3317.01 of the 1499
Revised Code, the superintendent may apply to the superintendent 1500
of public instruction for a waiver, under which the superintendent 1501
of public instruction may exempt the district superintendent from 1502
certifying the formula ADM for that school for that week and 1503
specify an alternate week for certifying the formula ADM of that 1504
school. 1505

The formula ADM shall consist of the average daily membership 1506
during such week of the sum of the following: 1507

(1) On an FTE basis, the number of students in grades 1508
kindergarten through twelve receiving any educational services 1509
from the district, except that the following categories of 1510
students shall not be included in the determination: 1511

(a) Students enrolled in adult education classes; 1512

(b) Adjacent or other district students enrolled in the 1513
district under an open enrollment policy pursuant to section 1514
3313.98 of the Revised Code; 1515

(c) Students receiving services in the district pursuant to a 1516
compact, cooperative education agreement, or a contract, but who 1517
are entitled to attend school in another district pursuant to 1518
section 3313.64 or 3313.65 of the Revised Code; 1519

(d) Students for whom tuition is payable pursuant to sections 1520
3317.081 and 3323.141 of the Revised Code; 1521

(e) Students receiving services in the district through a 1522
scholarship awarded under section 3310.41 of the Revised Code. 1523

(2) On an FTE basis, except as provided in division (A)(2)(h) 1524

of this section, the number of students entitled to attend school	1525
in the district pursuant to section 3313.64 or 3313.65 of the	1526
Revised Code, but receiving educational services in grades	1527
kindergarten through twelve from one or more of the following	1528
entities:	1529
(a) A community school pursuant to Chapter 3314. of the	1530
Revised Code, including any participation in a college pursuant to	1531
Chapter 3365. of the Revised Code while enrolled in such community	1532
school;	1533
(b) An alternative school pursuant to sections 3313.974 to	1534
3313.979 of the Revised Code as described in division (I)(2)(a) or	1535
(b) of this section;	1536
(c) A college pursuant to Chapter 3365. of the Revised Code,	1537
except when the student is enrolled in the college while also	1538
enrolled in a community school pursuant to Chapter 3314. or a	1539
science, technology, engineering, and mathematics school	1540
established under Chapter 3326. of the Revised Code;	1541
(d) An adjacent or other school district under an open	1542
enrollment policy adopted pursuant to section 3313.98 of the	1543
Revised Code;	1544
(e) An educational service center or cooperative education	1545
district;	1546
(f) Another school district under a cooperative education	1547
agreement, compact, or contract;	1548
(g) A chartered nonpublic school with a scholarship paid	1549
under section 3310.08 of the Revised Code;	1550
(h) An alternative public provider or a registered private	1551
provider with a scholarship awarded under section 3310.41 of the	1552
Revised Code. Each such scholarship student who is enrolled in	1553
kindergarten shall be counted as one full-time-equivalent student.	1554

1555

As used in this section, "alternative public provider" and 1556
"registered private provider" have the same meanings as in section 1557
3310.41 of the Revised Code. 1558

(i) A science, technology, engineering, and mathematics 1559
school established under Chapter 3326. of the Revised Code, 1560
including any participation in a college pursuant to Chapter 3365. 1561
of the Revised Code while enrolled in the school. 1562

(3) Twenty per cent of the number of students enrolled in a 1563
joint vocational school district or under a vocational education 1564
compact, excluding any students entitled to attend school in the 1565
district under section 3313.64 or 3313.65 of the Revised Code who 1566
are enrolled in another school district through an open enrollment 1567
policy as reported under division (A)(2)(d) of this section and 1568
then enroll in a joint vocational school district or under a 1569
vocational education compact; 1570

(4) The number of children with disabilities, other than 1571
preschool children with disabilities, entitled to attend school in 1572
the district pursuant to section 3313.64 or 3313.65 of the Revised 1573
Code who are placed by the district with a county MR/DD board, 1574
minus the number of such children placed with a county MR/DD board 1575
in fiscal year 1998. If this calculation produces a negative 1576
number, the number reported under division (A)(4) of this section 1577
shall be zero. 1578

(5) Beginning in fiscal year 2007, in the case of the report 1579
submitted for the first full week in February, or the alternative 1580
week if specified by the superintendent of public instruction, the 1581
number of students reported under division (A)(1) or (2) of this 1582
section for the first full week of the preceding October but who 1583
since that week have received high school diplomas. 1584

(B) To enable the department of education to obtain the data 1585

needed to complete the calculation of payments pursuant to this 1586
chapter, in addition to the formula ADM, each superintendent shall 1587
report separately the following student counts for the same week 1588
for which formula ADM is certified: 1589

(1) The total average daily membership in regular day classes 1590
included in the report under division (A)(1) or (2) of this 1591
section for traditional half-day kindergarten, all-day 1592
kindergarten, and each of grades one through twelve in schools 1593
under the superintendent's supervision; 1594

(2) The number of all preschool children with disabilities 1595
enrolled as of the first day of December in classes in the 1596
district that are eligible for approval under division (B) of 1597
section 3317.05 of the Revised Code and the number of those 1598
classes, which shall be reported not later than the fifteenth day 1599
of December, in accordance with rules adopted under that section; 1600

(3) The number of children entitled to attend school in the 1601
district pursuant to section 3313.64 or 3313.65 of the Revised 1602
Code who are: 1603

(a) Participating in a pilot project scholarship program 1604
established under sections 3313.974 to 3313.979 of the Revised 1605
Code as described in division (I)(2)(a) or (b) of this section; 1606

(b) Enrolled in a college under Chapter 3365. of the Revised 1607
Code, except when the student is enrolled in the college while 1608
also enrolled in a community school pursuant to Chapter 3314. or a 1609
science, technology, engineering, and mathematics school 1610
established under Chapter 3326. of the Revised Code; 1611

(c) Enrolled in an adjacent or other school district under 1612
section 3313.98 of the Revised Code; 1613

(d) Enrolled in a community school established under Chapter 1614
3314. of the Revised Code that is not an internet- or 1615
computer-based community school as defined in section 3314.02 of 1616

the Revised Code, including any participation in a college	1617
pursuant to Chapter 3365. of the Revised Code while enrolled in	1618
such community school;	1619
(e) Enrolled in an internet- or computer-based community	1620
school, as defined in section 3314.02 of the Revised Code,	1621
including any participation in a college pursuant to Chapter 3365.	1622
of the Revised Code while enrolled in the school;	1623
(f) Enrolled in a chartered nonpublic school with a	1624
scholarship paid under section 3310.08 of the Revised Code;	1625
(g) Enrolled in kindergarten through grade twelve in an	1626
alternative public provider or a registered private provider with	1627
a scholarship awarded under section 3310.41 of the Revised Code;	1628
(h) Enrolled as a preschool child with a disability in an	1629
alternative public provider or a registered private provider with	1630
a scholarship awarded under section 3310.41 of the Revised Code;	1631
(i) Participating in a program operated by a county MR/DD	1632
board or a state institution;	1633
(j) Enrolled in a science, technology, engineering, and	1634
mathematics school established under Chapter 3326. of the Revised	1635
Code, including any participation in a college pursuant to Chapter	1636
3365. of the Revised Code while enrolled in the school.	1637
(4) The number of pupils enrolled in joint vocational	1638
schools;	1639
(5) The average daily membership of children with	1640
disabilities reported under division (A)(1) or (2) of this section	1641
receiving special education services for the category one	1642
disability described in division (A) of section 3317.013 of the	1643
Revised Code;	1644
(6) The average daily membership of children with	1645
disabilities reported under division (A)(1) or (2) of this section	1646

receiving special education services for category two disabilities 1647
described in division (B) of section 3317.013 of the Revised Code; 1648
1649

(7) The average daily membership of children with 1650
disabilities reported under division (A)(1) or (2) of this section 1651
receiving special education services for category three 1652
disabilities described in division (C) of section 3317.013 of the 1653
Revised Code; 1654

(8) The average daily membership of children with 1655
disabilities reported under division (A)(1) or (2) of this section 1656
receiving special education services for category four 1657
disabilities described in division (D) of section 3317.013 of the 1658
Revised Code; 1659

(9) The average daily membership of children with 1660
disabilities reported under division (A)(1) or (2) of this section 1661
receiving special education services for the category five 1662
disabilities described in division (E) of section 3317.013 of the 1663
Revised Code; 1664

(10) The combined average daily membership of children with 1665
disabilities reported under division (A)(1) or (2) and under 1666
division (B)(3)(h) of this section receiving special education 1667
services for category six disabilities described in division (F) 1668
of section 3317.013 of the Revised Code, including children 1669
attending a special education program operated by an alternative 1670
public provider or a registered private provider with a 1671
scholarship awarded under section 3310.41 of the Revised Code; 1672

(11) The average daily membership of pupils reported under 1673
division (A)(1) or (2) of this section enrolled in category one 1674
vocational education programs or classes, described in division 1675
(A) of section 3317.014 of the Revised Code, operated by the 1676
school district or by another district, other than a joint 1677

vocational school district, or by an educational service center, 1678
excluding any student reported under division (B)(3)(e) of this 1679
section as enrolled in an internet- or computer-based community 1680
school, notwithstanding division (C) of section 3317.02 of the 1681
Revised Code and division (C)(3) of this section; 1682

(12) The average daily membership of pupils reported under 1683
division (A)(1) or (2) of this section enrolled in category two 1684
vocational education programs or services, described in division 1685
(B) of section 3317.014 of the Revised Code, operated by the 1686
school district or another school district, other than a joint 1687
vocational school district, or by an educational service center, 1688
excluding any student reported under division (B)(3)(e) of this 1689
section as enrolled in an internet- or computer-based community 1690
school, notwithstanding division (C) of section 3317.02 of the 1691
Revised Code and division (C)(3) of this section; 1692

(13) The average number of children transported by the school 1693
district on board-owned or contractor-owned and -operated buses, 1694
reported in accordance with rules adopted by the department of 1695
education; 1696

(14)(a) The number of children, other than preschool children 1697
with disabilities, the district placed with a county MR/DD board 1698
in fiscal year 1998; 1699

(b) The number of children with disabilities, other than 1700
preschool children with disabilities, placed with a county MR/DD 1701
board in the current fiscal year to receive special education 1702
services for the category one disability described in division (A) 1703
of section 3317.013 of the Revised Code; 1704

(c) The number of children with disabilities, other than 1705
preschool children with disabilities, placed with a county MR/DD 1706
board in the current fiscal year to receive special education 1707
services for category two disabilities described in division (B) 1708

of section 3317.013 of the Revised Code; 1709

(d) The number of children with disabilities, other than 1710
preschool children with disabilities, placed with a county MR/DD 1711
board in the current fiscal year to receive special education 1712
services for category three disabilities described in division (C) 1713
of section 3317.013 of the Revised Code; 1714

(e) The number of children with disabilities, other than 1715
preschool children with disabilities, placed with a county MR/DD 1716
board in the current fiscal year to receive special education 1717
services for category four disabilities described in division (D) 1718
of section 3317.013 of the Revised Code; 1719

(f) The number of children with disabilities, other than 1720
preschool children with disabilities, placed with a county MR/DD 1721
board in the current fiscal year to receive special education 1722
services for the category five disabilities described in division 1723
(E) of section 3317.013 of the Revised Code; 1724

(g) The number of children with disabilities, other than 1725
preschool children with disabilities, placed with a county MR/DD 1726
board in the current fiscal year to receive special education 1727
services for category six disabilities described in division (F) 1728
of section 3317.013 of the Revised Code. 1729

(C)(1) ~~Except as otherwise provided in this section for~~ 1730
~~kindergarten students, the~~ The average daily membership in 1731
divisions (B)(1) to (12) of this section shall be based upon the 1732
number of full-time equivalent students. The state board of 1733
education shall adopt rules defining full-time equivalent students 1734
and for determining the average daily membership therefrom for the 1735
purposes of divisions (A), (B), and (D) of this section. 1736

(2) A student enrolled in a community school established 1737
under Chapter 3314. or a science, technology, engineering, and 1738
mathematics school established under Chapter 3326. of the Revised 1739

Code shall be counted in the formula ADM and, if applicable, the 1740
category one, two, three, four, five, or six special education ADM 1741
of the school district in which the student is entitled to attend 1742
school under section 3313.64 or 3313.65 of the Revised Code for 1743
the same proportion of the school year that the student is counted 1744
in the enrollment of the community school or the science, 1745
technology, engineering, and mathematics school for purposes of 1746
section 3314.08 or 3326.33 of the Revised Code. Notwithstanding 1747
the number of students reported pursuant to division (B)(3)(d), 1748
(e), or (j) of this section, the department may adjust the formula 1749
ADM of a school district to account for students entitled to 1750
attend school in the district under section 3313.64 or 3313.65 of 1751
the Revised Code who are enrolled in a community school or a 1752
science, technology, engineering, and mathematics school for only 1753
a portion of the school year. 1754

(3) No child shall be counted as more than a total of one 1755
child in the sum of the average daily memberships of a school 1756
district under division (A), divisions (B)(1) to (12), or division 1757
(D) of this section, except as follows: 1758

(a) A child with a disability described in section 3317.013 1759
of the Revised Code may be counted both in formula ADM and in 1760
category one, two, three, four, five, or six special education ADM 1761
and, if applicable, in category one or two vocational education 1762
ADM. As provided in division (C) of section 3317.02 of the Revised 1763
Code, such a child shall be counted in category one, two, three, 1764
four, five, or six special education ADM in the same proportion 1765
that the child is counted in formula ADM. 1766

(b) A child enrolled in vocational education programs or 1767
classes described in section 3317.014 of the Revised Code may be 1768
counted both in formula ADM and category one or two vocational 1769
education ADM and, if applicable, in category one, two, three, 1770
four, five, or six special education ADM. Such a child shall be 1771

counted in category one or two vocational education ADM in the 1772
same proportion as the percentage of time that the child spends in 1773
the vocational education programs or classes. 1774

(4) Based on the information reported under this section, the 1775
department of education shall determine the total student count, 1776
as defined in section 3301.011 of the Revised Code, for each 1777
school district. 1778

(D)(1) The superintendent of each joint vocational school 1779
district shall certify to the superintendent of public instruction 1780
on or before the fifteenth day of October in each year for the 1781
first full school week in October the formula ADM. Beginning in 1782
fiscal year 2007, each superintendent also shall certify to the 1783
state superintendent the formula ADM for the first full week in 1784
February. If a school operated by the joint vocational school 1785
district is closed for one or more days during that week due to 1786
hazardous weather conditions or other circumstances described in 1787
the first paragraph of division (B) of section 3317.01 of the 1788
Revised Code, the superintendent may apply to the superintendent 1789
of public instruction for a waiver, under which the superintendent 1790
of public instruction may exempt the district superintendent from 1791
certifying the formula ADM for that school for that week and 1792
specify an alternate week for certifying the formula ADM of that 1793
school. 1794

The formula ADM, except as otherwise provided in this 1795
division, shall consist of the average daily membership during 1796
such week, on an FTE basis, of the number of students receiving 1797
any educational services from the district, including students 1798
enrolled in a community school established under Chapter 3314. or 1799
a science, technology, engineering, and mathematics school 1800
established under Chapter 3326. of the Revised Code who are 1801
attending the joint vocational district under an agreement between 1802
the district board of education and the governing authority of the 1803

community school or the science, technology, engineering, and 1804
mathematics school and are entitled to attend school in a city, 1805
local, or exempted village school district whose territory is part 1806
of the territory of the joint vocational district. Beginning in 1807
fiscal year 2007, in the case of the report submitted for the 1808
first week in February, or the alternative week if specified by 1809
the superintendent of public instruction, the superintendent of 1810
the joint vocational school district may include the number of 1811
students reported under division (D)(1) of this section for the 1812
first full week of the preceding October but who since that week 1813
have received high school diplomas. 1814

The following categories of students shall not be included in 1816
the determination made under division (D)(1) of this section: 1817

(a) Students enrolled in adult education classes; 1818

(b) Adjacent or other district joint vocational students 1819
enrolled in the district under an open enrollment policy pursuant 1820
to section 3313.98 of the Revised Code; 1821

(c) Students receiving services in the district pursuant to a 1822
compact, cooperative education agreement, or a contract, but who 1823
are entitled to attend school in a city, local, or exempted 1824
village school district whose territory is not part of the 1825
territory of the joint vocational district; 1826

(d) Students for whom tuition is payable pursuant to sections 1827
3317.081 and 3323.141 of the Revised Code. 1828

(2) To enable the department of education to obtain the data 1829
needed to complete the calculation of payments pursuant to this 1830
chapter, in addition to the formula ADM, each superintendent shall 1831
report separately the average daily membership included in the 1832
report under division (D)(1) of this section for each of the 1833
following categories of students for the same week for which 1834

formula ADM is certified:	1835
(a) Students enrolled in each grade included in the joint vocational district schools;	1836 1837
(b) Children with disabilities receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code;	1838 1839 1840
(c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code;	1841 1842 1843
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code;	1844 1845 1846
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code;	1847 1848 1849
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code;	1850 1851 1852
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code;	1853 1854 1855
(h) Students receiving category one vocational education services, described in division (A) of section 3317.014 of the Revised Code;	1856 1857 1858
(i) Students receiving category two vocational education services, described in division (B) of section 3317.014 of the Revised Code.	1859 1860 1861
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	1862 1863 1864

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. 1896

If, however, any veteran described by division (E)(4) of this 1897
section elects to enroll in special courses organized for veterans 1898
for whom tuition is paid under the provisions of federal laws, or 1899
otherwise, that veteran shall not be included in average daily 1900
membership. 1901

Notwithstanding division (E)(3) of this section, the 1902
membership of any school may include a pupil who did not take a 1903
test required by section 3301.0711 of the Revised Code if the 1904
superintendent of public instruction grants a waiver from the 1905
requirement to take the test to the specific pupil and a parent is 1906
not paying tuition for the pupil pursuant to section 3313.6410 of 1907
the Revised Code. The superintendent may grant such a waiver only 1908
for good cause in accordance with rules adopted by the state board 1909
of education. 1910

Except as provided in divisions (B)(2) and (F) of this 1911
section, the average daily membership figure of any local, city, 1912
exempted village, or joint vocational school district shall be 1913
determined by dividing the figure representing the sum of the 1914
number of pupils enrolled during each day the school of attendance 1915
is actually open for instruction during the week for which the 1916
formula ADM is being certified by the total number of days the 1917
school was actually open for instruction during that week. For 1918
purposes of state funding, "enrolled" persons are only those 1919
pupils who are attending school, those who have attended school 1920
during the current school year and are absent for authorized 1921
reasons, and those children with disabilities currently receiving 1922
home instruction. 1923

The average daily membership figure of any cooperative 1924
education school district shall be determined in accordance with 1925
rules adopted by the state board of education. 1926

(F)(1) If the formula ADM for the first full school week in 1927
February is at least three per cent greater than that certified 1928
for the first full school week in the preceding October, the 1929
superintendent of schools of any city, exempted village, or joint 1930
vocational school district or educational service center shall 1931
certify such increase to the superintendent of public instruction. 1932
Such certification shall be submitted no later than the fifteenth 1933
day of February. For the balance of the fiscal year, beginning 1934
with the February payments, the superintendent of public 1935
instruction shall use the increased formula ADM in calculating or 1936
recalculating the amounts to be allocated in accordance with 1937
section 3317.022 or 3317.16 of the Revised Code. In no event shall 1938
the superintendent use an increased membership certified to the 1939
superintendent after the fifteenth day of February. Division 1940
(F)(1) of this section does not apply after fiscal year 2006. 1941

(2) If on the first school day of April the total number of 1942
classes or units for preschool children with disabilities that are 1943
eligible for approval under division (B) of section 3317.05 of the 1944
Revised Code exceeds the number of units that have been approved 1945
for the year under that division, the superintendent of schools of 1946
any city, exempted village, or cooperative education school 1947
district or educational service center shall make the 1948
certifications required by this section for that day. If the 1949
department determines additional units can be approved for the 1950
fiscal year within any limitations set forth in the acts 1951
appropriating moneys for the funding of such units, the department 1952
shall approve additional units for the fiscal year on the basis of 1953
such average daily membership. For each unit so approved, the 1954
department shall pay an amount computed in the manner prescribed 1955
in section 3317.052 or 3317.19 and section 3317.053 of the Revised 1956
Code. 1957

(3) If a student attending a community school under Chapter 1958

3314. or a science, technology, engineering, and mathematics 1959
school established under Chapter 3326. of the Revised Code is not 1960
included in the formula ADM certified for the school district in 1961
which the student is entitled to attend school under section 1962
3313.64 or 3313.65 of the Revised Code, the department of 1963
education shall adjust the formula ADM of that school district to 1964
include the student in accordance with division (C)(2) of this 1965
section, and shall recalculate the school district's payments 1966
under this chapter for the entire fiscal year on the basis of that 1967
adjusted formula ADM. This requirement applies regardless of 1968
whether the student was enrolled, as defined in division (E) of 1969
this section, in the community school or the science, technology, 1970
engineering, and mathematics school during the week for which the 1971
formula ADM is being certified. 1972

(4) If a student awarded an educational choice scholarship is 1973
not included in the formula ADM of the school district from which 1974
the department deducts funds for the scholarship under section 1975
3310.08 of the Revised Code, the department shall adjust the 1976
formula ADM of that school district to include the student to the 1977
extent necessary to account for the deduction, and shall 1978
recalculate the school district's payments under this chapter for 1979
the entire fiscal year on the basis of that adjusted formula ADM. 1980
This requirement applies regardless of whether the student was 1981
enrolled, as defined in division (E) of this section, in the 1982
chartered nonpublic school, the school district, or a community 1983
school during the week for which the formula ADM is being 1984
certified. 1985

(G)(1)(a) The superintendent of an institution operating a 1986
special education program pursuant to section 3323.091 of the 1987
Revised Code shall, for the programs under such superintendent's 1988
supervision, certify to the state board of education, in the 1989
manner prescribed by the superintendent of public instruction, 1990

both of the following:	1991
(i) The average daily membership of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code;	1992 1993 1994 1995 1996
(ii) The average daily membership of all preschool children with disabilities in classes or programs approved annually by the department of education for unit funding under section 3317.05 of the Revised Code.	1997 1998 1999 2000
(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.	2001 2002 2003 2004 2005 2006
(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:	2007 2008 2009 2010
(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;	2011 2012 2013 2014
(b) Certify to the state board, in the manner prescribed by the board, the number of all preschool children with disabilities 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.	2015 2016 2017 2018 2019
(3)(a) If on the first school day of April the number of classes or units maintained for preschool children with	2020 2021

disabilities by the county MR/DD board that are eligible for 2022
approval under division (B) of section 3317.05 of the Revised Code 2023
is greater than the number of units approved for the year under 2024
that division, the superintendent shall make the certification 2025
required by this section for that day. 2026

(b) If the department determines that additional classes or 2027
units can be approved for the fiscal year within any limitations 2028
set forth in the acts appropriating moneys for the funding of the 2029
classes and units described in division (G)(3)(a) of this section, 2030
the department shall approve and fund additional units for the 2031
fiscal year on the basis of such average daily membership. For 2032
each unit so approved, the department shall pay an amount computed 2033
in the manner prescribed in sections 3317.052 and 3317.053 of the 2034
Revised Code. 2035

(H) Except as provided in division (I) of this section, when 2036
any city, local, or exempted village school district provides 2037
instruction for a nonresident pupil whose attendance is 2038
unauthorized attendance as defined in section 3327.06 of the 2039
Revised Code, that pupil's membership shall not be included in 2040
that district's membership figure used in the calculation of that 2041
district's formula ADM or included in the determination of any 2042
unit approved for the district under section 3317.05 of the 2043
Revised Code. The reporting official shall report separately the 2044
average daily membership of all pupils whose attendance in the 2045
district is unauthorized attendance, and the membership of each 2046
such pupil shall be credited to the school district in which the 2047
pupil is entitled to attend school under division (B) of section 2048
3313.64 or section 3313.65 of the Revised Code as determined by 2049
the department of education. 2050

(I)(1) A city, local, exempted village, or joint vocational 2051
school district admitting a scholarship student of a pilot project 2052
district pursuant to division (C) of section 3313.976 of the 2053

Revised Code may count such student in its average daily membership. 2054
2055

(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: 2056
2057
2058
2059
2060

(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; 2061
2062
2063

(b) All children who were enrolled in the district in the preceding year who are utilizing a scholarship to attend any such alternative school. 2064
2065
2066

(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. 2067
2068
2069
2070
2071
2072
2073
2074

(K) If the superintendent of public instruction determines that a component of the formula ADM certified or reported by a district superintendent, or other reporting entity, is not correct, the superintendent of public instruction may order that the formula ADM used for the purposes of payments under any section of Title XXXIII of the Revised Code be adjusted in the amount of the error. 2075
2076
2077
2078
2079
2080
2081

Sec. 3321.01. (A)(1) As used in this chapter, "parent," "guardian," or "other person having charge or care of a child" 2082
2083

means either parent unless the parents are separated or divorced 2084
or their marriage has been dissolved or annulled, in which case 2085
"parent" means the parent who is the residential parent and legal 2086
custodian of the child. If the child is in the legal or permanent 2087
custody of a person or government agency, "parent" means that 2088
person or government agency. When a child is a resident of a home, 2089
as defined in section 3313.64 of the Revised Code, and the child's 2090
parent is not a resident of this state, "parent," "guardian," or 2091
"other person having charge or care of a child" means the head of 2092
the home. 2093

A child between six and eighteen years of age is "of 2094
compulsory school age" for the purpose of sections 3321.01 to 2095
3321.13 of the Revised Code. A child under six years of age who 2096
has been enrolled in kindergarten also shall be considered "of 2097
compulsory school age" for the purpose of sections 3321.01 to 2098
3321.13 of the Revised Code unless at any time the child's parent 2099
or guardian, at the parent's or guardian's discretion and in 2100
consultation with the child's teacher and principal, formally 2101
withdraws the child from kindergarten. The compulsory school age 2102
of a child shall not commence until the beginning of the term of 2103
such schools, or other time in the school year fixed by the rules 2104
of the board of the district in which the child resides. 2105

(2) No child shall be admitted to a kindergarten or a first 2106
grade of a public school in a district in which all children are 2107
admitted to kindergarten and the first grade in August or 2108
September unless the child is five or six years of age, 2109
respectively, by the thirtieth day of September of the year of 2110
admittance, or by the first day of a term or semester other than 2111
one beginning in August or September in school districts granting 2112
admittance at the beginning of such term or semester, except that 2113
in those school districts using or obtaining educationally 2114
accepted standardized testing programs for determining entrance, 2115

as approved by the board of education of such districts, the board 2116
shall admit a child to kindergarten or the first grade who fails 2117
to meet the age requirement, provided the child meets necessary 2118
standards as determined by such standardized testing programs. If 2119
the board of education has not established a standardized testing 2120
program, the board shall designate the necessary standards and a 2121
testing program it will accept for the purpose of admitting a 2122
child to kindergarten or first grade who fails to meet the age 2123
requirement. Each child who will be the proper age for entrance to 2124
kindergarten or first grade by the first day of January of the 2125
school year for which admission is requested shall be so tested 2126
upon the request of the child's parent. 2127

(3) Notwithstanding divisions (A)(2) and (D) of this section, 2128
beginning with the school year that starts in 2001 and continuing 2129
thereafter the board of education of any district may adopt a 2130
resolution establishing the first day of August in lieu of the 2131
thirtieth day of September as the required date by which students 2132
must have attained the age specified in those divisions. 2133

(B) As used in divisions (C) and (D) of this section, 2134
"successfully completed kindergarten" and "successful completion 2135
of kindergarten" mean that the child has completed the 2136
kindergarten requirements at one of the following: 2137

(1) A public or chartered nonpublic school; 2138

(2) A kindergarten class that is both of the following: 2139

(a) Offered by a day-care provider licensed under Chapter 2140
5104. of the Revised Code; 2141

(b) If offered after July 1, 1991, is directly taught by a 2142
teacher who holds one of the following: 2143

(i) A valid educator license issued under section 3319.22 of 2144
the Revised Code; 2145

(ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;	2146 2147 2148
(iii) Certification determined under division (G) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;	2149 2150 2151
(iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.	2152 2153
(C) Except as provided in division (D) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.	2154 2155 2156
(D) Upon request of a parent, the requirement of division (C) of this section may be waived by the district's pupil personnel services committee in the case of a child who is at least six years of age by the thirtieth day of September of the year of admittance and who demonstrates to the satisfaction of the committee the possession of the social, emotional, and cognitive skills necessary for first grade.	2157 2158 2159 2160 2161 2162 2163
The board of education of each city, local, and exempted village school district shall establish a pupil personnel services committee. The committee shall be composed of all of the following to the extent such personnel are either employed by the district or employed by the governing board of the educational service center within whose territory the district is located and the educational service center generally furnishes the services of such personnel to the district:	2164 2165 2166 2167 2168 2169 2170 2171
(1) The director of pupil personnel services;	2172
(2) An elementary school counselor;	2173
(3) An elementary school principal;	2174
(4) A school psychologist;	2175

(5) A teacher assigned to teach first grade;	2176
(6) A gifted coordinator.	2177
The responsibilities of the pupil personnel services	2178
committee shall be limited to the issuing of waivers allowing	2179
admittance to the first grade without the successful completion of	2180
kindergarten. The committee shall have no other authority except	2181
as specified in this section.	2182
(E) The scheduling of times for kindergarten classes and	2183
length of the school day for kindergarten shall be determined by	2184
the board of education of a city, exempted village, or local	2185
school district.	2186
(F) Any kindergarten class offered by a day-care provider or	2187
school described by division (B)(1) or (B)(2)(a) of this section	2188
shall be developmentally appropriate.	2189
(G) Upon written request of a day-care provider described by	2190
division (B)(2)(a) of this section, the department of education	2191
shall determine whether certification held by a teacher employed	2192
by the provider meets the requirement of division (B)(2)(b)(iii)	2193
of this section and, if so, shall furnish the provider a statement	2194
to that effect.	2195
(H) As used in this division, "all day kindergarten" has the	2196
same meaning as in section 3317.029 of the Revised Code.	2197
(1) Any school district that is not eligible to receive	2198
poverty based assistance for all day kindergarten under division	2199
(D) of section 3317.029 of the Revised Code may charge fees or	2200
tuition for students enrolled in all day kindergarten. If a	2201
district charges fees or tuition for all day kindergarten under	2202
this division, the district shall develop a sliding fee scale	2203
based on family incomes.	2204
(2) The department of education shall conduct an annual	2205

~~survey of each school district described in division (H)(1) of 2206
this section to determine the following: 2207~~

~~(a) Whether the district charges fees or tuition for students 2208
enrolled in all day kindergarten; 2209~~

~~(b) The amount of the fees or tuition charged; 2210~~

~~(c) How many of the students for whom tuition is charged are 2211
eligible for free lunches under the "National School Lunch Act," 2212
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 2213
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 2214
and how many of the students for whom tuition is charged are 2215
eligible for reduced price lunches under those acts; 2216~~

~~(d) How many students are enrolled in traditional half day 2217
kindergarten rather than all day kindergarten. 2218~~

~~Each district shall report to the department, in the manner 2219
prescribed by the department, the information described in 2220
divisions (H)(2)(a) to (d) of this section. 2221~~

~~The department shall issue an annual report on the results of 2222
the survey and shall post the report on its web site. The 2223
department shall issue the first report not later than April 30, 2224
2008, and shall issue a report not later than the thirtieth day of 2225
April each year thereafter. 2226~~

Sec. 5727.84. (A) As used in this section and sections 2227
5727.85, 5727.86, and 5727.87 of the Revised Code: 2228

(1) "School district" means a city, local, or exempted 2229
village school district. 2230

(2) "Joint vocational school district" means a joint 2231
vocational school district created under section 3311.16 of the 2232
Revised Code, and includes a cooperative education school district 2233
created under section 3311.52 or 3311.521 of the Revised Code and 2234
a county school financing district created under section 3311.50 2235

of the Revised Code. 2236

(3) "Local taxing unit" means a subdivision or taxing unit, 2237
as defined in section 5705.01 of the Revised Code, a park district 2238
created under Chapter 1545. of the Revised Code, or a township 2239
park district established under section 511.23 of the Revised 2240
Code, but excludes school districts and joint vocational school 2241
districts. 2242

(4) "State education aid," for a school district, means the 2243
sum of state aid amounts computed for the district under divisions 2244
(A), (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; 2245
divisions (B), (C), and (D) of section 3317.023; divisions (G), 2246
(L), and (N) of section 3317.024; and sections 3317.029, 2247
3317.0216, 3317.0217, 3317.04, 3317.05, 3317.052, and 3317.053 of 2248
the Revised Code; and the adjustments required by: division (C) of 2249
section 3310.08; division (C)(2) of section 3310.41; division (C) 2250
of section 3314.08; division (D)(2) of section 3314.091; ~~division~~ 2251
~~(D) of section 3314.13;~~ divisions (E), (K), (L), (M), and (N) of 2252
section 3317.023; division (C) of section 3317.20; and sections 2253
3313.979 and 3313.981 of the Revised Code. However, when 2254
calculating state education aid for a school district for fiscal 2255
years 2008 and 2009, include the amount computed for the district 2256
under Section 269.20.80 of H.B. 119 of the 127th general assembly, 2257
as subsequently amended, instead of division (D) of section 2258
3317.022 of the Revised Code; and include amounts calculated under 2259
Section 269.30.80 of this act, as subsequently amended; ~~and~~ 2260
~~account for adjustments under division (C)(2) of section 3310.41~~ 2261
~~of the Revised Code.~~ 2262

2263

(5) "State education aid," for a joint vocational school 2264
district, means the sum of the state aid amounts computed for the 2265
district under division (N) of section 3317.024 and section 2266
3317.16 of the Revised Code. However, when calculating state 2267

education aid for a joint vocational school district for fiscal 2268
years 2008 and 2009, include the amount computed for the district 2269
under Section 269.30.90 of H.B. 119 of the 127th general assembly, 2270
as subsequently amended. 2271

(6) "State education aid offset" means the amount determined 2272
for each school district or joint vocational school district under 2273
division (A)(1) of section 5727.85 of the Revised Code. 2274

(7) "Recognized valuation" has the same meaning as in section 2275
3317.02 of the Revised Code. 2276

(8) "Electric company tax value loss" means the amount 2277
determined under division (D) of this section. 2278

(9) "Natural gas company tax value loss" means the amount 2279
determined under division (E) of this section. 2280

(10) "Tax value loss" means the sum of the electric company 2281
tax value loss and the natural gas company tax value loss. 2282

(11) "Fixed-rate levy" means any tax levied on property other 2283
than a fixed-sum levy. 2284

(12) "Fixed-rate levy loss" means the amount determined under 2285
division (G) of this section. 2286

(13) "Fixed-sum levy" means a tax levied on property at 2287
whatever rate is required to produce a specified amount of tax 2288
money or levied in excess of the ten-mill limitation to pay debt 2289
charges, and includes school district emergency levies imposed 2290
pursuant to section 5705.194 of the Revised Code. 2291

(14) "Fixed-sum levy loss" means the amount determined under 2292
division (H) of this section. 2293

(15) "Consumer price index" means the consumer price index 2294
(all items, all urban consumers) prepared by the bureau of labor 2295
statistics of the United States department of labor. 2296

(B) The kilowatt-hour tax receipts fund is hereby created in 2297

the state treasury and shall consist of money arising from the tax 2298
imposed by section 5727.81 of the Revised Code. All money in the 2299
kilowatt-hour tax receipts fund shall be credited as follows: 2300

(1) Sixty-three per cent shall be credited to the general 2301
revenue fund. 2302

(2) Twenty-five and four-tenths per cent shall be credited to 2303
the school district property tax replacement fund, which is hereby 2304
created in the state treasury for the purpose of making the 2305
payments described in section 5727.85 of the Revised Code. 2306

(3) Eleven and six-tenths per cent shall be credited to the 2307
local government property tax replacement fund, which is hereby 2308
created in the state treasury for the purpose of making the 2309
payments described in section 5727.86 of the Revised Code. 2310

(C) The natural gas tax receipts fund is hereby created in 2311
the state treasury and shall consist of money arising from the tax 2312
imposed by section 5727.811 of the Revised Code. All money in the 2313
fund shall be credited as follows: 2314

(1) Sixty-eight and seven-tenths per cent shall be credited 2315
to the school district property tax replacement fund for the 2316
purpose of making the payments described in section 5727.85 of the 2317
Revised Code. 2318

(2) Thirty-one and three-tenths per cent shall be credited to 2319
the local government property tax replacement fund for the purpose 2320
of making the payments described in section 5727.86 of the Revised 2321
Code. 2322

(D) Not later than January 1, 2002, the tax commissioner 2323
shall determine for each taxing district its electric company tax 2324
value loss, which is the sum of the applicable amounts described 2325
in divisions (D)(1) to (4) of this section: 2326

(1) The difference obtained by subtracting the amount 2327

described in division (D)(1)(b) from the amount described in 2328
division (D)(1)(a) of this section. 2329

(a) The value of electric company and rural electric company 2330
tangible personal property as assessed by the tax commissioner for 2331
tax year 1998 on a preliminary assessment, or an amended 2332
preliminary assessment if issued prior to March 1, 1999, and as 2333
apportioned to the taxing district for tax year 1998; 2334

(b) The value of electric company and rural electric company 2335
tangible personal property as assessed by the tax commissioner for 2336
tax year 1998 had the property been apportioned to the taxing 2337
district for tax year 2001, and assessed at the rates in effect 2338
for tax year 2001. 2339

(2) The difference obtained by subtracting the amount 2340
described in division (D)(2)(b) from the amount described in 2341
division (D)(2)(a) of this section. 2342

(a) The three-year average for tax years 1996, 1997, and 1998 2343
of the assessed value from nuclear fuel materials and assemblies 2344
assessed against a person under Chapter 5711. of the Revised Code 2345
from the leasing of them to an electric company for those 2346
respective tax years, as reflected in the preliminary assessments; 2347

(b) The three-year average assessed value from nuclear fuel 2348
materials and assemblies assessed under division (D)(2)(a) of this 2349
section for tax years 1996, 1997, and 1998, as reflected in the 2350
preliminary assessments, using an assessment rate of twenty-five 2351
per cent. 2352

(3) In the case of a taxing district having a nuclear power 2353
plant within its territory, any amount, resulting in an electric 2354
company tax value loss, obtained by subtracting the amount 2355
described in division (D)(1) of this section from the difference 2356
obtained by subtracting the amount described in division (D)(3)(b) 2357
of this section from the amount described in division (D)(3)(a) of 2358

this section. 2359

(a) The value of electric company tangible personal property 2360
as assessed by the tax commissioner for tax year 2000 on a 2361
preliminary assessment, or an amended preliminary assessment if 2362
issued prior to March 1, 2001, and as apportioned to the taxing 2363
district for tax year 2000; 2364

(b) The value of electric company tangible personal property 2365
as assessed by the tax commissioner for tax year 2001 on a 2366
preliminary assessment, or an amended preliminary assessment if 2367
issued prior to March 1, 2002, and as apportioned to the taxing 2368
district for tax year 2001. 2369

(4) In the case of a taxing district having a nuclear power 2370
plant within its territory, the difference obtained by subtracting 2371
the amount described in division (D)(4)(b) of this section from 2372
the amount described in division (D)(4)(a) of this section, 2373
provided that such difference is greater than ten per cent of the 2374
amount described in division (D)(4)(a) of this section. 2375

(a) The value of electric company tangible personal property 2376
as assessed by the tax commissioner for tax year 2005 on a 2377
preliminary assessment, or an amended preliminary assessment if 2378
issued prior to March 1, 2006, and as apportioned to the taxing 2379
district for tax year 2005; 2380

(b) The value of electric company tangible personal property 2381
as assessed by the tax commissioner for tax year 2006 on a 2382
preliminary assessment, or an amended preliminary assessment if 2383
issued prior to March 1, 2007, and as apportioned to the taxing 2384
district for tax year 2006. 2385

(E) Not later than January 1, 2002, the tax commissioner 2386
shall determine for each taxing district its natural gas company 2387
tax value loss, which is the sum of the amounts described in 2388
divisions (E)(1) and (2) of this section: 2389

(1) The difference obtained by subtracting the amount 2390
described in division (E)(1)(b) from the amount described in 2391
division (E)(1)(a) of this section. 2392

(a) The value of all natural gas company tangible personal 2393
property, other than property described in division (E)(2) of this 2394
section, as assessed by the tax commissioner for tax year 1999 on 2395
a preliminary assessment, or an amended preliminary assessment if 2396
issued prior to March 1, 2000, and apportioned to the taxing 2397
district for tax year 1999; 2398

(b) The value of all natural gas company tangible personal 2399
property, other than property described in division (E)(2) of this 2400
section, as assessed by the tax commissioner for tax year 1999 had 2401
the property been apportioned to the taxing district for tax year 2402
2001, and assessed at the rates in effect for tax year 2001. 2403

(2) The difference in the value of current gas obtained by 2404
subtracting the amount described in division (E)(2)(b) from the 2405
amount described in division (E)(2)(a) of this section. 2406

(a) The three-year average assessed value of current gas as 2407
assessed by the tax commissioner for tax years 1997, 1998, and 2408
1999 on a preliminary assessment, or an amended preliminary 2409
assessment if issued prior to March 1, 2001, and as apportioned in 2410
the taxing district for those respective years; 2411

(b) The three-year average assessed value from current gas 2412
under division (E)(2)(a) of this section for tax years 1997, 1998, 2413
and 1999, as reflected in the preliminary assessment, using an 2414
assessment rate of twenty-five per cent. 2415

(F) The tax commissioner may request that natural gas 2416
companies, electric companies, and rural electric companies file a 2417
report to help determine the tax value loss under divisions (D) 2418
and (E) of this section. The report shall be filed within thirty 2419
days of the commissioner's request. A company that fails to file 2420

the report or does not timely file the report is subject to the 2421
penalty in section 5727.60 of the Revised Code. 2422

(G) Not later than January 1, 2002, the tax commissioner 2423
shall determine for each school district, joint vocational school 2424
district, and local taxing unit its fixed-rate levy loss, which is 2425
the sum of its electric company tax value loss multiplied by the 2426
tax rate in effect in tax year 1998 for fixed-rate levies and its 2427
natural gas company tax value loss multiplied by the tax rate in 2428
effect in tax year 1999 for fixed-rate levies. 2429

(H) Not later than January 1, 2002, the tax commissioner 2430
shall determine for each school district, joint vocational school 2431
district, and local taxing unit its fixed-sum levy loss, which is 2432
the amount obtained by subtracting the amount described in 2433
division (H)(2) of this section from the amount described in 2434
division (H)(1) of this section: 2435

(1) The sum of the electric company tax value loss multiplied 2436
by the tax rate in effect in tax year 1998, and the natural gas 2437
company tax value loss multiplied by the tax rate in effect in tax 2438
year 1999, for fixed-sum levies for all taxing districts within 2439
each school district, joint vocational school district, and local 2440
taxing unit. For the years 2002 through 2006, this computation 2441
shall include school district emergency levies that existed in 2442
1998 in the case of the electric company tax value loss, and 1999 2443
in the case of the natural gas company tax value loss, and all 2444
other fixed-sum levies that existed in 1998 in the case of the 2445
electric company tax value loss and 1999 in the case of the 2446
natural gas company tax value loss and continue to be charged in 2447
the tax year preceding the distribution year. For the years 2007 2448
through 2016 in the case of school district emergency levies, and 2449
for all years after 2006 in the case of all other fixed-sum 2450
levies, this computation shall exclude all fixed-sum levies that 2451
existed in 1998 in the case of the electric company tax value loss 2452

and 1999 in the case of the natural gas company tax value loss, 2453
but are no longer in effect in the tax year preceding the 2454
distribution year. For the purposes of this section, an emergency 2455
levy that existed in 1998 in the case of the electric company tax 2456
value loss, and 1999 in the case of the natural gas company tax 2457
value loss, continues to exist in a year beginning on or after 2458
January 1, 2007, but before January 1, 2017, if, in that year, the 2459
board of education levies a school district emergency levy for an 2460
annual sum at least equal to the annual sum levied by the board in 2461
tax year 1998 or 1999, respectively, less the amount of the 2462
payment certified under this division for 2002. 2463

(2) The total taxable value in tax year 1999 less the tax 2464
value loss in each school district, joint vocational school 2465
district, and local taxing unit multiplied by one-fourth of one 2466
mill. 2467

If the amount computed under division (H) of this section for 2468
any school district, joint vocational school district, or local 2469
taxing unit is greater than zero, that amount shall equal the 2470
fixed-sum levy loss reimbursed pursuant to division (E) of section 2471
5727.85 of the Revised Code or division (A)(2) of section 5727.86 2472
of the Revised Code, and the one-fourth of one mill that is 2473
subtracted under division (H)(2) of this section shall be 2474
apportioned among all contributing fixed-sum levies in the 2475
proportion of each levy to the sum of all fixed-sum levies within 2476
each school district, joint vocational school district, or local 2477
taxing unit. 2478

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 2479
section, in computing the tax value loss, fixed-rate levy loss, 2480
and fixed-sum levy loss, the tax commissioner shall use the 2481
greater of the 1998 tax rate or the 1999 tax rate in the case of 2482
levy losses associated with the electric company tax value loss, 2483
but the 1999 tax rate shall not include for this purpose any tax 2484

levy approved by the voters after June 30, 1999, and the tax 2485
commissioner shall use the greater of the 1999 or the 2000 tax 2486
rate in the case of levy losses associated with the natural gas 2487
company tax value loss. 2488

(J) Not later than January 1, 2002, the tax commissioner 2489
shall certify to the department of education the tax value loss 2490
determined under divisions (D) and (E) of this section for each 2491
taxing district, the fixed-rate levy loss calculated under 2492
division (G) of this section, and the fixed-sum levy loss 2493
calculated under division (H) of this section. The calculations 2494
under divisions (G) and (H) of this section shall separately 2495
display the levy loss for each levy eligible for reimbursement. 2496

(K) Not later than September 1, 2001, the tax commissioner 2497
shall certify the amount of the fixed-sum levy loss to the county 2498
auditor of each county in which a school district with a fixed-sum 2499
levy loss has territory. 2500

Section 2. That existing sections 3314.08, 3314.084, 3314.26, 2501
3317.016, 3317.017, 3317.02, 3317.029, 3317.03, 3321.01, and 2502
5727.84 and section 3314.13 of the Revised Code are hereby 2503
repealed. 2504

Section 3. Sections 1 and 2 of this act take effect July 1, 2505
2009. 2506