

As Introduced

**133rd General Assembly
Regular Session
2019-2020**

S. B. No. 104

Senator Hill

A BILL

To amend sections 3313.64, 3313.98, 3313.981, 1
3314.08, 3326.31, 3326.33, and 3326.39 and to 2
enact sections 3313.984, 3314.088, and 3326.42 3
of the Revised Code regarding funding for 4
students enrolled in community schools, STEM 5
schools, and other districts through 6
interdistrict open enrollment. 7

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

Section 1. That sections 3313.64, 3313.98, 3313.981, 8
3314.08, 3326.31, 3326.33, and 3326.39 be amended and sections 9
3313.984, 3314.088, and 3326.42 of the Revised Code be enacted 10
to read as follows: 11

Sec. 3313.64. (A) As used in this section and in section 12
3313.65 of the Revised Code: 13

(1) (a) Except as provided in division (A) (1) (b) of this 14
section, "parent" means either parent, unless the parents are 15
separated or divorced or their marriage has been dissolved or 16
annulled, in which case "parent" means the parent who is the 17
residential parent and legal custodian of the child. When a 18
child is in the legal custody of a government agency or a person 19

other than the child's natural or adoptive parent, "parent" 20
means the parent with residual parental rights, privileges, and 21
responsibilities. When a child is in the permanent custody of a 22
government agency or a person other than the child's natural or 23
adoptive parent, "parent" means the parent who was divested of 24
parental rights and responsibilities for the care of the child 25
and the right to have the child live with the parent and be the 26
legal custodian of the child and all residual parental rights, 27
privileges, and responsibilities. 28

(b) When a child is the subject of a power of attorney 29
executed under sections 3109.51 to 3109.62 of the Revised Code, 30
"parent" means the grandparent designated as attorney in fact 31
under the power of attorney. When a child is the subject of a 32
caretaker authorization affidavit executed under sections 33
3109.64 to 3109.73 of the Revised Code, "parent" means the 34
grandparent that executed the affidavit. 35

(2) "Legal custody," "permanent custody," and "residual 36
parental rights, privileges, and responsibilities" have the same 37
meanings as in section 2151.011 of the Revised Code. 38

(3) "School district" or "district" means a city, local, 39
or exempted village school district and excludes any school 40
operated in an institution maintained by the department of youth 41
services. 42

(4) Except as used in division (C) (2) of this section, 43
"home" means a home, institution, foster home, group home, or 44
other residential facility in this state that receives and cares 45
for children, to which any of the following applies: 46

(a) The home is licensed, certified, or approved for such 47
purpose by the state or is maintained by the department of youth 48

services.	49
(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.	50 51 52
(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.	53 54 55
(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.	56 57
(5) "Agency" means all of the following:	58
(a) A public children services agency;	59
(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;	60 61 62 63 64 65
(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.	66 67 68 69
(6) A child is placed for adoption if either of the following occurs:	70 71
(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child.	72 73 74 75

(b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child.	76 77 78
(7) "Preschool child with a disability" has the same meaning as in section 3323.01 of the Revised Code.	79 80
(8) "Child," unless otherwise indicated, includes preschool children with disabilities.	81 82
(9) "Active duty" means active duty pursuant to an executive order of the president of the United States, an act of the congress of the United States, or section 5919.29 or 5923.21 of the Revised Code.	83 84 85 86
(B) Except as otherwise provided in section 3321.01 of the Revised Code for admittance to kindergarten and first grade, a child who is at least five but under twenty-two years of age and any preschool child with a disability shall be admitted to school as provided in this division.	87 88 89 90 91
(1) A child shall be admitted to the schools of the school district in which the child's parent resides.	92 93
(2) Except as provided in division (B) of section 2151.362 and section 3317.30 of the Revised Code, a child who does not reside in the district where the child's parent resides shall be admitted to the schools of the district in which the child resides if any of the following applies:	94 95 96 97 98
(a) The child is in the legal or permanent custody of a government agency or a person other than the child's natural or adoptive parent.	99 100 101
(b) The child resides in a home.	102
(c) The child requires special education.	103

(3) A child who is not entitled under division (B) (2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B) (1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B) (1) or (3) of this section. If the district admits a child under division (B) (2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C) (1) to (3) of this section, unless division (C) (4) of this section applies to the child:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as

otherwise provided in division (C)(2)(d) of this section, if the 133
child is in the permanent or legal custody of a government 134
agency or person other than the child's parent, tuition shall be 135
paid by: 136

(a) The district in which the child's parent resided at 137
the time the court removed the child from home or at the time 138
the court vested legal or permanent custody of the child in the 139
person or government agency, whichever occurred first; 140

(b) If the parent's residence at the time the court 141
removed the child from home or placed the child in the legal or 142
permanent custody of the person or government agency is unknown, 143
tuition shall be paid by the district in which the child resided 144
at the time the child was removed from home or placed in legal 145
or permanent custody, whichever occurred first; 146

(c) If a school district cannot be established under 147
division (C)(2)(a) or (b) of this section, tuition shall be paid 148
by the district determined as required by section 2151.362 of 149
the Revised Code by the court at the time it vests custody of 150
the child in the person or government agency; 151

(d) If at the time the court removed the child from home 152
or vested legal or permanent custody of the child in the person 153
or government agency, whichever occurred first, one parent was 154
in a residential or correctional facility or a juvenile 155
residential placement and the other parent, if living and not in 156
such a facility or placement, was not known to reside in this 157
state, tuition shall be paid by the district determined under 158
division (D) of section 3313.65 of the Revised Code as the 159
district required to pay any tuition while the parent was in 160
such facility or placement; 161

(e) If the department of education has determined, 162
pursuant to division (A) (2) of section 2151.362 of the Revised 163
Code, that a school district other than the one named in the 164
court's initial order, or in a prior determination of the 165
department, is responsible to bear the cost of educating the 166
child, the district so determined shall be responsible for that 167
cost. 168

(3) If the child is not in the permanent or legal custody 169
of a government agency or person other than the child's parent 170
and the child resides in a home, tuition shall be paid by one of 171
the following: 172

(a) The school district in which the child's parent 173
resides; 174

(b) If the child's parent is not a resident of this state, 175
the home in which the child resides. 176

(4) Division (C) (4) of this section applies to any child 177
who is admitted to a school district under division (B) (2) of 178
this section, resides in a home that is not a foster home, a 179
home maintained by the department of youth services, a detention 180
facility established under section 2152.41 of the Revised Code, 181
or a juvenile facility established under section 2151.65 of the 182
Revised Code, and receives educational services at the home or 183
facility in which the child resides pursuant to a contract 184
between the home or facility and the school district providing 185
those services. 186

If a child to whom division (C) (4) of this section applies 187
is a special education student, a district may choose whether to 188
receive a tuition payment for that child under division (C) (4) 189
of this section or to receive a payment for that child under 190

section 3323.14 of the Revised Code. If a district chooses to receive a payment for that child under section 3323.14 of the Revised Code, it shall not receive a tuition payment for that child under division (C) (4) of this section.

If a child to whom division (C) (4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C) (4) of this section.

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

(D) Tuition required to be paid under divisions (C) (2) and (3) (a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C) (3) (b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C) (3) (b) of this section, the board of education providing the education may

recover in a civil action the tuition and the expenses incurred 221
in prosecuting the action, including court costs and reasonable 222
attorney's fees. If the prosecuting attorney or city director of 223
law represents the board in such action, costs and reasonable 224
attorney's fees awarded by the court, based upon the prosecuting 225
attorney's, director's, or one of their designee's time spent 226
preparing and presenting the case, shall be deposited in the 227
county or city general fund. 228

(E) A board of education may enroll a child free of any 229
tuition obligation for a period not to exceed sixty days, on the 230
sworn statement of an adult resident of the district that the 231
resident has initiated legal proceedings for custody of the 232
child. 233

(F) In the case of any individual entitled to attend 234
school under this division, no tuition shall be charged by the 235
school district of attendance and no other school district shall 236
be required to pay tuition for the individual's attendance. 237
Notwithstanding division (B), (C), or (E) of this section: 238

(1) All persons at least eighteen but under twenty-two 239
years of age who live apart from their parents, support 240
themselves by their own labor, and have not successfully 241
completed the high school curriculum or the individualized 242
education program developed for the person by the high school 243
pursuant to section 3323.08 of the Revised Code, are entitled to 244
attend school in the district in which they reside. 245

(2) Any child under eighteen years of age who is married 246
is entitled to attend school in the child's district of 247
residence. 248

(3) A child is entitled to attend school in the district 249

in which either of the child's parents is employed if the child 250
has a medical condition that may require emergency medical 251
attention. The parent of a child entitled to attend school under 252
division (F) (3) of this section shall submit to the board of 253
education of the district in which the parent is employed a 254
statement from the child's physician certifying that the child's 255
medical condition may require emergency medical attention. The 256
statement shall be supported by such other evidence as the board 257
may require. 258

(4) Any child residing with a person other than the 259
child's parent is entitled, for a period not to exceed twelve 260
months, to attend school in the district in which that person 261
resides if the child's parent files an affidavit with the 262
superintendent of the district in which the person with whom the 263
child is living resides stating all of the following: 264

(a) That the parent is serving outside of the state in the 265
armed services of the United States; 266

(b) That the parent intends to reside in the district upon 267
returning to this state; 268

(c) The name and address of the person with whom the child 269
is living while the parent is outside the state. 270

(5) Any child under the age of twenty-two years who, after 271
the death of a parent, resides in a school district other than 272
the district in which the child attended school at the time of 273
the parent's death is entitled to continue to attend school in 274
the district in which the child attended school at the time of 275
the parent's death for the remainder of the school year, subject 276
to approval of that district board. 277

(6) A child under the age of twenty-two years who resides 278

with a parent who is having a new house built in a school 279
district outside the district where the parent is residing is 280
entitled to attend school for a period of time in the district 281
where the new house is being built. In order to be entitled to 282
such attendance, the parent shall provide the district 283
superintendent with the following: 284

(a) A sworn statement explaining the situation, revealing 285
the location of the house being built, and stating the parent's 286
intention to reside there upon its completion; 287

(b) A statement from the builder confirming that a new 288
house is being built for the parent and that the house is at the 289
location indicated in the parent's statement. 290

(7) A child under the age of twenty-two years residing 291
with a parent who has a contract to purchase a house in a school 292
district outside the district where the parent is residing and 293
who is waiting upon the date of closing of the mortgage loan for 294
the purchase of such house is entitled to attend school for a 295
period of time in the district where the house is being 296
purchased. In order to be entitled to such attendance, the 297
parent shall provide the district superintendent with the 298
following: 299

(a) A sworn statement explaining the situation, revealing 300
the location of the house being purchased, and stating the 301
parent's intent to reside there; 302

(b) A statement from a real estate broker or bank officer 303
confirming that the parent has a contract to purchase the house, 304
that the parent is waiting upon the date of closing of the 305
mortgage loan, and that the house is at the location indicated 306
in the parent's statement. 307

The district superintendent shall establish a period of 308
time not to exceed ninety days during which the child entitled 309
to attend school under division (F) (6) or (7) of this section 310
may attend without tuition obligation. A student attending a 311
school under division (F) (6) or (7) of this section shall be 312
eligible to participate in interscholastic athletics under the 313
auspices of that school, provided the board of education of the 314
school district where the student's parent resides, by a formal 315
action, releases the student to participate in interscholastic 316
athletics at the school where the student is attending, and 317
provided the student receives any authorization required by a 318
public agency or private organization of which the school 319
district is a member exercising authority over interscholastic 320
sports. 321

(8) A child whose parent is a full-time employee of a 322
city, local, or exempted village school district, or of an 323
educational service center, may be admitted to the schools of 324
the district where the child's parent is employed, or in the 325
case of a child whose parent is employed by an educational 326
service center, in the district that serves the location where 327
the parent's job is primarily located, provided the district 328
board of education establishes such an admission policy by 329
resolution adopted by a majority of its members. Any such policy 330
shall take effect on the first day of the school year and the 331
effective date of any amendment or repeal may not be prior to 332
the first day of the subsequent school year. The policy shall be 333
uniformly applied to all such children and shall provide for the 334
admission of any such child upon request of the parent. No child 335
may be admitted under this policy after the first day of classes 336
of any school year. 337

(9) A child who is with the child's parent under the care 338

of a shelter for victims of domestic violence, as defined in 339
section 3113.33 of the Revised Code, is entitled to attend 340
school free in the district in which the child is with the 341
child's parent, and no other school district shall be required 342
to pay tuition for the child's attendance in that school 343
district. 344

The enrollment of a child in a school district under this 345
division shall not be denied due to a delay in the school 346
district's receipt of any records required under section 347
3313.672 of the Revised Code or any other records required for 348
enrollment. Any days of attendance and any credits earned by a 349
child while enrolled in a school district under this division 350
shall be transferred to and accepted by any school district in 351
which the child subsequently enrolls. The state board of 352
education shall adopt rules to ensure compliance with this 353
division. 354

(10) Any child under the age of twenty-two years whose 355
parent has moved out of the school district after the 356
commencement of classes in the child's senior year of high 357
school is entitled, subject to the approval of that district 358
board, to attend school in the district in which the child 359
attended school at the time of the parental move for the 360
remainder of the school year and for one additional semester or 361
equivalent term. A district board may also adopt a policy 362
specifying extenuating circumstances under which a student may 363
continue to attend school under division (F)(10) of this section 364
for an additional period of time in order to successfully 365
complete the high school curriculum for the individualized 366
education program developed for the student by the high school 367
pursuant to section 3323.08 of the Revised Code. 368

(11) As used in this division, "grandparent" means a 369
parent of a parent of a child. A child under the age of twenty- 370
two years who is in the custody of the child's parent, resides 371
with a grandparent, and does not require special education is 372
entitled to attend the schools of the district in which the 373
child's grandparent resides, provided that, prior to such 374
attendance in any school year, the board of education of the 375
school district in which the child's grandparent resides and the 376
board of education of the school district in which the child's 377
parent resides enter into a written agreement specifying that 378
good cause exists for such attendance, describing the nature of 379
this good cause, and consenting to such attendance. 380

In lieu of a consent form signed by a parent, a board of 381
education may request the grandparent of a child attending 382
school in the district in which the grandparent resides pursuant 383
to division (F) (11) of this section to complete any consent form 384
required by the district, including any authorization required 385
by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the 386
Revised Code. Upon request, the grandparent shall complete any 387
consent form required by the district. A school district shall 388
not incur any liability solely because of its receipt of a 389
consent form from a grandparent in lieu of a parent. 390

Division (F) (11) of this section does not create, and 391
shall not be construed as creating, a new cause of action or 392
substantive legal right against a school district, a member of a 393
board of education, or an employee of a school district. This 394
section does not affect, and shall not be construed as 395
affecting, any immunities from defenses to tort liability 396
created or recognized by Chapter 2744. of the Revised Code for a 397
school district, member, or employee. 398

(12) A child under the age of twenty-two years is entitled 399
to attend school in a school district other than the district in 400
which the child is entitled to attend school under division (B), 401
(C), or (E) of this section provided that, prior to such 402
attendance in any school year, both of the following occur: 403

(a) The superintendent of the district in which the child 404
is entitled to attend school under division (B), (C), or (E) of 405
this section contacts the superintendent of another district for 406
purposes of this division; 407

(b) The superintendents of both districts enter into a 408
written agreement that consents to the attendance and specifies 409
that the purpose of such attendance is to protect the student's 410
physical or mental well-being or to deal with other extenuating 411
circumstances deemed appropriate by the superintendents. 412

While an agreement is in effect under this division for a 413
student who is not receiving special education under Chapter 414
3323. of the Revised Code and notwithstanding Chapter 3327. of 415
the Revised Code, the board of education of neither school 416
district involved in the agreement is required to provide 417
transportation for the student to and from the school where the 418
student attends. 419

A student attending a school of a district pursuant to 420
this division shall be allowed to participate in all student 421
activities, including interscholastic athletics, at the school 422
where the student is attending on the same basis as any student 423
who has always attended the schools of that district while of 424
compulsory school age. 425

(13) All school districts shall comply with the "McKinney- 426
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 427

the education of homeless children. Each city, local, and 428
exempted village school district shall comply with the 429
requirements of that act governing the provision of a free, 430
appropriate public education, including public preschool, to 431
each homeless child. 432

When a child loses permanent housing and becomes a 433
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 434
child who is such a homeless person changes temporary living 435
arrangements, the child's parent or guardian shall have the 436
option of enrolling the child in either of the following: 437

(a) The child's school of origin, as defined in 42 438
U.S.C.A. 11432(g) (3) (C); 439

(b) The school that is operated by the school district in 440
which the shelter where the child currently resides is located 441
and that serves the geographic area in which the shelter is 442
located. 443

(14) A child under the age of twenty-two years who resides 444
with a person other than the child's parent is entitled to 445
attend school in the school district in which that person 446
resides if both of the following apply: 447

(a) That person has been appointed, through a military 448
power of attorney executed under section 574(a) of the "National 449
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 450
(1993), 10 U.S.C. 1044b, or through a comparable document 451
necessary to complete a family care plan, as the parent's agent 452
for the care, custody, and control of the child while the parent 453
is on active duty as a member of the national guard or a reserve 454
unit of the armed forces of the United States or because the 455
parent is a member of the armed forces of the United States and 456

is on a duty assignment away from the parent's residence. 457

(b) The military power of attorney or comparable document 458
includes at least the authority to enroll the child in school. 459

The entitlement to attend school in the district in which 460
the parent's agent under the military power of attorney or 461
comparable document resides applies until the end of the school 462
year in which the military power of attorney or comparable 463
document expires. 464

(G) A board of education, after approving admission, may 465
waive tuition for students who will temporarily reside in the 466
district and who are either of the following: 467

(1) Residents or domiciliaries of a foreign nation who 468
request admission as foreign exchange students; 469

(2) Residents or domiciliaries of the United States but 470
not of Ohio who request admission as participants in an exchange 471
program operated by a student exchange organization. 472

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 473
3323.04, 3327.04, and 3327.06 of the Revised Code, a child may 474
attend school or participate in a special education program in a 475
school district other than in the district where the child is 476
entitled to attend school under division (B) of this section. 477

(I) (1) Notwithstanding anything to the contrary in this 478
section or section 3313.65 of the Revised Code, a child under 479
twenty-two years of age may attend school in the school district 480
in which the child, at the end of the first full week of October 481
of the school year, was entitled to attend school as otherwise 482
provided under this section or section 3313.65 of the Revised 483
Code, if at that time the child was enrolled in the schools of 484
the district but since that time the child or the child's parent 485

has relocated to a new address located outside of that school 486
district and within the same county as the child's or parent's 487
address immediately prior to the relocation. The child may 488
continue to attend school in the district, and at the school to 489
which the child was assigned at the end of the first full week 490
of October of the current school year, for the balance of the 491
school year. Division (I)(1) of this section applies only if 492
both of the following conditions are satisfied: 493

(a) The board of education of the school district in which 494
the child was entitled to attend school at the end of the first 495
full week in October and of the district to which the child or 496
child's parent has relocated each has adopted a policy to enroll 497
children described in division (I)(1) of this section. 498

(b) The child's parent provides written notification of 499
the relocation outside of the school district to the 500
superintendent of each of the two school districts. 501

(2) At the beginning of the school year following the 502
school year in which the child or the child's parent relocated 503
outside of the school district as described in division (I)(1) 504
of this section, the child is not entitled to attend school in 505
the school district under that division. 506

(3) Any person or entity owing tuition to the school 507
district on behalf of the child at the end of the first full 508
week in October, as provided in division (C) of this section, 509
shall continue to owe such tuition to the district for the 510
child's attendance under division (I)(1) of this section for the 511
lesser of the balance of the school year or the balance of the 512
time that the child attends school in the district under 513
division (I)(1) of this section. 514

(4) A pupil who may attend school in the district under 515
division (I)(1) of this section shall be entitled to 516
transportation services pursuant to an agreement between the 517
district and the district in which the child or child's parent 518
has relocated unless the districts have not entered into such 519
agreement, in which case the child shall be entitled to 520
transportation services in the same manner as a pupil attending 521
school in the district under interdistrict open enrollment as 522
described in division ~~(H)~~(G) of section 3313.981 of the Revised 523
Code, regardless of whether the district has adopted an open 524
enrollment policy as described in division (B)(1)(b) or (c) of 525
section 3313.98 of the Revised Code. 526

(J) This division does not apply to a child receiving 527
special education. 528

A school district required to pay tuition pursuant to 529
division (C)(2) or (3) of this section or section 3313.65 of the 530
Revised Code shall have an amount deducted under division (C) of 531
section 3317.023 of the Revised Code equal to its own tuition 532
rate for the same period of attendance. A school district 533
entitled to receive tuition pursuant to division (C)(2) or (3) 534
of this section or section 3313.65 of the Revised Code shall 535
have an amount credited under division (C) of section 3317.023 536
of the Revised Code equal to its own tuition rate for the same 537
period of attendance. If the tuition rate credited to the 538
district of attendance exceeds the rate deducted from the 539
district required to pay tuition, the department of education 540
shall pay the district of attendance the difference from amounts 541
deducted from all districts' payments under division (C) of 542
section 3317.023 of the Revised Code but not credited to other 543
school districts under such division and from appropriations 544
made for such purpose. The treasurer of each school district 545

shall, by the fifteenth day of January and July, furnish the 546
superintendent of public instruction a report of the names of 547
each child who attended the district's schools under divisions 548
(C) (2) and (3) of this section or section 3313.65 of the Revised 549
Code during the preceding six calendar months, the duration of 550
the attendance of those children, the school district 551
responsible for tuition on behalf of the child, and any other 552
information that the superintendent requires. 553

Upon receipt of the report the superintendent, pursuant to 554
division (C) of section 3317.023 of the Revised Code, shall 555
deduct each district's tuition obligations under divisions (C) 556
(2) and (3) of this section or section 3313.65 of the Revised 557
Code and pay to the district of attendance that amount plus any 558
amount required to be paid by the state. 559

(K) In the event of a disagreement, the superintendent of 560
public instruction shall determine the school district in which 561
the parent resides. 562

(L) Nothing in this section requires or authorizes, or 563
shall be construed to require or authorize, the admission to a 564
public school in this state of a pupil who has been permanently 565
excluded from public school attendance by the superintendent of 566
public instruction pursuant to sections 3301.121 and 3313.662 of 567
the Revised Code. 568

(M) In accordance with division (B) (1) of this section, a 569
child whose parent is a member of the national guard or a 570
reserve unit of the armed forces of the United States and is 571
called to active duty, or a child whose parent is a member of 572
the armed forces of the United States and is ordered to a 573
temporary duty assignment outside of the district, may continue 574
to attend school in the district in which the child's parent 575

lived before being called to active duty or ordered to a 576
temporary duty assignment outside of the district, as long as 577
the child's parent continues to be a resident of that district, 578
and regardless of where the child lives as a result of the 579
parent's active duty status or temporary duty assignment. 580
However, the district is not responsible for providing 581
transportation for the child if the child lives outside of the 582
district as a result of the parent's active duty status or 583
temporary duty assignment. 584

Sec. 3313.98. Notwithstanding division (D) of section 585
3311.19 and division (D) of section 3311.52 of the Revised Code, 586
the provisions of this section and sections 3313.981 to ~~3313.983~~ 587
3313.984 of the Revised Code that apply to a city school 588
district do not apply to a joint vocational or cooperative 589
education school district unless expressly specified. 590

(A) As used in this section and sections 3313.981 to 591
3313.983 of the Revised Code: 592

(1) "Parent" means either of the natural or adoptive 593
parents of a student, except under the following conditions: 594

(a) When the marriage of the natural or adoptive parents 595
of the student has been terminated by a divorce, dissolution of 596
marriage, or annulment or the natural or adoptive parents of the 597
student are living separate and apart under a legal separation 598
decree and the court has issued an order allocating the parental 599
rights and responsibilities with respect to the student, 600
"parent" means the residential parent as designated by the court 601
except that "parent" means either parent when the court issues a 602
shared parenting decree. 603

(b) When a court has granted temporary or permanent 604

custody of the student to an individual or agency other than 605
either of the natural or adoptive parents of the student, 606
"parent" means the legal custodian of the child. 607

(c) When a court has appointed a guardian for the student, 608
"parent" means the guardian of the student. 609

(2) "~~Native-Resident~~ student" means a student entitled 610
under section 3313.64 or 3313.65 of the Revised Code to attend 611
school in a district adopting a resolution under this section. 612

(3) "Adjacent district" means a city, exempted village, or 613
local school district having territory that abuts the territory 614
of a district adopting a resolution under this section. 615

(4) "Adjacent district student" means a student entitled 616
under section 3313.64 or 3313.65 of the Revised Code to attend 617
school in an adjacent district. 618

(5) "Adjacent district joint vocational student" means an 619
adjacent district student who enrolls in a city, exempted 620
village, or local school district pursuant to this section and 621
who also enrolls in a joint vocational school district that does 622
not contain the territory of the student's resident district ~~for~~ 623
~~which that student is a native student~~ and does contain the 624
territory of the city, exempted village, or local district in 625
which the student enrolls. 626

(6) "Formula amount" has the same meaning as in section 627
3317.02 of the Revised Code. 628

(7) "Poverty line" means the poverty line established by 629
the director of the United States office of management and 630
budget as revised by the secretary of health and human services 631
in accordance with section 673(2) of the "Community Services 632
Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 633

(8) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 634
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(9) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section. 636
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(10) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district. 639
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(11) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the ~~student's resident district for which that student is a native student~~ in accordance with a policy adopted under section 3313.983 of the Revised Code. 642
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(12) "Resident district" means the school district in which a resident student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 649
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(13) "State share index" has the same meaning as in section 3317.02 of the Revised Code. 652
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(B) (1) The board of education of each city, local, and exempted village school district shall adopt a resolution establishing for the school district one of the following policies: 654
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(a) A policy that entirely prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code; 658
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(b) A policy that permits enrollment of students from all adjacent districts in accordance with policy statements contained in the resolution;

(c) A policy that permits enrollment of students from all other districts in accordance with policy statements contained in the resolution.

(2) A policy permitting enrollment of students from adjacent or from other districts, as applicable, shall provide for all of the following:

(a) Application procedures, including deadlines for application and for notification of students and the superintendent of the applicable district whenever an adjacent or other district student's application is approved.

(b) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:

(i) The establishment of district capacity limits by grade level, school building, and education program;

(ii) A requirement that all ~~native-resident~~ students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students previously enrolled in the district shall receive preference over first-time applicants;

(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	690 691
(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;	692 693 694 695 696
(3) A requirement that the student be proficient in the English language;	697 698
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.	699 700 701 702 703 704 705
(D) (1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.	706 707 708 709 710 711
(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.	712 713 714 715 716 717
(E) Any school board shall accept all credits toward	718

graduation earned in adjacent or other district schools by an 719
adjacent or other district student or a ~~native-resident~~ student. 720

(F) (1) No board of education may adopt a policy 721
discouraging or prohibiting its ~~native-resident~~ students from 722
applying to enroll in the schools of an adjacent or any other 723
district that has adopted a policy permitting such enrollment, 724
except that: 725

(a) A district may object to the enrollment of a ~~native-~~ 726
~~resident~~ student in an adjacent or other district in order to 727
maintain an appropriate racial balance. 728

(b) The board of education of a district receiving funds 729
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 730
may adopt a resolution objecting to the enrollment of its ~~native-~~ 731
~~resident~~ students in adjacent or other districts if at least ten 732
per cent of its students are included in the determination of 733
the United States secretary of education made under section 20 734
U.S.C.A. 238(a). 735

(2) If a board objects to enrollment of ~~native-resident~~ 736
students under this division, any adjacent or other district 737
shall refuse to enroll such ~~native-resident~~ students unless 738
tuition is paid for the students in accordance with section 739
3317.08 of the Revised Code. An adjacent or other district 740
enrolling such students may not receive funding for those 741
students in accordance with section 3313.981 of the Revised 742
Code. 743

(G) The state board of education shall monitor school 744
districts to ensure compliance with this section and the 745
districts' policies. The board may adopt rules requiring uniform 746
application procedures, deadlines for application, notification 747

procedures, and record-keeping requirements for all school 748
boards that adopt policies permitting the enrollment of adjacent 749
or other district students, as applicable. If the state board 750
adopts such rules, no school board shall adopt a policy that 751
conflicts with those rules. 752

(H) A resolution adopted by a board of education under 753
this section that entirely prohibits the enrollment of students 754
from adjacent and from other school districts does not abrogate 755
any agreement entered into under section 3313.841 or 3313.92 of 756
the Revised Code or any contract entered into under section 757
3313.90 of the Revised Code between the board of education 758
adopting the resolution and the board of education of any 759
adjacent or other district or prohibit these boards of education 760
from entering into any such agreement or contract. 761

(I) Nothing in this section shall be construed to permit 762
or require the board of education of a city, exempted village, 763
or local school district to exclude any ~~native-resident~~ student 764
of the district from enrolling in the district. 765

Sec. 3313.981. (A) The state board of education shall 766
adopt rules requiring all of the following: 767

(1) The board of education of each city, exempted village, 768
and local school district to annually report to the department 769
of education all of the following: 770

(a) The number of adjacent district or other district 771
students in grades kindergarten through twelve, as applicable, 772
the number of adjacent district or other district students who 773
are preschool children with disabilities, as applicable, and the 774
number of adjacent district or other district joint vocational 775
students, as applicable, enrolled in the district, in accordance 776

with a policy adopted under division (B) of section 3313.98 of the Revised Code;	777 778
(b) The number of native-resident students in grades kindergarten through twelve enrolled in adjacent or other districts and the number of native-resident students who are preschool children with disabilities enrolled in adjacent or other districts, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;	779 780 781 782 783 784
(c) Each adjacent district or other district student's or adjacent district or other district joint vocational student's date of enrollment in the district;	785 786 787
(d) The full-time equivalent number of adjacent district or other district students enrolled in each of the categories of career-technical education programs or classes described in section 3317.014 of the Revised Code;	788 789 790 791
(e) Each native-resident student's date of enrollment in an adjacent or other district.	792 793
(2) The board of education of each joint vocational school district to annually report to the department all of the following:	794 795 796
(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district;	797 798 799
(b) The full-time equivalent number of adjacent district or other district joint vocational students enrolled in each category of career-technical education programs or classes described in section 3317.014 of the Revised Code;	800 801 802 803
(c) For each adjacent district or other district joint	804

vocational student, the city, exempted village, or local school 805
district in which the student is also enrolled. 806

(3) Prior to the end of each reporting period specified in 807
section 3317.03 of the Revised Code, the superintendent of each 808
city, local, or exempted village school district that admits 809
adjacent district or other district students who are in grades 810
kindergarten through twelve, adjacent district or other district 811
students who are preschool children with disabilities, or 812
adjacent district or other district joint vocational students in 813
accordance with a policy adopted under division (B) of section 814
3313.98 of the Revised Code to report to the department of 815
~~education~~ each adjacent or other district's students and where 816
those students who are enrolled in the superintendent's district 817
under the policy are entitled to attend school under section 818
3313.64 or 3313.65 of the Revised Code. 819

The rules shall provide for the method of counting 820
students who are enrolled for part of a school year in an 821
adjacent or other district or as an adjacent district or other 822
district joint vocational student. 823

~~(B) From the payments made to a city, exempted village, or 824
local school district under Chapter 3317. of the Revised Code 825
and, if necessary, from the payments made to the district under 826
sections 321.24 and 323.156 of the Revised Code, the department 827
of education shall annually subtract all of the following: 828~~

~~(1) An amount equal to the number of the district's native 829
students in grades kindergarten through twelve reported under 830
division (A) (1) of this section who are enrolled in adjacent or 831
other school districts pursuant to policies adopted by such 832
districts under division (B) of section 3313.98 of the Revised 833
Code multiplied by the formula amount; 834~~

~~(2) The excess costs computed in accordance with division (E) of this section for any such native students in grades kindergarten through twelve receiving special education and related services in adjacent or other school districts or as an adjacent district or other district joint vocational student;~~ 835
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~~(3) For each of the district's native students reported under division (A) (1) (d) or (2) (b) of this section as enrolled in career technical education programs or classes described in section 3317.014 of the Revised Code, the per pupil amount prescribed by that section for the student's respective career-technical category, on a full-time equivalency basis;~~ 840
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~~(4) For each native student who is a preschool child with a disability reported under division (A) (1) of this section who is enrolled in an adjacent or other district pursuant to policies adopted by such a district under division (B) of section 3313.98 of the Revised Code, \$4,000.~~ 846
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~~(C) To the payments made to~~ (1) For each adjacent district student or other district student enrolled in a city, exempted village, or local school district under Chapter 3317. of the Revised Code who is not an adjacent district or other district joint vocational student, the department ~~of education shall~~ 851
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annually add all deduct from the payments made to the student's resident district under Chapter 3317. of the Revised Code and, if necessary, from the payments made to that district under sections 321.24 and 323.156 of the Revised Code and pay to the district in which the student is enrolled the sum of the 856
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following: 861

~~(1) An amount equal to the~~ (a) The formula amount 862
multiplied by ~~the remainder obtained by subtracting the number of adjacent district or other district joint vocational students~~ 863
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~~from the number of adjacent district or other district students~~ 865
~~in grades kindergarten through twelve enrolled in the district,~~ 866
~~as reported under division (A) (1) of this section, the state~~ 867
share index of the student's resident district; 868

~~(2) The~~ (b) If the student is receiving special education 869
and related services in the district, the excess costs computed 870
in accordance with division ~~(E)~~ (D) of this section for ~~any~~
~~adjacent district or other district students in grades~~ 872
kindergarten through twelve, ~~except for any adjacent or other~~
~~district joint vocational students, receiving special education~~ 874
~~and related services in the district~~ that student; 875

~~(3) For each of the adjacent or other district students~~ 876
~~who are not adjacent district or other district joint vocational~~ 877
~~students and are~~ (c) If the student is reported under division 878
(A) (1) (d) of this section as enrolled in career-technical 879
education programs or classes described in section 3317.014 of 880
the Revised Code, the per pupil amount prescribed by that 881
section for the student's respective career-technical education 882
category, on a full-time equivalency basis~~;~~ 883

~~(4) An amount equal to the number of adjacent district or~~ 884
~~other district joint vocational students reported under division~~ 885
~~(A) (1) of this section multiplied by,~~ multiplied by the state 886
share index of the student's resident district. 887

(2) For each adjacent district student or other district 888
joint vocational student enrolled in a city, exempted village, 889
or local school district, the department shall annually deduct 890
from the payments made to the student's resident district under 891
Chapter 3317. of the Revised Code and, if necessary, from the 892
payments made to that district under sections 321.24 and 323.156 893
of the Revised Code and pay to the district in which the student 894

is enrolled an amount equal to twenty per cent of the formula 895
amount; ~~—~~. 896

~~(5)~~ (3) For each adjacent district or other district 897
student who is a preschool child with a disability reported 898
under division (A) (1) of this section who is enrolled in ~~the~~ 899
district a city, exempted village, or local school district, the 900
department shall annually deduct from the payments made to the 901
student's resident district under Chapter 3317. of the Revised 902
Code and, if necessary, from the payments made to that district 903
under sections 321.24 and 323.156 of the Revised Code and pay to 904
the district in which the student is enrolled an amount equal to 905
\$4,000. 906

~~(D) To the payments made to a joint vocational school~~ 907
~~district under Chapter 3317. of the Revised Code.~~ (C) For each 908
adjacent district or district joint vocational student enrolled 909
in a joint vocational school district, as reported under 910
division (A) (2) of this section, the department of education 911
shall add, for each adjacent district or other district joint 912
vocational student reported under division (A) (2) of this 913
section, both of deduct from the payments made to the student's 914
resident district under Chapter 3317. of the Revised Code and, 915
if necessary, from the payments made to that district under 916
sections 321.24 and 323.156 of the Revised Code and pay to the 917
joint vocational school district in which the student is 918
enrolled the sum of the following: 919

(1) The formula amount multiplied by the state share index 920
of the student's resident district; 921

(2) The per pupil amount ~~for each of the students reported~~ 922
~~pursuant to division (A) (2) (b) of this section prescribed by~~ 923
~~section 3317.014 of the Revised Code for the student's~~ 924

respective career-technical education category, on a full-time 925
equivalency basis, multiplied by the state share index of the 926
student's resident district. 927

~~(E)~~(D) (1) A city, exempted village, or local school board 928
providing special education and related services to an adjacent 929
or other district student in grades kindergarten through twelve 930
in accordance with an IEP shall, pursuant to rules of the state 931
board, compute the excess costs to educate such student as 932
follows: 933

(a) Subtract the formula amount from the actual costs to 934
educate the student; 935

(b) From the amount computed under division ~~(E)~~(D) (1) (a) 936
of this section subtract the amount of any funds received by the 937
district under Chapter 3317. of the Revised Code to provide 938
special education and related services to the student. 939

(2) The board shall report the excess costs computed under 940
this division to the department ~~of education.~~ 941

(3) If any student for whom excess costs are computed 942
under division ~~(E)~~(D) (1) of this section is an adjacent or other 943
district joint vocational student, the department ~~of education~~ 944
shall add the amount of such excess costs to the payments made 945
under Chapter 3317. of the Revised Code to the joint vocational 946
school district enrolling the student. 947

~~(F)~~(E) As provided in division (D) (1) (b) of section 948
3317.03 of the Revised Code, no joint vocational school district 949
shall count any adjacent or other district joint vocational 950
student enrolled in the district in its enrollment certified 951
under section 3317.03 of the Revised Code. 952

~~(G)~~(F) No city, exempted village, or local school 953

district shall receive a payment under division ~~(C)~~(B) of this 954
section for a student, and no joint vocational school district 955
shall receive a payment under division ~~(D)~~(C) of this section 956
for a student, if for the same school year that student is 957
counted in the district's enrollment certified under section 958
3317.03 of the Revised Code. 959

~~(H)~~(G) Upon request of a parent, and provided the board 960
offers transportation to ~~native~~resident students of the same 961
grade level and distance from school under section 3327.01 of 962
the Revised Code, a city, exempted village, or local school 963
board enrolling an adjacent or other district student shall 964
provide transportation for the student within the boundaries of 965
the board's district, except that the board shall be required to 966
pick up and drop off a nonhandicapped student only at a regular 967
school bus stop designated in accordance with the board's 968
transportation policy. Pursuant to rules of the state board of 969
education, such board may reimburse the parent from funds 970
received for pupil transportation under section 3317.0212 of the 971
Revised Code, or other provisions of law, for the reasonable 972
cost of transportation from the student's home to the designated 973
school bus stop if the student's family has an income below the 974
federal poverty line. 975

Sec. 3313.984. (A) In addition to the payments made under 976
division (B)(1) of section 3313.981 of the Revised Code, for 977
each adjacent district student or other district student 978
enrolled in a city, exempted village, or local school district 979
who is not an adjacent district or other district joint 980
vocational student, the department of education shall pay to the 981
district in which the student is enrolled the sum of the 982
following: 983

(1) The formula amount minus the amount paid to the 984
district under division (B) (1) (a) of section 3313.981 of the 985
Revised Code; 986

(2) If the student is reported under division (A) (1) (d) of 987
section 3313.981 of the Revised Code as enrolled in career- 988
technical education programs or classes described in section 989
3317.014 of the Revised Code, the per pupil amount prescribed by 990
that section for the student's respective career-technical 991
education category, on a full-time equivalency basis, minus the 992
amount paid to the district under division (B) (1) (c) of section 993
3313.981 of the Revised Code. 994

(B) In addition to the payments made under division (C) of 995
section 3313.981 of the Revised Code, for each adjacent district 996
or district joint vocational student enrolled in a joint 997
vocational school district, as reported under division (A) (2) of 998
section 3313.981 of the Revised Code, the department shall pay 999
to the joint vocational school district in which the student is 1000
enrolled the sum of the following: 1001

(1) The formula amount minus the amount paid to the 1002
district under division (C) (1) of section 3313.981 of the 1003
Revised Code; 1004

(2) The per pupil amount for the student's respective 1005
career-technical education category, on a full-time equivalent 1006
basis, minus the amount paid to the district under division (C) 1007
(2) of section 3313.981 of the Revised Code. 1008

Sec. 3314.08. (A) As used in this section: 1009

(1) (a) "Category one career-technical education student" 1010
means a student who is receiving the career-technical education 1011
services described in division (A) of section 3317.014 of the 1012

Revised Code.	1013
(b) "Category two career-technical student" means a	1014
student who is receiving the career-technical education services	1015
described in division (B) of section 3317.014 of the Revised	1016
Code.	1017
(c) "Category three career-technical student" means a	1018
student who is receiving the career-technical education services	1019
described in division (C) of section 3317.014 of the Revised	1020
Code.	1021
(d) "Category four career-technical student" means a	1022
student who is receiving the career-technical education services	1023
described in division (D) of section 3317.014 of the Revised	1024
Code.	1025
(e) "Category five career-technical education student"	1026
means a student who is receiving the career-technical education	1027
services described in division (E) of section 3317.014 of the	1028
Revised Code.	1029
(2) (a) "Category one limited English proficient student"	1030
means a limited English proficient student described in division	1031
(A) of section 3317.016 of the Revised Code.	1032
(b) "Category two limited English proficient student"	1033
means a limited English proficient student described in division	1034
(B) of section 3317.016 of the Revised Code.	1035
(c) "Category three limited English proficient student"	1036
means a limited English proficient student described in division	1037
(C) of section 3317.016 of the Revised Code.	1038
(3) (a) "Category one special education student" means a	1039
student who is receiving special education services for a	1040

disability specified in division (A) of section 3317.013 of the Revised Code. 1041
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(b) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code. 1043
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(c) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code. 1047
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(d) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code. 1051
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(e) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code. 1055
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(f) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code. 1059
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(4) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 1063
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(5) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 1065
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(6) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 1067
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3313.65 of the Revised Code.	1069
(7) "State education aid" has the same meaning as in	1070
section 5751.20 of the Revised Code.	1071
<u>(8) "State share index" has the same meaning as in section</u>	1072
<u>3317.02 of the Revised Code.</u>	1073
(B) The state board of education shall adopt rules	1074
requiring both of the following:	1075
(1) The board of education of each city, exempted village,	1076
and local school district to annually report the number of	1077
students entitled to attend school in the district who are	1078
enrolled in each grade kindergarten through twelve in a	1079
community school established under this chapter, and for each	1080
child, the community school in which the child is enrolled.	1081
(2) The governing authority of each community school	1082
established under this chapter to annually report all of the	1083
following:	1084
(a) The number of students enrolled in grades one through	1085
twelve and the full-time equivalent number of students enrolled	1086
in kindergarten in the school who are not receiving special	1087
education and related services pursuant to an IEP;	1088
(b) The number of enrolled students in grades one through	1089
twelve and the full-time equivalent number of enrolled students	1090
in kindergarten, who are receiving special education and related	1091
services pursuant to an IEP;	1092
(c) The number of students reported under division (B) (2)	1093
(b) of this section receiving special education and related	1094
services pursuant to an IEP for a disability described in each	1095
of divisions (A) to (F) of section 3317.013 of the Revised Code;	1096

(d) The full-time equivalent number of students reported	1097
under divisions (B) (2) (a) and (b) of this section who are	1098
enrolled in career-technical education programs or classes	1099
described in each of divisions (A) to (E) of section 3317.014 of	1100
the Revised Code that are provided by the community school;	1101
(e) The number of students reported under divisions (B) (2)	1102
(a) and (b) of this section who are not reported under division	1103
(B) (2) (d) of this section but who are enrolled in career-	1104
technical education programs or classes described in each of	1105
divisions (A) to (E) of section 3317.014 of the Revised Code at	1106
a joint vocational school district or another district in the	1107
career-technical planning district to which the school is	1108
assigned;	1109
(f) The number of students reported under divisions (B) (2)	1110
(a) and (b) of this section who are category one to three	1111
limited English proficient students described in each of	1112
divisions (A) to (C) of section 3317.016 of the Revised Code;	1113
(g) The number of students reported under divisions (B) (2)	1114
(a) and (b) of this section who are economically disadvantaged,	1115
as defined by the department. A student shall not be	1116
categorically excluded from the number reported under division	1117
(B) (2) (g) of this section based on anything other than family	1118
income.	1119
(h) For each student, the city, exempted village, or local	1120
school district in which the student is entitled to attend	1121
school under section 3313.64 or 3313.65 of the Revised Code.	1122
(i) The number of students enrolled in a preschool program	1123
operated by the school that is licensed by the department of	1124
education under sections 3301.52 to 3301.59 of the Revised Code	1125

who are not receiving special education and related services 1126
pursuant to an IEP. 1127

A school district board and a community school governing 1128
authority shall include in their respective reports under 1129
division (B) of this section any child admitted in accordance 1130
with division (A) (2) of section 3321.01 of the Revised Code. 1131

A governing authority of a community school shall not 1132
include in its report under divisions (B) (2) (a) to (h) of this 1133
section any student for whom tuition is charged under division 1134
(F) of this section. 1135

(C) (1) Except as provided in division (C) (2) of this 1136
section, and subject to divisions (C) (3), (4), (5), (6), and (7) 1137
of this section, on a full-time equivalency basis, for each 1138
student enrolled in a community school established under this 1139
chapter, the department of education annually shall deduct from 1140
the state education aid of a student's resident district and, if 1141
necessary, from the payment made to the district under sections 1142
321.24 and 323.156 of the Revised Code and pay to the community 1143
school the sum of the following: 1144

(a) An opportunity grant in an amount equal to the formula 1145
amount X the state share index of the student's resident 1146
district; 1147

(b) The per pupil amount of targeted assistance funds 1148
calculated under division (A) of section 3317.0217 of the 1149
Revised Code for the student's resident district, as determined 1150
by the department, X 0.25; 1151

(c) Additional state aid for special education and related 1152
services provided under Chapter 3323. of the Revised Code as 1153
follows: 1154

(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code X the state share index of the student's resident district; 1155
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(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code X the state share index of the student's resident district; 1159
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(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code X the state share index of the student's resident district; 1163
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(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code X the state share index of the student's resident district; 1167
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(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code X the state share index of the student's resident district; 1171
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(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code X the state share index of the student's resident district. 1175
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1177
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(d) If the student is in kindergarten through third grade, an additional amount ~~of \$320;~~ equal to the following: 1179
1180

(\$193 X the state share index of the student's resident district) + \$127 1181
1182

(e) If the student is economically disadvantaged, an	1183
additional amount equal to the following:	1184
\$272 X the resident district's economically disadvantaged	1185
index	1186
(f) Limited English proficiency funds as follows:	1187
(i) If the student is a category one limited English	1188
proficient student, the amount specified in division (A) of	1189
section 3317.016 of the Revised Code <u>X the state share index of</u>	1190
<u>the student's resident district;</u>	1191
(ii) If the student is a category two limited English	1192
proficient student, the amount specified in division (B) of	1193
section 3317.016 of the Revised Code <u>X the state share index of</u>	1194
<u>the student's resident district;</u>	1195
(iii) If the student is a category three limited English	1196
proficient student, the amount specified in division (C) of	1197
section 3317.016 of the Revised Code <u>X the state share index of</u>	1198
<u>the student's resident district.</u>	1199
(g) If the student is reported under division (B) (2) (d) of	1200
this section, career-technical education funds as follows:	1201
(i) If the student is a category one career-technical	1202
education student, the amount specified in division (A) of	1203
section 3317.014 of the Revised Code <u>X the state share index of</u>	1204
<u>the student's resident district;</u>	1205
(ii) If the student is a category two career-technical	1206
education student, the amount specified in division (B) of	1207
section 3317.014 of the Revised Code <u>X the state share index of</u>	1208
<u>the student's resident district;</u>	1209
(iii) If the student is a category three career-technical	1210

education student, the amount specified in division (C) of 1211
section 3317.014 of the Revised Code X the state share index of 1212
the student's resident district; 1213

(iv) If the student is a category four career-technical 1214
education student, the amount specified in division (D) of 1215
section 3317.014 of the Revised Code X the state share index of 1216
the student's resident district; 1217

(v) If the student is a category five career-technical 1218
education student, the amount specified in division (E) of 1219
section 3317.014 of the Revised Code X the state share index of 1220
the student's resident district. 1221

Deduction and payment of funds under division (C) (1) (g) of 1222
this section and payment of funds under division (B) (5) of 1223
section 3314.088 of the Revised Code is subject to approval by 1224
the lead district of a career-technical planning district or the 1225
department of education under section 3317.161 of the Revised 1226
Code. 1227

(2) When deducting from the state education aid of a 1228
student's resident district for students enrolled in an 1229
internet- or computer-based community school and making payments 1230
to such school under this section, the department shall make the 1231
deductions and payments described in only divisions (C) (1) (a), 1232
(c), and (g) of this section. 1233

No deductions or payments shall be made for a student 1234
enrolled in such school under division (C) (1) (b), (d), (e), or 1235
(f) of this section. 1236

(3) (a) If a community school's costs for a fiscal year for 1237
a student receiving special education and related services 1238
pursuant to an IEP for a disability described in divisions (B) 1239

to (F) of section 3317.013 of the Revised Code exceed the 1240
threshold catastrophic cost for serving the student as specified 1241
in division (B) of section 3317.0214 of the Revised Code, the 1242
school may submit to the superintendent of public instruction 1243
documentation, as prescribed by the superintendent, of all its 1244
costs for that student. Upon submission of documentation for a 1245
student of the type and in the manner prescribed, the department 1246
shall pay to the community school an amount equal to the 1247
school's costs for the student in excess of the threshold 1248
catastrophic costs. 1249

(b) The community school shall report under division (C) 1250
(3)(a) of this section, and the department shall pay for, only 1251
the costs of educational expenses and the related services 1252
provided to the student in accordance with the student's 1253
individualized education program. Any legal fees, court costs, 1254
or other costs associated with any cause of action relating to 1255
the student may not be included in the amount. 1256

(4) In any fiscal year, a community school receiving funds 1257
under division (C)(1)(g) of this section or division (B)(5) of 1258
section 3314.088 of the Revised Code shall spend those funds 1259
only for the purposes that the department designates as approved 1260
for career-technical education expenses. Career-technical 1261
education expenses approved by the department shall include only 1262
expenses connected to the delivery of career-technical 1263
programming to career-technical students. The department shall 1264
require the school to report data annually so that the 1265
department may monitor the school's compliance with the 1266
requirements regarding the manner in which funding received 1267
under division (C)(1)(g) of this section or division (B)(5) of 1268
section 3314.088 of the Revised Code may be spent. 1269

(5) Notwithstanding anything to the contrary in section 1270
3313.90 of the Revised Code, except as provided in division (C) 1271
(9) of this section, all funds received under division (C) (1) (g) 1272
of this section and division (B) (5) of section 3314.088 of the 1273
Revised Code shall be spent in the following manner: 1274

(a) At least seventy-five per cent of the funds shall be 1275
spent on curriculum development, purchase, and implementation; 1276
instructional resources and supplies; industry-based program 1277
certification; student assessment, credentialing, and placement; 1278
curriculum specific equipment purchases and leases; career- 1279
technical student organization fees and expenses; home and 1280
agency linkages; work-based learning experiences; professional 1281
development; and other costs directly associated with career- 1282
technical education programs including development of new 1283
programs. 1284

(b) Not more than twenty-five per cent of the funds shall 1285
be used for personnel expenditures. 1286

(6) A community school shall spend the funds it receives 1287
under division (C) (1) (e) of this section in accordance with 1288
section 3317.25 of the Revised Code. 1289

(7) If the sum of the payments computed under divisions 1290
(C) (1) and (8) (a) of this section for the students entitled to 1291
attend school in a particular school district under sections 1292
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 1293
district's state education aid and its payment under sections 1294
321.24 and 323.156 of the Revised Code, the department shall 1295
calculate and apply a proration factor to the payments to all 1296
community schools under that division for the students entitled 1297
to attend school in that district. 1298

(8) (a) Subject to division (C) (7) of this section, the 1299
department annually shall pay to each community school, 1300
including each internet- or computer-based community school, an 1301
amount equal to the following: 1302

(The number of students reported by the community school 1303
under division (B) (2) (e) of this section X the formula amount 1304
X .20) 1305

(b) For each payment made to a community school under 1306
division (C) (8) (a) of this section, the department shall deduct 1307
from the state education aid of each city, local, and exempted 1308
village school district and, if necessary, from the payment made 1309
to the district under sections 321.24 and 323.156 of the Revised 1310
Code an amount equal to the following: 1311

(The number of the district's students reported by the 1312
community school under division (B) (2) (e) of this section X the 1313
formula amount X .20) 1314

(9) The department may waive the requirement in division 1315
(C) (5) of this section for any community school that exclusively 1316
provides one or more career-technical workforce development 1317
programs in arts and communications that are not equipment- 1318
intensive, as determined by the department. 1319

(D) A board of education sponsoring a community school may 1320
utilize local funds to make enhancement grants to the school or 1321
may agree, either as part of the contract or separately, to 1322
provide any specific services to the community school at no cost 1323
to the school. 1324

(E) A community school may not levy taxes or issue bonds 1325
secured by tax revenues. 1326

(F) No community school shall charge tuition for the 1327

enrollment of any student who is a resident of this state. A 1328
community school may charge tuition for the enrollment of any 1329
student who is not a resident of this state. 1330

(G) (1) (a) A community school may borrow money to pay any 1331
necessary and actual expenses of the school in anticipation of 1332
the receipt of any portion of the payments to be received by the 1333
school pursuant to division (C) of this section. The school may 1334
issue notes to evidence such borrowing. The proceeds of the 1335
notes shall be used only for the purposes for which the 1336
anticipated receipts may be lawfully expended by the school. 1337

(b) A school may also borrow money for a term not to 1338
exceed fifteen years for the purpose of acquiring facilities. 1339

(2) Except for any amount guaranteed under section 3318.50 1340
of the Revised Code, the state is not liable for debt incurred 1341
by the governing authority of a community school. 1342

(H) The department of education shall adjust the amounts 1343
subtracted and paid under division (C) of this section to 1344
reflect any enrollment of students in community schools for less 1345
than the equivalent of a full school year. The state board of 1346
education within ninety days after April 8, 2003, shall adopt in 1347
accordance with Chapter 119. of the Revised Code rules governing 1348
the payments to community schools under this section including 1349
initial payments in a school year and adjustments and reductions 1350
made in subsequent periodic payments to community schools and 1351
corresponding deductions from school district accounts as 1352
provided under division (C) of this section. For purposes of 1353
this section: 1354

(1) A student shall be considered enrolled in the 1355
community school for any portion of the school year the student 1356

is participating at a college under Chapter 3365. of the Revised 1357
Code. 1358

(2) A student shall be considered to be enrolled in a 1359
community school for the period of time beginning on the later 1360
of the date on which the school both has received documentation 1361
of the student's enrollment from a parent and the student has 1362
commenced participation in learning opportunities as defined in 1363
the contract with the sponsor, or thirty days prior to the date 1364
on which the student is entered into the education management 1365
information system established under section 3301.0714 of the 1366
Revised Code. For purposes of applying this division and 1367
divisions (H) (3) and (4) of this section to a community school 1368
student, "learning opportunities" shall be defined in the 1369
contract, which shall describe both classroom-based and non- 1370
classroom-based learning opportunities and shall be in 1371
compliance with criteria and documentation requirements for 1372
student participation which shall be established by the 1373
department. Any student's instruction time in non-classroom- 1374
based learning opportunities shall be certified by an employee 1375
of the community school. A student's enrollment shall be 1376
considered to cease on the date on which any of the following 1377
occur: 1378

(a) The community school receives documentation from a 1379
parent terminating enrollment of the student. 1380

(b) The community school is provided documentation of a 1381
student's enrollment in another public or private school. 1382

(c) The community school ceases to offer learning 1383
opportunities to the student pursuant to the terms of the 1384
contract with the sponsor or the operation of any provision of 1385
this chapter. 1386

Except as otherwise specified in this paragraph, beginning 1387
in the 2011-2012 school year, any student who completed the 1388
prior school year in an internet- or computer-based community 1389
school shall be considered to be enrolled in the same school in 1390
the subsequent school year until the student's enrollment has 1391
ceased as specified in division (H) (2) of this section. The 1392
department shall continue subtracting and paying amounts for the 1393
student under division (C) of this section without interruption 1394
at the start of the subsequent school year. However, if the 1395
student without a legitimate excuse fails to participate in the 1396
first seventy-two consecutive hours of learning opportunities 1397
offered to the student in that subsequent school year, the 1398
student shall be considered not to have re-enrolled in the 1399
school for that school year and the department shall recalculate 1400
the payments to the school for that school year to account for 1401
the fact that the student is not enrolled. 1402

(3) The department shall determine each community school 1403
student's percentage of full-time equivalency based on the 1404
percentage of learning opportunities offered by the community 1405
school to that student, reported either as number of hours or 1406
number of days, is of the total learning opportunities offered 1407
by the community school to a student who attends for the 1408
school's entire school year. However, no internet- or computer- 1409
based community school shall be credited for any time a student 1410
spends participating in learning opportunities beyond ten hours 1411
within any period of twenty-four consecutive hours. Whether it 1412
reports hours or days of learning opportunities, each community 1413
school shall offer not less than nine hundred twenty hours of 1414
learning opportunities during the school year. 1415

(4) With respect to the calculation of full-time 1416
equivalency under division (H) (3) of this section, the 1417

department shall waive the number of hours or days of learning 1418
opportunities not offered to a student because the community 1419
school was closed during the school year due to disease 1420
epidemic, hazardous weather conditions, law enforcement 1421
emergencies, inoperability of school buses or other equipment 1422
necessary to the school's operation, damage to a school 1423
building, or other temporary circumstances due to utility 1424
failure rendering the school building unfit for school use, so 1425
long as the school was actually open for instruction with 1426
students in attendance during that school year for not less than 1427
the minimum number of hours required by this chapter. The 1428
department shall treat the school as if it were open for 1429
instruction with students in attendance during the hours or days 1430
waived under this division. 1431

(I) The department of education shall reduce the amounts 1432
paid under this section to reflect payments made to colleges 1433
under section 3365.07 of the Revised Code. 1434

(J) (1) No student shall be considered enrolled in any 1435
internet- or computer-based community school or, if applicable 1436
to the student, in any community school that is required to 1437
provide the student with a computer pursuant to division (C) of 1438
section 3314.22 of the Revised Code, unless both of the 1439
following conditions are satisfied: 1440

(a) The student possesses or has been provided with all 1441
required hardware and software materials and all such materials 1442
are operational so that the student is capable of fully 1443
participating in the learning opportunities specified in the 1444
contract between the school and the school's sponsor as required 1445
by division (A) (23) of section 3314.03 of the Revised Code; 1446

(b) The school is in compliance with division (A) of 1447

section 3314.22 of the Revised Code, relative to such student. 1448

(2) In accordance with policies adopted by the 1449
superintendent of public instruction, in consultation with the 1450
auditor of state, the department shall reduce the amounts 1451
otherwise payable under division (C) of this section to any 1452
community school that includes in its program the provision of 1453
computer hardware and software materials to any student, if such 1454
hardware and software materials have not been delivered, 1455
installed, and activated for each such student in a timely 1456
manner or other educational materials or services have not been 1457
provided according to the contract between the individual 1458
community school and its sponsor. 1459

The superintendent of public instruction and the auditor 1460
of state shall jointly establish a method for auditing any 1461
community school to which this division pertains to ensure 1462
compliance with this section. 1463

The superintendent, auditor of state, and the governor 1464
shall jointly make recommendations to the general assembly for 1465
legislative changes that may be required to assure fiscal and 1466
academic accountability for such schools. 1467

(K) (1) If the department determines that a review of a 1468
community school's enrollment is necessary, such review shall be 1469
completed and written notice of the findings shall be provided 1470
to the governing authority of the community school and its 1471
sponsor within ninety days of the end of the community school's 1472
fiscal year, unless extended for a period not to exceed thirty 1473
additional days for one of the following reasons: 1474

(a) The department and the community school mutually agree 1475
to the extension. 1476

(b) Delays in data submission caused by either a community school or its sponsor. 1477
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(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply: 1479
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(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the state board of education or its designee. 1484
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(b) The board or its designee shall conduct an informal hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing. 1487
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(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter. 1491
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(d) Any decision made by the board under this division is final. 1496
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(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction. 1498
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(L) The department shall not subtract from a school district's state aid account and shall not pay to a community school under division (C) of this section any amount for any of the following: 1502
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(1) Any student who has graduated from the twelfth grade	1506
of a public or nonpublic high school;	1507
(2) Any student who is not a resident of the state;	1508
(3) Any student who was enrolled in the community school	1509
during the previous school year when assessments were	1510
administered under section 3301.0711 of the Revised Code but did	1511
not take one or more of the assessments required by that section	1512
and was not excused pursuant to division (C) (1) or (3) of that	1513
section, unless the superintendent of public instruction grants	1514
the student a waiver from the requirement to take the assessment	1515
and a parent is not paying tuition for the student pursuant to	1516
section 3314.26 of the Revised Code. The superintendent may	1517
grant a waiver only for good cause in accordance with rules	1518
adopted by the state board of education.	1519
(4) Any student who has attained the age of twenty-two	1520
years, except for veterans of the armed services whose	1521
attendance was interrupted before completing the recognized	1522
twelve-year course of the public schools by reason of induction	1523
or enlistment in the armed forces and who apply for enrollment	1524
in a community school not later than four years after	1525
termination of war or their honorable discharge. If, however,	1526
any such veteran elects to enroll in special courses organized	1527
for veterans for whom tuition is paid under federal law, or	1528
otherwise, the department shall not subtract from a school	1529
district's state aid account and shall not pay to a community	1530
school under division (C) of this section any amount for that	1531
veteran.	1532
<u>Sec. 3314.088. (A) For purposes of this section, "formula</u>	1533
<u>amount" has the same meaning as in section 3317.02 of the</u>	1534
<u>Revised Code.</u>	1535

(B) Except as provided in division (C) of this section, 1536
and subject to divisions (C) (4) and (5) of section 3314.08 of 1537
the Revised Code, in addition to the payments made under section 1538
3314.08 of the Revised Code, for each student enrolled in a 1539
community school established under this chapter, the department 1540
of education shall annually pay the school an amount equal to 1541
the sum of the following: 1542

(1) The formula amount minus the amount paid to the school 1543
for that student under division (C) (1) (a) of section 3314.08 of 1544
the Revised Code; 1545

(2) Additional state aid for special education and related 1546
services provided under Chapter 3323. of the Revised Code as 1547
follows: 1548

(a) If the student is a category one special education 1549
student, the amount specified in division (A) of section 1550
3317.013 of the Revised Code minus the amount paid to the school 1551
for that student under division (C) (1) (c) (i) of section 3314.08 1552
of the Revised Code; 1553

(b) If the student is a category two special education 1554
student, the amount specified in division (B) of section 1555
3317.013 of the Revised Code minus the amount paid to the school 1556
for that student under division (C) (1) (c) (ii) of section 3314.08 1557
of the Revised Code; 1558

(c) If the student is a category three special education 1559
student, the amount specified in division (C) of section 1560
3317.013 of the Revised Code minus the amount paid to the school 1561
for that student under division (C) (1) (c) (iii) of section 1562
3314.08 of the Revised Code; 1563

(d) If the student is a category four special education 1564

student, the amount specified in division (D) of section 3317.013 of the Revised Code minus the amount paid to the school for that student under division (C) (1) (c) (iv) of section 3314.08 of the Revised Code; 1565
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(e) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code minus the amount paid to the school for that student under division (C) (1) (c) (v) of section 3314.08 of the Revised Code; 1569
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(f) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code minus the amount paid to the school for that student under division (C) (1) (c) (vi) of section 3314.08 of the Revised Code. 1574
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(3) If the student is in kindergarten through third grade, an additional amount equal to the following: 1579
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\$193 - (\$193 X the state share index of the student's resident district) 1581
1582

(4) Limited English proficiency funds as follows: 1583

(a) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code minus the amount paid to the school for that student under division (C) (1) (f) (i) of section 3314.08 of the Revised Code; 1584
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(b) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code minus the amount paid to the school for that student under division (C) (1) (f) (ii) of section 3314.08 of the Revised Code; 1589
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(c) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code minus the amount paid to the school for that student under division (C)(1)(f)(iii) of section 3314.08 of the Revised Code. 1594
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(5) If the student is reported under division (B)(2)(d) of section 3314.08 of the Revised Code, career-technical education funds as follows: 1599
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(a) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code minus the amount paid to the school for that student under division (C)(1)(g)(i) of section 3314.08 of the Revised Code; 1602
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(b) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code minus the amount paid to the school for that student under division (C)(1)(g)(ii) of section 3314.08 of the Revised Code; 1607
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(c) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code minus the amount paid to the school for that student under division (C)(1)(g)(iii) of section 3314.08 of the Revised Code; 1612
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(d) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code minus the amount paid to the school for that student under division (C)(1)(g)(iv) of section 3314.08 of the Revised Code; 1617
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(e) If the student is a category five career-technical 1622

education student, the amount specified in division (E) of 1623
section 3317.014 of the Revised Code minus the amount paid to 1624
the school for that student under division (C) (1) (g) (v) of 1625
section 3314.08 of the Revised Code; 1626

(f) If the student is a category six career-technical 1627
education student, the amount specified in division (F) of 1628
section 3317.014 of the Revised Code minus the amount paid to 1629
the school for that student under division (C) (1) (g) (vi) of 1630
section 3314.08 of the Revised Code. 1631

(C) When making payments for students enrolled in an 1632
internet- or computer-based community school under this section, 1633
the department shall make the payments described only in 1634
divisions (B) (1), (2), and (5) of this section. 1635

No payments shall be made for a student enrolled in such 1636
school under divisions (B) (3) and (4) of this section. 1637

Sec. 3326.31. As used in sections 3326.31 to 3326.50 of 1638
the Revised Code: 1639

(A) (1) "Category one career-technical education student" 1640
means a student who is receiving the career-technical education 1641
services described in division (A) of section 3317.014 of the 1642
Revised Code. 1643

(2) "Category two career-technical student" means a 1644
student who is receiving the career-technical education services 1645
described in division (B) of section 3317.014 of the Revised 1646
Code. 1647

(3) "Category three career-technical student" means a 1648
student who is receiving the career-technical education services 1649
described in division (C) of section 3317.014 of the Revised 1650
Code. 1651

(4) "Category four career-technical student" means a student who is receiving the career-technical education services described in division (D) of section 3317.014 of the Revised Code.

(5) "Category five career-technical education student" means a student who is receiving the career-technical education services described in division (E) of section 3317.014 of the Revised Code.

(B)(1) "Category one limited English proficient student" means a limited English proficient student described in division (A) of section 3317.016 of the Revised Code.

(2) "Category two limited English proficient student" means a limited English proficient student described in division (B) of section 3317.016 of the Revised Code.

(3) "Category three limited English proficient student" means a limited English proficient student described in division (C) of section 3317.016 of the Revised Code.

(C)(1) "Category one special education student" means a student who is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code.

(2) "Category two special education student" means a student who is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code.

(3) "Category three special education student" means a student who is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code.

(4) "Category four special education student" means a student who is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code.

(5) "Category five special education student" means a student who is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code.

(6) "Category six special education student" means a student who is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code.

(D) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code.

(E) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code.

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

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

(H) "State share index" has the same meaning as in section 3317.02 of the Revised Code.

Sec. 3326.33. For each student enrolled in a science, technology, engineering, and mathematics school established under this chapter, on a full-time equivalency basis, the department of education annually shall deduct from the state education aid of a student's resident school district and, if

necessary, from the payment made to the district under sections 1709
321.24 and 323.156 of the Revised Code and pay to the school the 1710
sum of the following: 1711

(A) An opportunity grant in an amount equal to the formula 1712
amount X the state share index of the student's resident 1713
district; 1714

(B) The per pupil amount of targeted assistance funds 1715
calculated under division (A) of section 3317.0217 of the 1716
Revised Code for the student's resident district, as determined 1717
by the department, X 0.25; 1718

(C) Additional state aid for special education and related 1719
services provided under Chapter 3323. of the Revised Code as 1720
follows: 1721

(1) If the student is a category one special education 1722
student, the amount specified in division (A) of section 1723
3317.013 of the Revised Code X the state share index of the 1724
student's resident district; 1725

(2) If the student is a category two special education 1726
student, the amount specified in division (B) of section 1727
3317.013 of the Revised Code X the state share index of the 1728
student's resident district; 1729

(3) If the student is a category three special education 1730
student, the amount specified in division (C) of section 1731
3317.013 of the Revised Code X the state share index of the 1732
student's resident district; 1733

(4) If the student is a category four special education 1734
student, the amount specified in division (D) of section 1735
3317.013 of the Revised Code X the state share index of the 1736
student's resident district; 1737

(5) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code X the state share index of the student's resident district;

(6) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code X the state share index of the student's resident district.

(D) If the student is in kindergarten through third grade, ~~\$320;~~ an additional amount equal to the following:

(\$193 X the state share index of the student's resident district) + \$127

(E) If the student is economically disadvantaged, an amount equal to the following:

$\$272 \times$ the resident district's economically disadvantaged index

(F) Limited English proficiency funds, as follows:

(1) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code X the state share index of the student's resident district;

(2) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code X the state share index of the student's resident district;

(3) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code X the state share index of the student's resident district.

(G) Career-technical education funds as follows:	1766
(1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code <u>X the state share index of the student's resident district;</u>	1767 1768 1769 1770
(2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code <u>X the state share index of the student's resident district;</u>	1771 1772 1773 1774
(3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code <u>X the state share index of the student's resident district;</u>	1775 1776 1777 1778
(4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code <u>X the state share index of the student's resident district;</u>	1779 1780 1781 1782
(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code <u>X the state share index of the student's resident district.</u>	1783 1784 1785 1786
Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code.	1787 1788 1789
Sec. 3326.39. (A) In any fiscal year, a STEM school receiving funds under division (G) of section 3326.33 <u>and division (E) of section 3326.42</u> of the Revised Code shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-	1790 1791 1792 1793 1794

technical-~~educational~~ education expenses approved by the 1795
department shall include only expenses connected to the delivery 1796
of career-technical programming to career-technical students. 1797
The department shall require the school to report data annually 1798
so that the department may monitor the school's compliance with 1799
the requirements regarding the manner in which funding received 1800
under division (G) of section 3326.33 and division (E) of 1801
section 3326.42 of the Revised Code may be spent. 1802

(B) All funds received under division (G) of section 1803
3326.33 and division (E) of section 3326.42 of the Revised Code 1804
shall be spent in the following manner: 1805

(1) At least seventy-five per cent of the funds shall be 1806
spent on curriculum development, purchase, and implementation; 1807
instructional resources and supplies; industry-based program 1808
certification; student assessment, credentialing, and placement; 1809
curriculum specific equipment purchases and leases; career- 1810
technical student organization fees and expenses; home and 1811
agency linkages; work-based learning experiences; professional 1812
development; and other costs directly associated with career- 1813
technical education programs including development of new 1814
programs. 1815

(2) Not more than twenty-five per cent of the funds shall 1816
be used for personnel expenditures. 1817

Sec. 3326.42. In addition to the payments made under 1818
section 3326.33 of the Revised Code, for each student enrolled 1819
in a science, technology, engineering, and mathematics school 1820
established under this chapter, the department of education 1821
shall annually pay the school an amount equal to the sum of the 1822
following: 1823

(A) The formula amount minus the amount paid to the school 1824
for that student under division (A) of section 3326.33 of the 1825
Revised Code; 1826

(B) Additional state aid for special education and related 1827
services provided under Chapter 3323. of the Revised Code as 1828
follows: 1829

(1) If the student is a category one special education 1830
student, the amount specified in division (A) of section 1831
3317.013 of the Revised Code minus the amount paid to the school 1832
for that student under division (C) (1) of section 3326.33 of the 1833
Revised Code; 1834

(2) If the student is a category two special education 1835
student, the amount specified in division (B) of section 1836
3317.013 of the Revised Code minus the amount paid to the school 1837
for that student under division (C) (2) of section 3326.33 of the 1838
Revised Code; 1839

(3) If the student is a category three special education 1840
student, the amount specified in division (C) of section 1841
3317.013 of the Revised Code minus the amount paid to the school 1842
for that student under division (C) (3) of section 3326.33 of the 1843
Revised Code; 1844

(4) If the student is a category four special education 1845
student, the amount specified in division (D) of section 1846
3317.013 of the Revised Code minus the amount paid to the school 1847
for that student under division (C) (4) of section 3326.33 of the 1848
Revised Code; 1849

(5) If the student is a category five special education 1850
student, the amount specified in division (E) of section 1851
3317.013 of the Revised Code minus the amount paid to the school 1852

for that student under division (C) (5) of section 3326.33 of the 1853
Revised Code; 1854

(6) If the student is a category six special education 1855
student, the amount specified in division (F) of section 1856
3317.013 of the Revised Code minus the amount paid to the school 1857
for that student under division (C) (6) of section 3326.33 of the 1858
Revised Code. 1859

(C) If the student is in kindergarten through third grade, 1860
an additional amount equal to the following: 1861

\$193 - (\$193 X the state share index of the student's 1862
resident district) 1863

(D) Limited English proficiency funds as follows: 1864

(1) If the student is a category one limited English 1865
proficient student, the amount specified in division (A) of 1866
section 3317.016 of the Revised Code minus the amount paid to 1867
the school for that student under division (F) (1) of section 1868
3326.33 of the Revised Code; 1869

(2) If the student is a category two limited English 1870
proficient student, the amount specified in division (B) of 1871
section 3317.016 of the Revised Code minus the amount paid to 1872
the school for that student under division (F) (2) of section 1873
3326.33 of the Revised Code; 1874

(3) If the student is a category three limited English 1875
proficient student, the amount specified in division (C) of 1876
section 3317.016 of the Revised Code minus the amount paid to 1877
the school for that student under division (F) (3) of section 1878
3326.33 of the Revised Code. 1879

(E) Career-technical education funds as follows: 1880

- (1) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code minus the amount paid to the school for that student under division (G) (1) of section 3326.33 of the Revised Code; 1881
1882
1883
1884
1885
- (2) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code minus the amount paid to the school for that student under division (G) (2) of section 3326.33 of the Revised Code; 1886
1887
1888
1889
1890
- (3) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code minus the amount paid to the school for that student under division (G) (3) of section 3326.33 of the Revised Code; 1891
1892
1893
1894
1895
- (4) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code minus the amount paid to the school for that student under division (G) (4) of section 3326.33 of the Revised Code; 1896
1897
1898
1899
1900
- (5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code minus the amount paid to the school for that student under division (G) (5) of section 3326.33 of the Revised Code; 1901
1902
1903
1904
1905
- (6) If the student is a category six career-technical education student, the amount specified in division (F) of section 3317.014 of the Revised Code minus the amount paid to the school for that student under division (G) (6) of section 1906
1907
1908
1909

3326.33 of the Revised Code. 1910

Section 2. That existing sections 3313.64, 3313.98, 1911
3313.981, 3314.08, 3326.31, 3326.33, and 3326.39 of the Revised 1912
Code are hereby repealed. 1913

Section 3. Sections 1 and 2 of this act shall take effect 1914
on the later of July 1, 2020, or the effective date of this 1915
section. If those sections take effect after July 1, 2020, the 1916
Department of Education shall reconcile all payments for fiscal 1917
year 2021 made prior to that effective date under Chapter 3317. 1918
and sections 3313.981, 3314.08, and 3326.33 of the Revised Code 1919
and under any provision of law enacted by the general assembly 1920
that provides temporary transitional aid for that fiscal year or 1921
established a funding limitation for that fiscal year to ensure 1922
that those payments are equal to the amounts that would have 1923
been paid if the provisions of this act had taken effect on July 1924
1, 2020. 1925

Section 4. Section 3314.08 of the Revised Code is 1926
presented in this act as a composite of the section as amended 1927
by both Sub. H.B. 87 and Am. Sub. S.B. 216 of the 132nd General 1928
Assembly. The General Assembly, applying the principle stated in 1929
division (B) of section 1.52 of the Revised Code that amendments 1930
are to be harmonized if reasonably capable of simultaneous 1931
operation, finds that the composite is the resulting version of 1932
the section in effect prior to the effective date of the section 1933
as presented in this act. 1934