

As Passed by the Senate*

122nd General Assembly

Regular Session

1997-1998

Am. Sub. H. B. No. 650

**Representatives Johnson, Sykes, Stapleton, Damschroder, Perz, Mottley,
Mead, Womer Benjamin, O'Brien, Core, Boyd, Roberts, Prentiss, Mallory,
Verich, Tavares, Wilson, Metelsky, Opfer, Sawyer, Thomas, Miller, Corbin,
Harris, Brading, Amstutz, Jones, Colonna, Salerno
Senators Cupp, Kearns, Carnes, Oelslager, Ray, Mumper, Blessing, B.
Johnson, Howard, White, Gardner, Gaeth, Finan**

A B I L L

To amend sections 102.02, 319.301, 3301.0714, 1
3311.06, 3311.38, 3311.52, 3313.21, 3313.29, 2
3313.534, 3313.64, 3313.642, 3313.646, 3313.647, 3
3313.841, 3313.842, 3313.843, 3313.90, 3313.98, 4
3313.981, 3314.02, 3314.03, 3314.08, 3314.20, 5
3315.01, 3316.03, 3317.01, 3317.02, 3317.021, 6
3317.022, 3317.023, 3317.024, 3317.025, 3317.027, 7
3317.028, 3317.0210, 3317.0211, 3317.0213, 8
3317.0214, 3317.03, 3317.031, 3317.032, 3317.033, 9
3317.05, 3317.051, 3317.053, 3317.06, 3317.064, 10
3317.08, 3317.081, 3317.082, 3317.09, 3317.10, 11
3317.11, 3317.16, 3317.17, 3317.19, 3318.04, 12
3318.05, 3318.06, 3318.08, 3318.091, 3318.10, 13
3318.12, 3318.16, 3318.17, 3318.35, 3319.02, 14
3319.088, 3319.17, 3319.19, 3321.05, 3323.08, 15
3323.091, 3323.12, 3323.13, 3323.14, 3323.141, 16
3323.142, 3323.16, 3327.04, 3327.05, 3365.01, 17
3365.04, 3365.08, 5705.02, 5705.214, 5705.29, 18
5748.02, 5748.03, and 5748.04; to enact new 19

sections 3317.012, 3317.029, and 3317.0212 and 20
sections 3301.011, 3317.013, 3317.0215, 3317.0216, 21
3317.161, 5705.219, and 5748.07; and to repeal 22
sections 3301.0719, 3317.012, 3317.029, 3317.0212, 23
3317.052, 3318.051, and 3318.111 of the Revised 24
Code; to amend Sections 50, 50.04, 50.07, 50.08, 25
50.09, 50.10, 50.12, 50.13, 50.14, 50.15, 50.20, 26
50.23, 50.24, 50.26, 50.32, 50.40, 50.43, 50.44, 27
69.03, 76, and 130.01 of Am. Sub. H.B. 215 of the 28
122nd General Assembly; to amend Subsections 5 and 29
10 of Section 50.52 of Am. Sub. H.B. 215 of the 30
122nd General Assembly; to amend Sections 50.06 31
and 50.11 of Am. Sub. H.B. 215 of the 122nd 32
General Assembly, as amended by Am. Sub. H.B. 182 33
of the 122nd General Assembly; to amend Section 34
50.16 of Am. Sub. H.B. 215 of the 122nd General 35
Assembly, as amended by Am. Sub. S.B. 55 of the 36
122nd General Assembly; to amend Section 5 of Am. 37
Sub. S.B. 102 of the 122nd General Assembly, as 38
amended by Am. Sub. H.B. 215 of the 122nd General 39
Assembly; and to repeal Sections 50.05, 50.18, 40
50.22, and 50.25 of Am. Sub. H.B. 215 of the 122nd 41
General Assembly to establish a new system for 42
funding education; to make specific appropriations 43
and certain increases and decreases in existing 44
appropriations for fiscal year 1999; to make 45
certain appropriations contingent on approval of a 46
constitutional amendment; and to change the use of 47
the fiscal year 1998 year-end balance in the 48
General Revenue Fund for purposes of funding 49
elementary and secondary education beginning July 50
1, 1998. 51

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

Section 1. That sections 102.02, 319.301, 3301.0714, 3311.06, 52
3311.38, 3311.52, 3313.21, 3313.29, 3313.484, 3313.534, 3313.64, 53
3313.642, 3313.646, 3313.647, 3313.841, 3313.842, 3313.843, 54
3313.90, 3313.98, 3313.981, 3314.02, 3314.03, 3314.08, 3314.20, 55
3315.01, 3316.03, 3317.01, 3317.02, 3317.021, 3317.022, 3317.023, 56
3317.024, 3317.025, 3317.027, 3317.028, 3317.0210, 3317.0211, 57
3317.0213, 3317.0214, 3317.03, 3317.031, 3317.032, 3317.033, 58
3317.05, 3317.051, 3317.053, 3317.06, 3317.064, 3317.08, 3317.081, 59
3317.082, 3317.09, 3317.10, 3317.11, 3317.16, 3317.17, 3317.19, 60
3318.04, 3318.05, 3318.06, 3318.08, 3318.091, 3318.10, 3318.12, 61
3318.16, 3318.17, 3318.35, 3319.02, 3319.088, 3319.17, 3319.19, 62
3321.05, 3323.08, 3323.091, 3323.12, 3323.13, 3323.14, 3323.141, 63
3323.142, 3323.16, 3327.04, 3327.05, 3365.01, 3365.04, 3365.08, 64
5705.02, 5705.214, 5705.29, 5748.02, 5748.03, and 5748.04 be 65
amended; and new sections 3317.012, 3317.029, and 3317.0212 and 66
sections 3301.011, 3317.013, 3317.0215, 3317.0216, 3317.161, 67
5705.219, and 5748.07 of the Revised Code be enacted to read as 68
follows: 69

Sec. 102.02. (A) Except as otherwise provided in division (H) 70
of this section, every person who is elected to or is a candidate 71
for a state, county, or city office, or the office of member of 72
the United States congress, and every person who is appointed to 73
fill a vacancy for an unexpired term in such an elective office; 74
all members of the state board of education; the director, 75
assistant directors, deputy directors, division chiefs, or persons 76
of equivalent rank of any administrative department of the state; 77
the president or other chief administrative officer of every state 78
institution of higher education as defined in section 3345.011 of 79
the Revised Code; the chief executive officer of each state 80

retirement system; all members of the board of commissioners on 81
grievances and discipline of the supreme court and the ethics 82
commission created under section 102.05 of the Revised Code; every 83
business manager, treasurer, or superintendent of a city, local, 84
exempted village, joint vocational, or cooperative education 85
school district or an educational service center; every person who 86
is elected to or is a candidate for the office of member of a 87
board of education of a city, local, exempted village, joint 88
vocational, or cooperative education school district or of a 89
governing board of an educational service center that has ~~an~~ 90
~~average daily membership~~ a total student count of twelve thousand 91
or more as most recently ~~certified to~~ determined by the ~~state~~ 92
~~board~~ department of education pursuant to ~~division (A) of~~ section 93
3317.03 of the Revised Code; every person who is appointed to the 94
board of education of a municipal school district pursuant to 95
division (B) or (F) of section 3311.71 of the Revised Code; every 96
public official or employee who is paid a salary or wage in 97
accordance with schedule C of section 124.15 or schedule E-2 of 98
section 124.152 of the Revised Code; and every other public 99
official or employee who is designated by the appropriate ethics 100
commission pursuant to division (B) of this section shall file 101
with the appropriate ethics commission on a form prescribed by the 102
commission, a statement disclosing: 103

(1) The name of the person filing the statement and each 104
member of the person's immediate family and all names under which 105
the person or members of the person's immediate family does 106
business; 107

(2)(a) Subject to divisions (A)(2)(b) and (c) of this section 108
and except as otherwise provided in section 102.022 of the Revised 109
Code, identification of every source of income, other than income 110
from a legislative agent identified in division (A)(2)(b) of this 111
section, received during the preceding calendar year, in the 112

person's own name or by any other person for the person's use or
benefit, by the person filing the statement, and a brief
description of the nature of the services for which the income was
received. If the person filing the statement is a member of the
general assembly, the statement shall identify the amount of every
source of income received in accordance with the following ranges
of amounts: zero or more but less than one thousand dollars; one
thousand dollars or more but less than ten thousand dollars; ten
thousand dollars or more but less than twenty-five thousand
dollars; twenty-five thousand dollars or more but less than fifty
thousand dollars; fifty thousand dollars or more but less than one
hundred thousand dollars; and one hundred thousand dollars or
more. Division (A)(2)(a) of this section shall not be construed to
require a person filing the statement who derives income from a
business or profession to disclose the individual items of income
that constitute the gross income of that business or profession,
except for those individual items of income that are attributable
to the person's or, if the income is shared with the person, the
partner's, solicitation of services or goods or performance,
arrangement, or facilitation of services or provision of goods on
behalf of the business or profession of clients, including
corporate clients, who are legislative agents as defined in
section 101.70 of the Revised Code. A person who files the
statement under this section shall disclose the identity of and
the amount of income received from a person whom the public
official or employee knows or has reason to know is doing or
seeking to do business of any kind with the public official's or
employee's agency.

(b) If the person filing the statement is a member of the
general assembly, the statement shall identify every source of
income and the amount of that income that was received from a
legislative agent, as defined in section 101.70 of the Revised

Code, during the preceding calendar year, in the person's own name 145
or by any other person for the person's use or benefit, by the 146
person filing the statement, and a brief description of the nature 147
of the services for which the income was received. Division 148
(A)(2)(b) of this section requires the disclosure of clients of 149
attorneys or persons licensed under section 4732.12 of the Revised 150
Code, or patients of persons certified under section 4731.14 of 151
the Revised Code if those clients or patients are legislative 152
agents. Division (A)(2)(b) of this section requires a person 153
filing the statement who derives income from a business or 154
profession to disclose those individual items of income that 155
constitute the gross income of that business or profession that 156
are received from legislative agents. 157

(c) Except as otherwise provided in division (A)(2)(c) of 158
this section, division (A)(2)(a) of this section applies to 159
attorneys, physicians, and other persons who engage in the 160
practice of a profession and who, pursuant to a section of the 161
Revised Code, the common law of this state, a code of ethics 162
applicable to the profession, or otherwise, generally are required 163
not to reveal, disclose, or use confidences of clients, patients, 164
or other recipients of professional services except under 165
specified circumstances or generally are required to maintain 166
those types of confidences as privileged communications except 167
under specified circumstances. Division (A)(2)(a) of this section 168
does not require an attorney, physician, or other professional 169
subject to a confidentiality requirement as described in division 170
(A)(2)(c) of this section to disclose the name, other identity, or 171
address of a client, patient, or other recipient of professional 172
services if the disclosure would threaten the client, patient, or 173
other recipient of professional services, would reveal details of 174
the subject matter for which legal, medical, or professional 175
advice or other services were sought, or would reveal an otherwise 176

privileged communication involving the client, patient, or other
recipient of professional services. Division (A)(2)(a) of this
section does not require an attorney, physician, or other
professional subject to a confidentiality requirement as described
in division (A)(2)(c) of this section to disclose in the brief
description of the nature of services required by division
(A)(2)(a) of this section any information pertaining to specific
professional services rendered for a client, patient, or other
recipient of professional services that would reveal details of
the subject matter for which legal, medical, or professional
advice was sought or would reveal an otherwise privileged
communication involving the client, patient, or other recipient of
professional services.

(3) The name of every corporation on file with the secretary
of state that is incorporated in Ohio or holds a certificate of
compliance authorizing it to do business in this state, trust,
business trust, partnership, or association that transacts
business in Ohio in which the person filing the statement or any
other person for the person's use and benefit had during the
preceding calendar year an investment of over one thousand dollars
at fair market value as of the thirty-first day of December of the
preceding calendar year, or the date of disposition, whichever is
earlier, or in which the person holds any office or has a
fiduciary relationship, and a description of the nature of the
investment, office, or relationship. This division does not
require disclosure of the name of any bank, savings and loan
association, credit union, or building and loan association with
which the person filing the statement has a deposit or a
withdrawable share account.

(4) All fee simple and leasehold interests to which the
person filing the statement holds legal title to or a beneficial
interest in real property located within the state, excluding the

person's residence and property used primarily for personal recreation; 209
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(5) The names of all persons residing or transacting business in the state to whom the person filing the statement owes, in the person's own name or in the name of any other person, more than one thousand dollars. This division shall not be construed to require the disclosure of debts owed by the person resulting from the ordinary conduct of a business or profession or debts on the person's residence or real property used primarily for personal recreation, except that the superintendent of financial institutions shall disclose the names of all state-chartered savings and loan associations and of all service corporations subject to regulation under division (E)(2) of section 1151.34 of the Revised Code to whom the superintendent in the superintendent's own name or in the name of any other person owes any money, and that the superintendent and any deputy superintendent of banks shall disclose the names of all state-chartered banks and all bank subsidiary corporations subject to regulation under section 1109.44 of the Revised Code to whom the superintendent or deputy superintendent owes any money. 211
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(6) The names of all persons residing or transacting business in the state, other than a depository excluded under division (A)(3) of this section, who owes more than one thousand dollars to the person filing the statement, either in the person's own name or to any person for the person's use or benefit. This division shall not be construed to require the disclosure of clients of attorneys or persons licensed under section 4732.12 or 4732.15 of the Revised Code, or patients of persons certified under section 4731.14 of the Revised Code, nor the disclosure of debts owed to the person resulting from the ordinary conduct of a business or profession. 229
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(7) Except as otherwise provided in section 102.022 of the 240

Revised Code, the source of each gift of over seventy-five
dollars, or of each gift of over twenty-five dollars received by a
member of the general assembly from a legislative agent, received
by the person in the person's own name or by any other person for
the person's use or benefit during the preceding calendar year,
except gifts received by will or by virtue of section 2105.06 of
the Revised Code, or received from spouses, parents, grandparents,
children, grandchildren, siblings, nephews, nieces, uncles, aunts,
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law,
fathers-in-law, mothers-in-law, or any person to whom the person
filing the statement stands in loco parentis, or received by way
of distribution from any inter vivos or testamentary trust
established by a spouse or by an ancestor;

(8) Except as otherwise provided in section 102.022 of the
Revised Code, identification of the source and amount of every
payment of expenses incurred for travel to destinations inside or
outside this state that is received by the person in the person's
own name or by any other person for the person's use or benefit
and that is incurred in connection with the person's official
duties except for expenses for travel to meetings or conventions
of a national or state organization to which either house of the
general assembly, any legislative agency, a state institution of
higher education as defined in section 3345.031 of the Revised
Code, any other state agency, or any political subdivision or any
office or agency of a political subdivision pays membership dues;

(9) Except as otherwise provided in section 102.022 of the
Revised Code, identification of the source of payment of expenses
for meals and other food and beverages, other than for meals and
other food and beverages provided at a meeting at which the person
participated in a panel, seminar, or speaking engagement or at a
meeting or convention of a national or state organization to which
either house of the general assembly, any legislative agency, a

state institution of higher education as defined in section 273
3345.031 of the Revised Code, any other state agency, or any 274
political subdivision or any office or agency of a political 275
subdivision pays membership dues, that are incurred in connection 276
with the person's official duties and that exceed one hundred 277
dollars aggregated per calendar year; 278

(10) If the financial disclosure statement is filed by a 279
public official or employee described in division (B)(2) of 280
section 101.73 of the Revised Code or division (B)(2) of section 281
121.63 of the Revised Code who receives a statement from a 282
legislative agent, executive agency lobbyist, or employer that 283
contains the information described in division (F)(2) of section 284
101.73 of the Revised Code or division (G)(2) of section 121.63 of 285
the Revised Code, all of the nondisputed information contained in 286
the statement delivered to that public official or employee by the 287
legislative agent, executive agency lobbyist, or employer under 288
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 289
the Revised Code. As used in division (A)(10) of this section, 290
"legislative agent," "executive agency lobbyist," and "employer" 291
have the same meanings as in sections 101.70 and 121.60 of the 292
Revised Code. 293

A person may file a statement required by this section in 294
person or by mail. A person who is a candidate for elective office 295
shall file the statement no later than the thirtieth day before 296
the primary, special, or general election at which such candidacy 297
is to be voted on, whichever election occurs sooner, except a 298
person who is a write-in candidate shall file the statement no 299
later than the twentieth day before the earliest election at which 300
the person's candidacy is to be voted on. A person who holds 301
elective office shall file the statement on or before the 302
fifteenth day of April of each year, unless the person is a 303
candidate for office. A person who is appointed to fill a vacancy 304

for an unexpired term in an elective office shall file the 305
statement within fifteen days after the person qualifies for 306
office. Other persons shall file an annual statement on or before 307
the fifteenth day of April or, if appointed or employed after that 308
date, within ninety days after appointment or employment. No 309
person shall be required to file with the appropriate ethics 310
commission more than one statement or pay more than one filing fee 311
for any one calendar year. 312

The appropriate ethics commission, for good cause, may extend 313
for a reasonable time the deadline for filing a disclosure 314
statement under this section. 315

A statement filed under this section is subject to public 316
inspection at locations designated by the appropriate ethics 317
commission except as otherwise provided in this section. 318

(B) The Ohio ethics commission, the joint legislative ethics 319
committee, and the board of commissioners on grievances and 320
discipline of the supreme court, using the rule-making procedures 321
of Chapter 119. of the Revised Code, may require any class of 322
public officials or employees under its jurisdiction and not 323
specifically excluded by this section whose positions involve a 324
substantial and material exercise of administrative discretion in 325
the formulation of public policy, expenditure of public funds, 326
enforcement of laws and rules of the state or a county or city, or 327
the execution of other public trusts, to file an annual statement 328
on or before the fifteenth day of April under division (A) of this 329
section. The appropriate ethics commission shall send the public 330
officials or employees written notice of the requirement by the 331
fifteenth day of February of each year the filing is required, 332
unless the public official or employee is appointed after that 333
date, in which case the notice shall be sent within thirty days 334
after appointment, and the filing shall be made not later than 335
ninety days after appointment. 336

Disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district pursuant to section 115.56 or Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to public inspection, except as is necessary for the enforcement of Chapters 102. and 2921. of the Revised Code and except as otherwise provided in this paragraph.

(C) No person shall knowingly fail to file, on or before the applicable filing deadline under this section, a statement that is required by this section. 370
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(D) No person shall knowingly file a false statement that is required to be filed under this section. 373
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(E)(1) Except as provided in divisions (E)(2) and (3) of this section, on and after March 2, 1994, the statement required by division (A) or (B) of this section shall be accompanied by a filing fee of twenty-five dollars. 375
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(2) The statement required by division (A) of this section shall be accompanied by a filing fee to be paid by the person who is elected or appointed to or is a candidate for any of the following offices: 379
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For state office, except member of state board of education	\$50
For office of member of United States congress or member of general assembly	\$25
For county office	\$25
For city office	\$10
For office of member of state board of education	\$10
For office of member of city, local, exempted village, or cooperative education board of education or educational service center governing board	\$ 5
For position of business manager, treasurer, or superintendent of city, local, exempted village, joint vocational, or cooperative education school district or educational service center	\$ 5

(3) No judge of a court of record or candidate for judge of such a court, and no referee or magistrate serving a court of record, shall be required to pay the fee required under division (E)(1) or (2), or (F) of this section.

(4) For any public official who is appointed to a nonelective office of the state and for any employee who holds a nonelective position in a public agency of the state, the state agency that is the primary employer of the state official or employee shall pay the fee required under division (E)(1) or (F) of this section.

(F) If a statement required to be filed under this section is not filed by the date on which it is required to be filed, the appropriate ethics commission shall assess the person required to file the statement a late filing fee equal to one-half of the applicable filing fee for each day the statement is not filed, except that the total amount of the late filing fee shall not exceed one hundred dollars.

(G)(1) The appropriate ethics commission other than the Ohio ethics commission shall deposit all fees it receives under divisions (E) and (F) of this section into the general revenue fund of the state.

(2) The Ohio ethics commission shall deposit all fees it receives under divisions (E) and (F) of this section and all moneys it receives from settlements under division (G) of section 102.06 of the Revised Code into the Ohio ethics commission fund, which is hereby created in the state treasury. All moneys credited to the fund shall be used solely for expenses related to the operation of the commission.

(H) Division (A) of this section does not apply to a person elected or appointed to the office of precinct, ward, or district committee member under Chapter 3517. of the Revised Code; a

presidential elector; a delegate to a national convention; village 433
or township officials and employees; any physician or psychiatrist 434
who is paid a salary or wage in accordance with schedule C of 435
section 124.15 or schedule E-2 of section 124.152 of the Revised 436
Code and whose primary duties do not require the exercise of 437
administrative discretion; or any member of a board, commission, 438
or bureau of any county or city who receives less than one 439
thousand dollars per year for serving in that position. 440

Sec. 319.301. (A) This section does not apply to any of the 441
following: 442

(1) Taxes levied at whatever rate is required to produce a 443
specified amount of tax money or an amount to pay debt charges; 444

(2) Taxes levied within the one per cent limitation imposed 445
by Section 2 of Article XII, Ohio Constitution; 446

(3) Taxes provided for by the charter of a municipal 447
corporation. 448

(B) As used in this section: 449

(1) "Real property" includes real property owned by a 450
railroad. 451

(2) "Carryover property" means all real property on the 452
current year's tax list except: 453

(a) Land and improvements that were not taxed by the district 454
in both the preceding year and the current year; 455

(b) Land and improvements that were not in the same class in 456
both the preceding year and the current year. 457

(3) "Effective tax rate" means with respect to each class of 458
property: 459

(a) The sum of the total taxes that would have been charged 460
and payable for current expenses against real property in that 461

class if each of the district's taxes were reduced for the current 462
year under division (D)(1) of this section without regard to the 463
application of division (E)(3) of this section divided by 464

(b) The taxable value of all real property in that class. 465

(4) "Taxes charged and payable" means the taxes charged and 466
payable prior to any reduction required by section 319.302 of the 467
Revised Code. 468

(C) The tax commissioner shall make the determinations 469
required by this section each year, without regard to whether a 470
taxing district has territory in a county to which section 5715.24 471
of the Revised Code applies for that year. Separate determinations 472
shall be made for each of the two classes established pursuant to 473
section 5713.041 of the Revised Code. 474

(D) With respect to each tax authorized to be levied by each 475
taxing district, the tax commissioner, annually, shall do both of 476
the following: 477

(1) Determine by what percentage, if any, the sums levied by 478
such tax against the carryover property in each class would have 479
to be reduced for the tax to levy the same number of dollars 480
against such property in that class in the current year as were 481
charged against such property by such tax in the preceding year 482
subsequent to the reduction made under this section but before the 483
reduction made under section 319.302 of the Revised Code. In the 484
case of a tax levied for the first time that is not a renewal of 485
an existing tax, the commissioner shall determine by what 486
percentage the sums that would otherwise be levied by such tax 487
against carryover property in each class would have to be reduced 488
to equal the amount that would have been levied if the full rate 489
thereof had been imposed against the total taxable value of such 490
property in the preceding tax year. A tax or portion of a tax that 491
is designated a replacement levy under section 5705.192 of the 492

Revised Code is not a renewal of an existing tax for purposes of
this division.

(2) Certify each percentage determined in division (D)(1) of
this section, as adjusted under division (E) of this section, and
the class of property to which that percentage applies to the
auditor of each county in which the district has territory. The
auditor, after complying with section 319.30 of the Revised Code,
shall reduce the sum to be levied by such tax against each parcel
of real property in the district by the percentage so certified
for its class. Certification shall be made by the first day of
September except in the case of a tax levied for the first time,
in which case certification shall be made within fifteen days of
the date the county auditor submits the information necessary to
make the required determination.

(E)(1) As used in division (E)(2) of this section, "pre-1982
joint vocational taxes" means, with respect to a class of
property, the difference between the following amounts:

(a) The taxes charged and payable in tax year 1981 against
the property in that class for the current expenses of the joint
vocational school district of which the school district is a part
after making all reductions under this section;

(b) The following percentage of the taxable value of all real
property in that class:

(i) In 1987, five one-hundredths of one per cent;

(ii) In 1988, one-tenth of one per cent;

(iii) In 1989, fifteen one-hundredths of one per cent;

(iv) In 1990 and each subsequent year, two-tenths of one per
cent.

If the amount in division (E)(1)(b) of this section exceeds
the amount in division (E)(1)(a) of this section, the pre-1982

joint vocational taxes shall be zero. 523

As used in divisions (E)(2) and (3) of this section, "taxes 524
charged and payable" has the same meaning as in division (B)(4) of 525
this section, and excludes any tax charged and payable in 1985 or 526
thereafter under sections 5705.194 to 5705.197 or section 5705.213 527
or 5705.219 of the Revised Code. 528

(2) If in the case of a school district other than a joint 529
vocational or cooperative education school district any percentage 530
required to be used in division (D)(2) of this section for either 531
class of property could cause the total taxes charged and payable 532
for current expenses to be less than two per cent of the taxable 533
value of all real property in that class that is subject to 534
taxation by the district, the commissioner shall determine what 535
percentages would cause the district's total taxes charged and 536
payable for current expenses against that class, after all 537
reductions that would otherwise be made under this section, to 538
equal, when combined with the pre-1982 joint vocational taxes 539
against that class, the lesser of the following: 540

(a) The sum of the rates at which those taxes are authorized 541
to be levied; 542

(b) Two per cent of the taxable value of the property in that 543
class. The auditor shall use such percentages in making the 544
reduction required by this section for that class. 545

(3)(a) If in the case of a joint vocational school district 546
any percentage required to be used in division (D)(2) of this 547
section for either class of property could cause the total taxes 548
charged and payable for current expenses for that class to be less 549
than the designated amount, the commissioner shall determine what 550
percentages would cause the district's total taxes charged and 551
payable for current expenses for that class, after all reductions 552
that would otherwise be made under this section, to equal the 553

designated amount. The auditor shall use such percentages in 554
making the reductions required by this section for that class. 555

(b) As used in division (E)(3)(a) of this section, the 556
designated amount shall equal the taxable value of all real 557
property in the class that is subject to taxation by the district 558
times the lesser of the following: 559

(i) Two-tenths of one per cent; 560

(ii) The district's effective rate plus the following 561
percentage for the year indicated: 562

WHEN COMPUTING THE 563

TAXES CHARGED FOR ADD THE FOLLOWING PERCENTAGE: 564

1987	0.025%
1988	0.05%
1989	0.075%
1990	0.1%
1991	0.125%
1992	0.15%
1993	0.175%
1994 and thereafter	0.2%

(F) No reduction shall be made under this section in the rate 573
at which any tax is levied. 574

(G) The commissioner may order a county auditor to furnish 575
any information ~~he~~ the commissioner needs to make the 576
determinations required under division (D) or (E) of this section, 577
and the auditor shall supply the information in the form and by 578
the date specified in the order. If the auditor fails to comply 579
with an order issued under this division, except for good cause as 580
determined by the commissioner, the commissioner shall withhold 581
from such county or taxing district therein fifty per cent of 582
state revenues to local governments pursuant to section 5747.50 of 583
the Revised Code or shall direct the department of education to 584

withhold therefrom fifty per cent of state revenues to school 585
districts pursuant to Chapter 3317. of the Revised Code. The 586
commissioner shall withhold the distribution of such revenues 587
until the county auditor has complied with this division, and the 588
department shall withhold the distribution of such revenues until 589
the commissioner has notified the department that the county 590
auditor has complied with this division. 591

(H) If the commissioner is unable to certify a tax reduction 592
factor for either class of property in a taxing district located 593
in more than one county by the last day of November because 594
information required under division (G) of this section is 595
unavailable, ~~he~~ the commissioner may compute and certify an 596
estimated tax reduction factor for that district for that class. 597
The estimated factor shall be based upon an estimate of the 598
unavailable information. Upon receipt of the actual information 599
for a taxing district that received an estimated tax reduction 600
factor, the commissioner shall compute the actual tax reduction 601
factor and use that factor to compute the taxes that should have 602
been charged and payable against each parcel of property for the 603
year for which the estimated reduction factor was used. The amount 604
by which the estimated factor resulted in an overpayment or 605
underpayment in taxes on any parcel shall be added to or 606
subtracted from the amount due on that parcel in the ensuing tax 607
year. 608

A percentage or a tax reduction factor determined or computed 609
by the commissioner under this section shall be used solely for 610
the purpose of reducing the sums to be levied by the tax to which 611
it applies for the year for which it was determined or computed. 612
It shall not be used in making any tax computations for any 613
ensuing tax year. 614

(I) In making the determinations under division (D)(1) of 615
this section, the tax commissioner shall take account of changes 616

in the taxable value of carryover property resulting from 617
complaints filed under section 5715.19 of the Revised Code for 618
determinations made for the tax year in which such changes are 619
reported to the commissioner. Such changes shall be reported to 620
the commissioner on the first abstract of real property filed with 621
the commissioner under section 5715.23 of the Revised Code 622
following the date on which the complaint is finally determined by 623
the board of revision or by a court or other authority with 624
jurisdiction on appeal. The tax commissioner shall account for 625
such changes in making the determinations only for the tax year in 626
which the change in valuation is reported. Such a valuation change 627
shall not be used to recompute the percentages determined under 628
division (D)(1) of this section for any prior tax year. 629

Sec. 3301.011. As used in Title XXXIII of the Revised Code, 630
"total student count" for any school district means the average 631
number of students enrolled during the first full school week of 632
October in a school district in grades kindergarten through 633
twelve, including students with dual enrollment in a joint 634
vocational or cooperative education district, and the total number 635
of students enrolled in preschool handicapped units in the 636
district. 637

Sec. 3301.0714. (A) The state board of education shall adopt 638
rules for a statewide education management information system. The 639
rules shall require the state board to establish guidelines for 640
the establishment and maintenance of the system in accordance with 641
this section and the rules adopted under this section. The 642
guidelines shall include: 643

(1) Standards identifying and defining the types of data in 644
the system in accordance with divisions (B) and (C) of this 645
section; 646

(2) Procedures for annually collecting and reporting the data 647

to the state board in accordance with division (D) of this section; 648
649

(3) Procedures for annually compiling the data in accordance with division (G) of this section; 650
651

(4) Procedures for annually reporting the data to the public in accordance with division (H) of this section. 652
653

(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 654
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656

(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes: 657
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(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for handicapped students, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of handicap. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section. 660
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(b) The numbers of students receiving support or 678

extracurricular services for each of the support services or	679
extracurricular programs offered by the school district, such as	680
counseling services, health services, and extracurricular sports	681
and fine arts programs. The categories of services required by the	682
guidelines under this division shall be the same as the categories	683
of services used in determining cost units pursuant to division	684
(C)(4)(a) of this section.	685
(c) Average student grades in each subject in grades nine	686
through twelve;	687
(d) Academic achievement levels in grades one through eight	688
as assessed by the locally developed competency programs required	689
by division (D) of section 3301.07 of the Revised Code;	690
(e) Academic achievement levels as assessed by the testing of	691
student proficiency under sections 3301.0710 and 3301.0711 of the	692
Revised Code;	693
(f) The number of students designated as having a	694
handicapping condition pursuant to division (C)(1) of section	695
3301.0711 of the Revised Code;	696
(g) The numbers of students reported to the state board	697
pursuant to division (C)(2) of section 3301.0711 of the Revised	698
Code;	699
(h) Attendance rates and the average daily attendance for the	700
year;	701
(i) Expulsion rates;	702
(j) Suspension rates;	703
(k) The percentage of students receiving corporal punishment;	704
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(l) Dropout rates;	706
(m) Rates of retention in grade;	707

(n) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;

(o) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements.

(2) Personnel and classroom enrollment data for each school district, including:

(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.

(b) The total number of employees and the number of full-time equivalent employees providing each category of service used pursuant to divisions (C)(4)(a) and (b) of this section, and the total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category used pursuant to division (C)(4)(c) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school

building. 739

(c) The total number of regular classroom teachers teaching 740
classes of regular education and the average number of pupils 741
enrolled in each such class, in each of grades kindergarten 742
through five in the district as a whole and in each school 743
building in the school district. 744

(3) Student demographic data for each school district, 745
including information regarding the gender ratio of the school 746
district's pupils, the racial make-up of the school district's 747
pupils, and an appropriate measure of the number of the school 748
district's pupils who reside in economically disadvantaged 749
households. The demographic data shall be collected in a manner to 750
allow correlation with data collected under division (B)(1) of 751
this section. Categories for data collected pursuant to division 752
(B)(3) of this section shall conform, where appropriate, to 753
standard practices of agencies of the federal government. 754

(C) The education management information system shall include 755
cost accounting data for each district as a whole and for each 756
school building in each school district. The guidelines adopted 757
under this section shall require the cost data for each school 758
district to be maintained in a system of mutually exclusive cost 759
units and shall require all of the costs of each school district 760
to be divided among the cost units. The guidelines shall require 761
the system of mutually exclusive cost units to include at least 762
the following: 763

(1) Administrative costs for the school district as a whole. 764
The guidelines shall require the cost units under this division 765
(C)(1) to be designed so that each of them may be compiled and 766
reported in terms of average expenditure per pupil in ~~average~~ 767
~~daily membership~~ formula ADM in the school district, as determined 768
pursuant to section 3317.03 of the Revised Code. 769

(2) Administrative costs for each school building in the 770
school district. The guidelines shall require the cost units under 771
this division (C)(2) to be designed so that each of them may be 772
compiled and reported in terms of average expenditure per 773
full-time equivalent pupil receiving instructional or support 774
services in each building. 775

(3) Instructional services costs for each category of 776
instructional service provided directly to students and required 777
by guidelines adopted pursuant to division (B)(1)(a) of this 778
section. The guidelines shall require the cost units under 779
division (C)(3) of this section to be designed so that each of 780
them may be compiled and reported in terms of average expenditure 781
per pupil receiving the service in the school district as a whole 782
and average expenditure per pupil receiving the service in each 783
building in the school district and in terms of a total cost for 784
each category of service and, as a breakdown of the total cost, a 785
cost for each of the following components: 786

(a) The cost of each instructional services category required 787
by guidelines adopted under division (B)(1)(a) of this section 788
that is provided directly to students by a classroom teacher; 789
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(b) The cost of the instructional support services, such as 791
services provided by a speech-language pathologist, classroom 792
aide, multimedia aide, or librarian, provided directly to students 793
in conjunction with each instructional services category; 794

(c) The cost of the administrative support services related 795
to each instructional services category, such as the cost of 796
personnel that develop the curriculum for the instructional 797
services category and the cost of personnel supervising or 798
coordinating the delivery of the instructional services category. 799

(4) Support or extracurricular services costs for each 800

category of service directly provided to students and required by 801
guidelines adopted pursuant to division (B)(1)(b) of this section. 802
The guidelines shall require the cost units under division (C)(4) 803
of this section to be designed so that each of them may be 804
compiled and reported in terms of average expenditure per pupil 805
receiving the service in the school district as a whole and 806
average expenditure per pupil receiving the service in each 807
building in the school district and in terms of a total cost for 808
each category of service and, as a breakdown of the total cost, a 809
cost for each of the following components: 810

(a) The cost of each support or extracurricular services 811
category required by guidelines adopted under division (B)(1)(b) 812
of this section that is provided directly to students by a 813
licensed employee, such as services provided by a guidance 814
counselor or any services provided by a licensed employee under a 815
supplemental contract; 816

(b) The cost of each such services category provided directly 817
to students by a nonlicensed employee, such as janitorial 818
services, cafeteria services, or services of a sports trainer; 819

(c) The cost of the administrative services related to each 820
services category in division (C)(4)(a) or (b) of this section, 821
such as the cost of any licensed or nonlicensed employees that 822
develop, supervise, coordinate, or otherwise are involved in 823
administering or aiding the delivery of each services category. 824

(D) The guidelines adopted under this section may require 825
school districts to collect information about individual students, 826
staff members, or both in connection with any data required by 827
division (B) or (C) of this section or other reporting 828
requirements established in the Revised Code. The guidelines may 829
also require school districts to report information about 830
individual staff members in connection with any data required by 831

division (B) or (C) of this section or other reporting 832
requirements established in the Revised Code. The guidelines may 833
authorize school districts to request social security numbers of 834
individual students so that school districts and the data 835
acquisition sites operated under section 3301.075 of the Revised 836
Code can assure accuracy and avoid errors in collecting the data. 837
However, the guidelines shall prohibit the reporting under this 838
section of any personally identifiable information about any 839
student, including a student's social security number, name, or 840
address, to the state board of education or the department of 841
education or to any other person unless such person is employed by 842
the school district or the data acquisition site and is authorized 843
by the district or acquisition site to have access to such 844
information. The guidelines may require school districts to 845
provide the social security numbers of individual staff members. 846

(E) The guidelines adopted under this section may require 847
school districts to collect and report data, information, or 848
reports other than that described in divisions (A), (B), and (C) 849
of this section for the purpose of complying with other reporting 850
requirements established in the Revised Code. The other data, 851
information, or reports may be maintained in the education 852
management information system but are not required to be compiled 853
as part of the profile formats required under division (G) of this 854
section or the annual statewide report required under division (H) 855
of this section. 856

(F) Beginning with the school year that begins July 1, 1991, 857
the board of education of each school district shall annually 858
collect and report to the state board, in accordance with the 859
guidelines established by the board, the data required pursuant to 860
this section. A school district may collect and report these data 861
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 862

(G) The state board shall, in accordance with the procedures 863

it adopts, annually compile the data reported by each school 864
district pursuant to division (D) of this section. The state board 865
shall design formats for profiling each school district as a whole 866
and each school building within each district and shall compile 867
the data in accordance with these formats. These profile formats 868
shall: 869

(1) Include all of the data gathered under this section in a 870
manner that facilitates comparison among school districts and 871
among school buildings within each school district; 872

(2) Present the data on academic achievement levels as 873
assessed by the testing of student proficiency maintained pursuant 874
to division (B)(1)(e) of this section so that the academic 875
achievement levels of students who are excused from taking any 876
such test pursuant to division (C)(1) of section 3301.0711 of the 877
Revised Code are distinguished from the academic achievement 878
levels of students who are not so excused. 879

(H)(1) The state board shall, in accordance with the 880
procedures it adopts, annually prepare a statewide report for all 881
school districts and the general public that includes the profile 882
of each of the school districts developed pursuant to division (G) 883
of this section. Copies of the report shall be sent to each school 884
district. 885

(2) The state board shall, in accordance with the procedures 886
it adopts, annually prepare an individual report for each school 887
district and the general public that includes the profiles of each 888
of the school buildings in that school district developed pursuant 889
to division (G) of this section. Copies of the report shall be 890
sent to the superintendent of the district and to each member of 891
the district board of education. 892

(3) Copies of the reports received from the state board under 893
divisions (H)(1) and (2) of this section shall be made available 894

to the general public at each school district's offices. Each 895
district board of education shall make copies of each report 896
available to any person upon request and payment of a reasonable 897
fee for the cost of reproducing the report. The board shall 898
annually publish in a newspaper of general circulation in the 899
school district, at least twice during the two weeks prior to the 900
week in which the reports will first be available, a notice 901
containing the address where the reports are available and the 902
date on which the reports will be available. 903

(I) Any data that is collected or maintained pursuant to this 904
section and that identifies an individual pupil is not a public 905
record for the purposes of section 149.43 of the Revised Code. 906
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(J) As used in this section: 908

(1) "School district" means any city, local, exempted 909
village, or joint vocational school district. 910

(2) "Cost" means any expenditure for operating expenses made 911
by a school district excluding any expenditures for debt 912
retirement except for payments made to any commercial lending 913
institution for any loan approved pursuant to section 3313.483 of 914
the Revised Code. 915

(K) Any person who removes data from the information system 916
established under this section for the purpose of releasing it to 917
any person not entitled under law to have access to such 918
information is subject to section 2913.42 of the Revised Code 919
prohibiting tampering with data. 920

(L) Any time the department of education determines that a 921
school district has taken any of the actions described under 922
division (L)(1), (2), or (3) of this section, it shall make a 923
report of the actions of the district, send a copy of the report 924
to the superintendent of such school district, and maintain a copy 925

of the report in its files:	926
(1) The school district fails to meet any deadline established pursuant to this section for the reporting of any data to the education management information system;	927 928 929
(2) The school district fails to meet any deadline established pursuant to this section for the correction of any data reported to the education management information system;	930 931 932
(3) The school district reports data to the education management information system in a condition, as determined by the department, that indicates that the district did not make a good faith effort in reporting the data to the system.	933 934 935 936
Any report made under this division shall include recommendations for corrective action by the school district.	937 938
Upon making a report for the first time in a fiscal year, the department shall withhold ten per cent of the total amount due during that fiscal year under Chapter 3317. of the Revised Code to the school district to which the report applies. Upon making a second report in a fiscal year, the department shall withhold an additional twenty per cent of such total amount due during that fiscal year to the school district to which the report applies. The department shall not release such funds unless it determines that the district has taken corrective action. However, no such release of funds shall occur if the district fails to take corrective action within ninety days of the date upon which the report was made by the department.	939 940 941 942 943 944 945 946 947 948 949 950
(M) The department of education, after consultation with the Ohio education computer network, may provide at no cost to school districts uniform computer software for use in reporting data to the education management information system, provided that no school district shall be required to utilize such software to report data to the education management information system if such	951 952 953 954 955 956

district is so reporting data in an accurate, complete, and timely manner in a format compatible with that required by the education management information system. 957
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(N) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may suspend or revoke a license as defined under division (A) of section 3319.31 of the Revised Code that has been issued to any school district employee found to have willfully reported erroneous, inaccurate, or incomplete data to the education management information system. 960
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Sec. 3311.06. (A) As used in this section: 966

(1) "Annexation" and "annexed" mean annexation for municipal purposes under sections 709.02 to 709.37 of the Revised Code. 967
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(2) "Annexed territory" means territory that has been annexed for municipal purposes to a city served by an urban school district, but on September 24, 1986, has not been transferred to the urban school district. 969
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(3) "Urban school district" means a city school district with an average daily membership for the 1985-1986 school year in excess of twenty thousand that is the school district of a city that contains annexed territory. 973
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(4) "Annexation agreement" means an agreement entered into under division (F) of this section that has been approved by the state board of education or an agreement entered into prior to September 24, 1986, that meets the requirements of division (F) of this section and has been filed with the state board. 977
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(B) The territory included within the boundaries of a city, local, exempted village, or joint vocational school district shall be contiguous except where a natural island forms an integral part of the district, where the state board of education authorizes a noncontiguous school district, as provided in division (E)(1) of 982
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this section, or where a local school district is created pursuant 987
to section 3311.26 of the Revised Code from one or more local 988
school districts, one of which has entered into an agreement under 989
section 3313.42 of the Revised Code. 990

(C)(1) When all of the territory of a school district is 991
annexed to a city or village, such territory thereby becomes a 992
part of the city school district or the school district of which 993
the village is a part, and the legal title to school property in 994
such territory for school purposes shall be vested in the board of 995
education of the city school district or the school district of 996
which the village is a part. 997

(2) When the territory so annexed to a city or village 998
comprises part but not all of the territory of a school district, 999
the said territory becomes part of the city school district or the 1000
school district of which the village is a part only upon approval 1001
by the state board of education, unless the district in which the 1002
territory is located is a party to an annexation agreement with 1003
the city school district. 1004

Any urban school district that has not entered into an 1005
annexation agreement with any other school district whose 1006
territory would be affected by any transfer under this division 1007
and that desires to negotiate the terms of transfer with any such 1008
district shall conduct any negotiations under division (F) of this 1009
section as part of entering into an annexation agreement with such 1010
a district. 1011

Any school district, except an urban school district, 1012
desiring state board approval of a transfer under this division 1013
shall make a good faith effort to negotiate the terms of transfer 1014
with any other school district whose territory would be affected 1015
by the transfer. Before the state board may approve any transfer 1016
of territory to a school district, except an urban school 1017

district, under this section, it must receive the following: 1018

(a) A resolution requesting approval of the transfer, passed 1019
by at least one of the school districts whose territory would be 1020
affected by the transfer; 1021

(b) Evidence determined to be sufficient by the state board 1022
to show that good faith negotiations have taken place or that the 1023
district requesting the transfer has made a good faith effort to 1024
hold such negotiations; 1025

(c) If any negotiations took place, a statement signed by all 1026
boards that participated in the negotiations, listing the terms 1027
agreed on and the points on which no agreement could be reached. 1028
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(D) The state board of education shall adopt rules governing 1030
negotiations held by any school district except an urban school 1031
district pursuant to division (C)(2) of this section. The rules 1032
shall encourage the realization of the following goals: 1033

(1) A discussion by the negotiating districts of the present 1034
and future educational needs of the pupils in each district; 1035

(2) The educational, financial, and territorial stability of 1036
each district affected by the transfer; 1037

(3) The assurance of appropriate educational programs, 1038
services, and opportunities for all the pupils in each 1039
participating district, and adequate planning for the facilities 1040
needed to provide these programs, services, and opportunities. 1041

Districts involved in negotiations under such rules may agree 1042
to share revenues from the property included in the territory to 1043
be transferred, establish cooperative programs between the 1044
participating districts, and establish mechanisms for the 1045
settlement of any future boundary disputes. 1046

(E)(1) If territory annexed after September 24, 1986, is part 1047

of a school district that is a party to an annexation agreement 1048
with the urban school district serving the annexing city, the 1049
transfer of such territory shall be governed by the agreement. If 1050
the agreement does not specify how the territory is to be dealt 1051
with, the boards of education of the district in which the 1052
territory is located and the urban school district shall negotiate 1053
with regard to the transfer of the territory which shall be 1054
transferred to the urban school district unless, not later than 1055
ninety days after the effective date of municipal annexation, the 1056
boards of education of both districts, by resolution adopted by a 1057
majority of the members of each board, agree that the territory 1058
will not be transferred and so inform the state board of 1059
education. 1060

If territory is transferred under this division the transfer 1061
shall take effect on the first day of July occurring not sooner 1062
than ninety-one days after the effective date of the municipal 1063
annexation. Territory transferred under this division need not be 1064
contiguous to the district to which it is transferred. 1065

(2) Territory annexed prior to September 24, 1986, by a city 1066
served by an urban school district shall not be subject to 1067
transfer under this section if the district in which the territory 1068
is located is a party to an annexation agreement or becomes a 1069
party to such an agreement not later than ninety days after 1070
September 24, 1986. If the district does not become a party to an 1071
annexation agreement within the ninety-day period, transfer of 1072
territory shall be governed by division (C)(2) of this section. If 1073
the district subsequently becomes a party to an agreement, 1074
territory annexed prior to September 24, 1986, other than 1075
territory annexed under division (C)(2) of this section prior to 1076
the effective date of the agreement, shall not be subject to 1077
transfer under this section. 1078

(F) An urban school district may enter into a comprehensive 1079

agreement with one or more school districts under which transfers 1080
of territory annexed by the city served by the urban school 1081
district after September 24, 1986, shall be governed by the 1082
agreement. Such agreement must provide for the establishment of a 1083
cooperative education program under section 3313.842 of the 1084
Revised Code in which all the parties to the agreement are 1085
participants and must be approved by resolution of the majority of 1086
the members of each of the boards of education of the school 1087
districts that are parties to it. An agreement may provide for 1088
interdistrict payments based on local revenue growth resulting 1089
from development in any territory annexed by the city served by 1090
the urban school district. 1091

An agreement entered into under this division may be altered, 1092
modified, or terminated only by agreement, by resolution approved 1093
by the majority of the members of each board of education, of all 1094
school districts that are parties to the agreement, except that 1095
with regard to any provision that affects only the urban school 1096
district and one of the other districts that is a party, that 1097
district and the urban district may modify or alter the agreement 1098
by resolution approved by the majority of the members of the board 1099
of that district and the urban district. Alterations, 1100
modifications, terminations, and extensions of an agreement 1101
entered into under this division do not require approval of the 1102
state board of education, but shall be filed with the board after 1103
approval and execution by the parties. 1104

If an agreement provides for interdistrict payments, each 1105
party to the agreement, except any school district specifically 1106
exempted by the agreement, shall agree to make an annual payment 1107
to the urban school district with respect to any of its territory 1108
that is annexed territory in an amount not to exceed the amount 1109
certified for that year under former section 3317.029 of the 1110
Revised Code as that section existed prior to July 1, 1998; except 1111

that such limitation of annual payments to amounts certified under 1112
former section 3317.029 of the Revised Code does not apply to 1113
agreements or extensions of agreements entered into on or after 1114
June 1, 1992, unless such limitation is expressly agreed to by the 1115
parties. The agreement may provide that all or any part of the 1116
payment shall be waived if the urban school district receives its 1117
payment with respect to such annexed territory under former 1118
section 3317.029 of the Revised Code and that all or any part of 1119
such payment may be waived if the urban school district does not 1120
receive its payment with respect to such annexed territory under 1121
such section. 1122

With respect to territory that is transferred to the urban 1123
school district after September 24, 1986, the agreement may 1124
provide for annual payments by the urban school district to the 1125
school district whose territory is transferred to the urban school 1126
district subsequent to annexation by the city served by the urban 1127
school district. 1128

(G) In the event territory is transferred from one school 1129
district to another under this section, an equitable division of 1130
the funds and indebtedness between the districts involved shall be 1131
made under the supervision of the state board of education and 1132
that board's decision shall be final. Such division shall not 1133
include funds payable to or received by a school district under 1134
Chapter 3317. of the Revised Code or payable to or received by a 1135
school district from the United States or any department or agency 1136
thereof. In the event such transferred territory includes real 1137
property owned by a school district, the state board of education, 1138
as part of such division of funds and indebtedness, shall 1139
determine the true value in money of such real property and all 1140
buildings or other improvements thereon. The board of education of 1141
the school district receiving such territory shall forthwith pay 1142
to the board of education of the school district losing such 1143

territory such true value in money of such real property, 1144
buildings, and improvements less such percentage of the true value 1145
in money of each school building located on such real property as 1146
is represented by the ratio of the total enrollment in day classes 1147
of the pupils residing in the territory transferred enrolled at 1148
such school building in the school year in which such annexation 1149
proceedings were commenced to the total enrollment in day classes 1150
of all pupils residing in the school district losing such 1151
territory enrolled at such school building in such school year. 1152
The school district receiving such payment shall place the 1153
proceeds thereof in its sinking fund or bond retirement fund. 1154

(H) The state board of education, before approving such 1155
transfer of territory, shall determine that such payment has been 1156
made and shall apportion to the acquiring school district such 1157
percentage of the indebtedness of the school district losing the 1158
territory as is represented by the ratio that the assessed 1159
valuation of the territory transferred bears to the total assessed 1160
valuation of the entire school district losing the territory as of 1161
the effective date of the transfer, provided that in ascertaining 1162
the indebtedness of the school district losing the territory the 1163
state board of education shall disregard such percentage of the 1164
par value of the outstanding and unpaid bonds and notes of said 1165
school district issued for construction or improvement of the 1166
school building or buildings for which payment was made by the 1167
acquiring district as is equal to the percentage by which the true 1168
value in money of such building or buildings was reduced in fixing 1169
the amount of said payment. 1170

(I) No transfer of school district territory or division of 1171
funds and indebtedness incident thereto, pursuant to the 1172
annexation of territory to a city or village shall be completed in 1173
any other manner than that prescribed by this section regardless 1174
of the date of the commencement of such annexation proceedings, 1175

and this section applies to all proceedings for such transfers and 1176
divisions of funds and indebtedness pending or commenced on or 1177
after October 2, 1959. 1178

Sec. 3311.38. The state board of education may conduct, or 1179
may direct the superintendent of public instruction to conduct, 1180
studies where there is evidence of need for transfer of local, 1181
exempted village, or city school districts, or parts of any such 1182
districts, to contiguous or noncontiguous local, exempted village, 1183
or city school districts. Such studies shall include a study of 1184
the effect of any proposal upon any portion of a school district 1185
remaining after such proposed transfer. The state board, in 1186
conducting such studies and in making recommendations as a result 1187
thereof, shall consider the possibility of improving school 1188
district organization as well as the desires of the residents of 1189
the school districts which would be affected. 1190

(A) After the adoption of recommendations growing out of any 1191
such study, or upon receipt of a resolution adopted by majority 1192
vote of the full membership of the board of any city, local, or 1193
exempted village school district requesting that the entire 1194
district be transferred to another city, local, or exempted 1195
village school district, the state board may propose by resolution 1196
the transfer of territory, which may consist of part or all of the 1197
territory of a local, exempted village, or city school district to 1198
a contiguous local, exempted village, or city school district. 1199

The state board shall thereupon file a copy of such proposal 1200
with the board of education of each school district whose 1201
boundaries would be altered by the proposal and with the governing 1202
board of any educational service center in which such school 1203
district is located. 1204

The state board may, not less than thirty days following the 1205
adoption of the resolution proposing the transfer of territory, 1206

certify the proposal to the board of elections of the county or 1207
counties in which any of the territory of the proposed district is 1208
located, for the purpose of having the proposal placed on the 1209
ballot at the next general election or at a primary election 1210
occurring not less than seventy-five days after the adoption of 1211
such resolution. 1212

If any proposal has been previously initiated pursuant to 1213
section 3311.22, 3311.231, or 3311.26 of the Revised Code which 1214
affects any of the territory affected by the proposal of the state 1215
board, the proposal of the state board shall not be placed on the 1216
ballot while the previously initiated proposal is subject to an 1217
election. 1218

Upon certification of a proposal to the board of elections of 1219
any county pursuant to this section, the board of elections of 1220
such county shall make the necessary arrangements for the 1221
submission of such question to the electors of the county 1222
qualified to vote thereon, and the election shall be counted and 1223
canvassed and the results shall be certified in the same manner as 1224
in regular elections for the election of members of a board of 1225
education. 1226

The electors qualified to vote upon a proposal are the 1227
electors residing in the local, exempted village, or city school 1228
districts, containing territory proposed to be transferred. 1229

If the proposed transfer be approved by a majority of the 1230
electors voting on the proposal, the state board, subject to the 1231
approval of the board of education of the district to which the 1232
territory would be transferred, shall make such transfer prior to 1233
the next succeeding July 1. 1234

(B) If a study conducted in accordance with this section 1235
involves a school district with less than four thousand dollars of 1236
assessed value for each pupil in ~~average daily membership~~ the 1237

total student count determined under section 3317.03 Of the 1238
Revised Code, the state board of education, with the approval of 1239
the educational service center governing board, and upon 1240
recommendation by the state superintendent of public instruction, 1241
may by resolution transfer all or any part of such a school 1242
district to any city, exempted village, or local school district 1243
which has more than twenty-five thousand pupils in average daily 1244
membership. Such resolution of transfer shall be adopted only 1245
after the board of education of the receiving school district has 1246
adopted a resolution approving the proposed transfer. For the 1247
purposes of this division, ~~the number of pupils in average daily~~ 1248
~~membership shall be as certified in accordance with section~~ 1249
~~3317.03 of the Revised Code, and~~ the assessed value shall be as 1250
certified in accordance with section ~~3317.10~~ 3317.021 of the 1251
Revised Code. 1252

(C) Upon the making of a transfer of an entire school 1253
district pursuant to this section, the indebtedness of the 1254
district transferred shall be assumed in full by the acquiring 1255
district and the funds of the district transferred shall be paid 1256
over in full to the acquiring district, except that any 1257
indebtedness of the transferred district incurred as a result of a 1258
loan made under section 3317.64 of the Revised Code is hereby 1259
canceled and shall not be assumed by the acquiring district. 1260

(D) Upon the making of a transfer pursuant to this section, 1261
when only part of a district is transferred, the net indebtedness 1262
of each original district of which only a part is taken by the 1263
acquiring district shall be apportioned between the acquiring 1264
district and the original district in the ratio which the assessed 1265
valuation of the part taken by the acquiring district bears to the 1266
assessed valuation of the original district as of the effective 1267
date of the transfer. As used in this section "net indebtedness" 1268
means the difference between the par value of the outstanding and 1269

unpaid bonds and notes of the school district and the amount held 1270
in the sinking fund and other indebtedness retirement funds for 1271
their redemption. 1272

(E) Upon the making of a transfer pursuant to this section, 1273
when only part of a district is transferred, the funds of the 1274
district from which territory was transferred shall be divided 1275
equitably by the state board between the acquiring district and 1276
that part of the former district remaining after the transfer. 1277

(F) If an entire school district is transferred, the board of 1278
education of such district is thereby abolished. If part of a 1279
school district is transferred, any member of the board of 1280
education who is a legal resident of that part which is 1281
transferred shall thereby cease to be a member of that board. 1282

If an entire school district is transferred, foundation 1283
program moneys accruing to a district accepting school territory 1284
under the provisions of this section shall not be less, in any 1285
year during the next succeeding three years following the 1286
transfer, than the sum of the amounts received by the districts 1287
separately in the year in which the transfer became effective. 1288

Sec. 3311.52. A cooperative education school district may be 1289
established pursuant to divisions (A) to (C) of this section or 1290
pursuant to section 3311.521 of the Revised Code. 1291

(A) A cooperative education school district may be 1292
established upon the adoption of identical resolutions within a 1293
sixty-day period by a majority of the members of the board of 1294
education of each city, local, and exempted village school 1295
district that is within the territory of a county school financing 1296
district. 1297

A copy of each resolution shall be filed with the board of 1298
education of the educational service center which created the 1299

county school financing district. Upon the filing of the last such
resolution, the educational service center governing board shall
immediately notify each board of education filing such a
resolution of the date on which the last resolution was filed.

Ten days after the date on which the last resolution is filed
with the educational service center governing board or ten days
after the last of any notices required under division (C) of this
section is received by the educational service center governing
board, whichever is later, the county school financing district
shall be dissolved and the new cooperative education school
district and the board of education of the cooperative education
school district shall be established.

On the date that any county school financing district is
dissolved and a cooperative education school district is
established under this section, each of the following shall apply:

(1) The territory of the dissolved district becomes the
territory of the new district.

(2) Any outstanding tax levy in force in the dissolved
district shall be spread over the territory of the new district
and shall remain in force in the new district until the levy
expires or is renewed.

(3) Any funds of the dissolved district shall be paid over in
full to the new district.

(4) Any net indebtedness of the dissolved district shall be
assumed in full by the new district. As used in division (A)(4) of
this section, "net indebtedness" means the difference between the
par value of the outstanding and unpaid bonds and notes of the
dissolved district and the amount held in the sinking fund and
other indebtedness retirement funds for their redemption.

When a county school financing district is dissolved and a

cooperative education school district is established under this 1330
section, the governing board of the educational service center 1331
that created the dissolved district shall give written notice of 1332
this fact to the county auditor and the board of elections of each 1333
county having any territory in the new district. 1334

(B) The resolutions adopted under division (A) of this 1335
section shall include all of the following provisions: 1336

(1) Provision that the governing board of the educational 1337
service center which created the county school financing district 1338
shall be the board of education of the cooperative education 1339
school district, except that provision may be made for the 1340
composition, selection, and terms of office of an alternative 1341
board of education of the cooperative district, which board shall 1342
include at least one member selected from or by the members of the 1343
board of education of each city, local, and exempted village 1344
school district and at least one member selected from or by the 1345
members of the educational service center governing board within 1346
the territory of the cooperative district; 1347

(2) Provision that the treasurer and superintendent of the 1348
educational service center which created the county school 1349
financing district shall be the treasurer and superintendent of 1350
the cooperative education school district, except that provision 1351
may be made for the selection of a treasurer or superintendent of 1352
the cooperative district other than the treasurer or 1353
superintendent of the educational service center, which provision 1354
shall require one of the following: 1355

(a) The selection of one person as both the treasurer and 1356
superintendent of the cooperative district, which provision may 1357
require such person to be the treasurer or superintendent of any 1358
city, local, or exempted village school district or educational 1359
service center within the territory of the cooperative district; 1360

(b) The selection of one person as the treasurer and another 1361
person as the superintendent of the cooperative district, which 1362
provision may require either one or both such persons to be 1363
treasurers or superintendents of any city, local, or exempted 1364
village school districts or educational service center within the 1365
territory of the cooperative district. 1366

(3) A statement of the educational program the board of 1367
education of the cooperative education school district will 1368
conduct, including but not necessarily limited to the type of 1369
educational program, the grade levels proposed for inclusion in 1370
the program, the timetable for commencing operation of the 1371
program, and the facilities proposed to be used or constructed to 1372
be used by the program; 1373

(4) A statement of the annual amount, or the method for 1374
determining that amount, of funds or services or facilities that 1375
each city, local, and exempted village school district within the 1376
territory of the cooperative district is required to pay to or 1377
provide for the use of the board of education of the cooperative 1378
education school district; 1379

(5) Provision for adopting amendments to the provisions of 1380
~~division~~ divisions (B)(2) to (4) of this section. 1381

(C) If the resolutions adopted under division (A) of this 1382
section provide for a board of education of the cooperative 1383
education school district that is not the governing board of the 1384
educational service center that created the county school 1385
financing district, each board of education of each city, local, 1386
or exempted village school district and the governing board of the 1387
educational service center within the territory of the cooperative 1388
district shall, within thirty days after the date on which the 1389
last resolution is filed with the educational service center 1390
governing board under division (A) of this section, select one or 1391

more members of the board of education of the cooperative district 1392
as provided in the resolutions filed with the educational service 1393
center governing board. Each such board shall immediately notify 1394
the educational services center governing board of each such 1395
selection. 1396

(D) Except for the powers and duties in this chapter and 1397
Chapters 124., 3317., 3318., 3323., and 3331. of the Revised Code, 1398
a cooperative education school district established pursuant to 1399
divisions (A) to (C) of this section or pursuant to section 1400
3311.521 of the Revised Code has all the powers of a city school 1401
district and its board of education has all the powers and duties 1402
of a board of education of a city school district with respect to 1403
the educational program specified in the resolutions adopted under 1404
division (A) of this section. All laws applicable to a city school 1405
district or the board of education or the members of the board of 1406
education of a city school district, except such laws in this 1407
chapter and Chapters 124., 3317., 3318., 3323., and 3331. of the 1408
Revised Code, are applicable to a cooperative education school 1409
district and its board. 1410

The treasurer and superintendent of a cooperative education 1411
school district shall have the same respective duties and powers 1412
as a treasurer and superintendent of a city school district, 1413
except for any powers and duties in this chapter and Chapters 1414
124., 3317., 3318., 3323., and 3331. of the Revised Code. 1415

(E) For purposes of this title, any student included in the 1416
~~average daily membership~~ formula ADM certified for any city, 1417
exempted village, or local school district under section 3317.03 1418
of the Revised Code by virtue of being counted, in whole or in 1419
part, in the average daily membership of a cooperative education 1420
school district under division (A)~~(4)~~(2)(f) of that section shall 1421
be construed to be enrolled both in that city, exempted village, 1422
or village school district and in that cooperative education 1423

school district. This division shall not be construed to mean that 1424
any such individual student may be counted more than once for 1425
purposes of determining the average daily membership of any one 1426
school district. 1427

Sec. 3313.21. Notwithstanding division (D) of section 3311.19 1428
and division (D) of section 3311.52 of the Revised Code, this 1429
section does not apply to any joint vocational or cooperative 1430
education school district. 1431

(A) The board of education of each city, local, and exempted 1432
village school district shall formulate a written policy detailing 1433
procedures for the identification of gifted children as defined by 1434
rule of the state board of education. Annually, in accordance with 1435
the policy, the school board shall identify those students 1436
enrolled in the district who are gifted children. 1437

(B) The board of each such district shall annually report, at 1438
such time and in such manner as the state board may prescribe, the 1439
number of students identified as gifted and the number of students 1440
receiving services in units approved in accordance with division 1441
~~(C)~~(F) of section 3317.05 of the Revised Code. 1442

Sec. 3313.29. The treasurer of each board of education shall 1443
keep an account of all school funds of the district. The treasurer 1444
shall receive all vouchers for payments and disbursements made to 1445
and by the board and preserve such vouchers for a period of ten 1446
years unless copied or reproduced according to the procedure 1447
prescribed in section 9.01 of the Revised Code. Thereafter, such 1448
vouchers may be destroyed by the treasurer upon applying to and 1449
obtaining an order from the school district records commission in 1450
the manner prescribed by section 149.41 of the Revised Code, 1451
except that it shall not be necessary to copy or reproduce such 1452
vouchers before their destruction. The treasurer shall render a 1453

statement to the board and to the superintendent of the school 1454
district, monthly, or more often if required, showing the revenues 1455
and receipts from whatever sources derived, the various 1456
appropriations made by the board, the expenditures and 1457
disbursements therefrom, the purposes thereof, the balances 1458
remaining in each appropriation, and the assets and liabilities of 1459
the school district. At the end of the fiscal year such statement 1460
shall be a complete exhibit of the financial affairs of the school 1461
district which may be published and distributed with the approval 1462
of the board. All monthly and yearly statements as required in 1463
this section shall be available for examination by the public. 1464

On request of the principal or other chief administrator of 1465
any nonpublic school located within the school district's 1466
territory, the treasurer shall provide such principal or 1467
administrator with an account of the moneys received by the 1468
district under division ~~(P)~~(L) of section 3317.024 of the Revised 1469
Code as reported to the district's board in the treasurer's most 1470
recent monthly statement. 1471

Sec. 3313.484. No loan shall be approved under sections 1472
3313.483 to 3313.4811 of the Revised Code after March 1, 1998. 1473

By the last day of June each year, the department of 1474
education shall calculate and pay a subsidy to every school 1475
district that during the preceding calendar year paid and was 1476
obligated to pay interest on a loan under sections 3313.483 to 1477
3313.4811 Of the Revised Code in excess of two per cent simple 1478
interest. The amount of the subsidy shall equal the difference 1479
between the amount of interest the district paid and was obligated 1480
to pay during the year and the interest that the district would 1481
have been obligated to pay if the interest rate on the loan had 1482
been two per cent per year. 1483

Sec. 3313.534. No later than July 1, 1998, the board of 1484
education of each city, exempted village, and local school 1485
district shall adopt a policy of zero tolerance for violent, 1486
disruptive, or inappropriate behavior, including excessive 1487
truancy, and establish strategies to address such behavior that 1488
range from prevention to intervention. 1489

No later than July 1, 1999, each of the big eight school 1490
districts, as defined in section ~~3317.02~~ 3314.02 of the Revised 1491
Code, shall establish under section 3313.533 of the Revised Code 1492
at least one alternative school to meet the educational needs of 1493
students with severe discipline problems, including, but not 1494
limited to, excessive truancy, excessive disruption in the 1495
classroom, and multiple suspensions or expulsions. Any other 1496
school district that attains after that date a significantly 1497
substandard graduation rate, as defined by the department of 1498
education, shall also establish such an alternative school under 1499
that section. 1500

Sec. 3313.64. (A) As used in this section and in section 1501
3313.65 of the Revised Code: 1502

(1) "Parent" means either parent, unless the parents are 1503
separated or divorced or their marriage has been dissolved or 1504
annulled, in which case "parent" means the parent who is the 1505
residential parent and legal custodian of the child. When a child 1506
is in the legal custody of a government agency or a person other 1507
than the child's natural or adoptive parent, "parent" means the 1508
parent with residual parental rights, privileges, and 1509
responsibilities. When a child is in the permanent custody of a 1510
government agency or a person other than the child's natural or 1511
adoptive parent, "parent" means the parent who was divested of 1512
parental rights and responsibilities for the care of the child and 1513

the right to have the child live with the parent and be the legal
custodian of the child and all residual parental rights,
privileges, and responsibilities.

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

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

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

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

(b) The home is operated by a person who is licensed,
certified, or approved by the state to operate the home for such
purpose.

(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.

(d) The home is a children's home created under section
5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the
Ohio department of human 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 1544
the purpose of adoption; 1545

(c) Comparable agencies of other states or countries that 1546
have complied with applicable requirements of section 2151.39, or 1547
sections 5103.20 to 5103.28 of the Revised Code. 1548

(6) A child is placed for adoption if either of the following 1549
occurs: 1550

(a) An agency to which the child has been permanently 1551
committed or surrendered enters into an agreement with a person 1552
pursuant to section 5103.06 of the Revised Code for the care and 1553
adoption of the child. 1554

(b) The child's natural parent places the child pursuant to 1555
section 5103.16 of the Revised Code with a person who will care 1556
for and adopt the child. 1557

(7) "Handicapped preschool child" means a handicapped child, 1558
as defined by division (A) of section 3323.01 of the Revised Code, 1559
who is at least three years of age but is not of compulsory school 1560
age, as defined in section 3321.01 of the Revised Code, and who 1561
has not entered kindergarten. 1562

(8) "Child," unless otherwise indicated, includes handicapped 1563
preschool children. 1564

(B) Except as otherwise provided in section 3321.01 of the 1565
Revised Code for admittance to kindergarten and first grade, a 1566
child who is at least five but under twenty-two years of age and 1567
any handicapped preschool child shall be admitted to school as 1568
provided in this division. 1569

(1) A child shall be admitted to the schools of the school 1570
district in which the child's parent resides. 1571

(2) A child who does not reside in the district where the 1572
child's parent resides shall be admitted to the schools of the 1573

district in which the child resides if any of the following	1574
applies:	1575
(a) The child is in the legal or permanent custody of a	1576
government agency or a person other than the child's natural or	1577
adoptive parent.	1578
(b) The child resides in a home.	1579
(c) The child requires special education.	1580
(3) A child who is not entitled under division (B)(2) of this	1581
section to be admitted to the schools of the district where the	1582
child resides and who is residing with a resident of this state	1583
with whom the child has been placed for adoption shall be admitted	1584
to the schools of the district where the child resides unless	1585
either of the following applies:	1586
(a) The placement for adoption has been terminated.	1587
(b) Another school district is required to admit the child	1588
under division (B)(1) of this section.	1589
Division (B) of this section does not prohibit the board of	1590
education of a school district from placing a handicapped child	1591
who resides in the district in a special education program outside	1592
of the district or its schools in compliance with Chapter 3323. of	1593
the Revised Code.	1594
(C) A district shall not charge tuition for children admitted	1595
under division (B)(1) or (3) of this section. If the district	1596
admits a child under division (B)(2) of this section, tuition	1597
shall be paid to the district that admits the child as follows:	1598
	1599
(1) If the child receives special education in accordance	1600
with Chapter 3323. of the Revised Code, tuition shall be paid in	1601
accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of	1602
the Revised Code regardless of who has custody of the child or	1603

whether the child resides in a home. 1604

(2) Except as otherwise provided in division (C)(2)(d) of 1605
this section, if the child is in the permanent or legal custody of 1606
a government agency or person other than the child's parent, 1607
tuition shall be paid by: 1608

(a) The district in which the child's parent resided at the 1609
time the court removed the child from home or at the time the 1610
court vested legal or permanent custody of the child in the person 1611
or government agency, whichever occurred first; or 1612

(b) If the parent's residence at the time the court removed 1613
the child from home or placed the child in the legal or permanent 1614
custody of the person or government agency is unknown, tuition 1615
shall be paid by the district in which the child resided at the 1616
time the child was removed from home or placed in legal or 1617
permanent custody, whichever occurred first; or 1618

(c) If a school district cannot be established under division 1619
(C)(2)(a) or (b) of this section, tuition shall be paid by the 1620
district determined as required by section 2151.357 of the Revised 1621
Code by the court at the time it vests custody of the child in the 1622
person or government agency. 1623

(d) If at the time the court removed the child from home or 1624
vested legal or permanent custody of the child in the person or 1625
government agency, whichever occurred first, one parent was in a 1626
residential or correctional facility or a juvenile residential 1627
placement and the other parent, if living and not in such a 1628
facility or placement, was not known to reside in this state, 1629
tuition shall be paid by the district determined under division 1630
(D) of section 3313.65 of the Revised Code as the district 1631
required to pay any tuition while the parent was in such facility 1632
or placement. 1633

(3) If the child is not in the permanent or legal custody of 1634

a government agency or person other than the child's parent and
the child resides in a home, tuition shall be paid by one of the
following:

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

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

(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 in
prosecuting the action, including court costs and reasonable
attorney's fees. If the prosecuting attorney or city director of
law represents the board in such action, costs and reasonable
attorney's fees awarded by the court, based upon the prosecuting
attorney's, director's, or one of their designee's time spent
preparing and presenting the case, shall be deposited in the
county or city general fund.

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

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

(1) All persons at least eighteen but under twenty-two years

of age who live apart from their parents, support themselves by
their own labor, and have not successfully completed the high
school curriculum or the individualized education program
developed for the person by the high school pursuant to section
3323.08 of the Revised Code, are entitled to attend school in the
district in which they reside.

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

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

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

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

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

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

(5) Any child under the age of twenty-two years who, after

the death of a parent, resides in a school district other than the 1696
district in which the child attended school at the time of the 1697
parent's death is entitled to continue to attend school in the 1698
district in which the child attended school at the time of the 1699
parent's death for the remainder of the school year, subject to 1700
approval of that district board. 1701

(6) A child under the age of twenty-two years who resides 1702
with a parent who is having a new house built in a school district 1703
outside the district where the parent is residing is entitled to 1704
attend school for a period of time in the district where the new 1705
house is being built. In order to be entitled to such attendance, 1706
the parent shall provide the district superintendent with the 1707
following: 1708

(a) A sworn statement explaining the situation, revealing the 1709
location of the house being built, and stating the parent's 1710
intention to reside there upon its completion; 1711

(b) A statement from the builder confirming that a new house 1712
is being built for the parent and that the house is at the 1713
location indicated in the parent's statement. 1714

(7) A child under the age of twenty-two years residing with a 1715
parent who has a contract to purchase a house in a school district 1716
outside the district where the parent is residing and who is 1717
waiting upon the date of closing of the mortgage loan for the 1718
purchase of such house is entitled to attend school for a period 1719
of time in the district where the house is being purchased. In 1720
order to be entitled to such attendance, the parent shall provide 1721
the district superintendent with the following: 1722

(a) A sworn statement explaining the situation, revealing the 1723
location of the house being purchased, and stating the parent's 1724
intent to reside there; 1725

(b) A statement from a real estate broker or bank officer 1726

confirming that the parent has a contract to purchase the house, 1727
that the parent is waiting upon the date of closing of the 1728
mortgage loan, and that the house is at the location indicated in 1729
the parent's statement. 1730

The district superintendent shall establish a period of time 1731
not to exceed ninety days during which the child entitled to 1732
attend school under division (F)(6) or (7) of this section may 1733
attend without tuition obligation. A student attending a school 1734
under division (F)(6) or (7) of this section shall be eligible to 1735
participate in interscholastic athletics under the auspices of 1736
that school, provided the board of education of the school 1737
district where the student's parent resides, by a formal action, 1738
releases the student to participate in interscholastic athletics 1739
at the school where the student is attending, and provided the 1740
student receives any authorization required by a public agency or 1741
private organization of which the school district is a member 1742
exercising authority over interscholastic sports. 1743

(8) A child whose parent is a full-time employee of a city, 1744
local, or exempted village school district may be admitted to the 1745
schools of the district where the child's parent is employed, 1746
provided the board of education establishes such an admission 1747
policy by resolution adopted by a majority of its members. Any 1748
such policy shall take effect on the first day of the school year 1749
and the effective date of any amendment or repeal may not be prior 1750
to the first day of the subsequent school year. The policy shall 1751
be uniformly applied to all such children and shall provide for 1752
the admission of any such child upon request of the parent. No 1753
child may be admitted under this policy after the first day of 1754
classes of any school year. 1755

(9) A child who is with the child's parent under the care of 1756
a shelter for victims of domestic violence, as defined in section 1757
3113.33 of the Revised Code, is entitled to attend school free in 1758

the district in which the child is with his parent, and no other 1759
school district shall be required to pay tuition for the child's 1760
attendance in that school district. 1761

The enrollment of a child in a school district under this 1762
division shall not be denied due to a delay in the school 1763
district's receipt of any records required under section 3313.672 1764
of the Revised Code or any other records required for enrollment. 1765
Any days of attendance and any credits earned by a child while 1766
enrolled in a school district under this division shall be 1767
transferred to and accepted by any school district in which the 1768
child subsequently enrolls. The state board of education shall 1769
adopt rules to ensure compliance with this division. 1770

(10) Any child under the age of twenty-two years whose parent 1771
has moved out of the school district after the commencement of 1772
classes in the child's senior year of high school is entitled, 1773
subject to the approval of that district board, to attend school 1774
in the district in which the child attended school at the time of 1775
the parental move for the remainder of the school year and for one 1776
additional semester or equivalent term. A district board may also 1777
adopt a policy specifying extenuating circumstances under which a 1778
student may continue to attend school under division (F)(10) of 1779
this section for an additional period of time in order to 1780
successfully complete the high school curriculum for the 1781
individualized education program developed for the student by the 1782
high school pursuant to section 3323.08 of the Revised Code. 1783

(11) As used in this division, "grandparent" means a parent 1784
of a parent of a child. A child under the age of twenty-two years 1785
who is in the custody of the child's parent, resides with a 1786
grandparent, and does not require special education is entitled to 1787
attend the schools of the district in which the child's 1788
grandparent resides, provided that, prior to such attendance in 1789
any school year, the board of education of the school district in 1790

which the child's grandparent resides and the board of education 1791
of the school district in which the child's parent resides enter 1792
into a written agreement specifying that good cause exists for 1793
such attendance, describing the nature of this good cause, and 1794
consenting to such attendance. 1795

In lieu of a consent form signed by a parent, a board of 1796
education may request the grandparent of a child attending school 1797
in the district in which the grandparent resides pursuant to 1798
division (F)(11) of this section to complete any consent form 1799
required by the district, including any authorization required by 1800
sections 3313.712 and 3313.713 of the Revised Code. Upon request, 1801
the grandparent shall complete any consent form required by the 1802
district. A school district shall not incur any liability solely 1803
because of its receipt of a consent form from a grandparent in 1804
lieu of a parent. 1805

Division (F)(11) of this section does not create, and shall 1806
not be construed as creating, a new cause of action or substantive 1807
legal right against a school district, a member of a board of 1808
education, or an employee of a school district. This section does 1809
not affect, and shall not be construed as affecting, any 1810
immunities from defenses to tort liability created or recognized 1811
by Chapter 2744. of the Revised Code for a school district, 1812
member, or employee. 1813

(12) A child under the age of twenty-two years is entitled to 1814
attend school in a school district other than the district in 1815
which the child is entitled to attend school under division (B), 1816
(C), or (E) of this section provided that, prior to such 1817
attendance in any school year, both of the following occur: 1818

(a) The superintendent of the district in which the child is 1819
entitled to attend school under division (B), (C), or (E) of this 1820
section contacts the superintendent of another district for 1821

purposes of this division; 1822

(b) The superintendents of both districts enter into a 1823
written agreement that consents to the attendance and specifies 1824
that the purpose of such attendance is to protect the student's 1825
physical or mental well-being or to deal with other extenuating 1826
circumstances deemed appropriate by the superintendents. 1827

While an agreement is in effect under this division for a 1828
student who is not receiving special education under Chapter 3323. 1829
of the Revised Code and notwithstanding Chapter 3327. of the 1830
Revised Code, the board of education of neither school district 1831
involved in the agreement is required to provide transportation 1832
for the student to and from the school where the student attends. 1833

A student attending a school of a district pursuant to this 1834
division shall be allowed to participate in all student 1835
activities, including interscholastic athletics, at the school 1836
where the student is attending on the same basis as any student 1837
who has always attended the schools of that district while of 1838
compulsory school age. 1839

(G) A board of education, after approving admission, may 1840
waive tuition for students who will temporarily reside in the 1841
district and who are either of the following: 1842

(1) Residents or domiciliaries of a foreign nation who 1843
request admission as foreign exchange students; 1844

(2) Residents or domiciliaries of the United States but not 1845
of Ohio who request admission as participants in an exchange 1846
program operated by a student exchange organization. 1847

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 1848
3327.04, and 3327.06 of the Revised Code, a child may attend 1849
school or participate in a special education program in a school 1850
district other than in the district where the child is entitled to 1851

attend school under division (B) of this section.

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(I) This division does not apply to a child receiving special education.

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1854

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division ~~(G)~~(F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to receive tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount credited under division ~~(G)~~(F) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. If the tuition rate credited to the district of attendance exceeds the rate deducted from the district required to pay tuition, the department of education shall pay the district of attendance the difference from amounts deducted from all districts' payments under division ~~(G)~~(F) of section 3317.023 of the Revised Code but not credited to other school districts under such division and from appropriations made for such purpose. The treasurer of each school district shall, by the fifteenth day of January and July, furnish the superintendent of public instruction a report of the names of each child who attended the district's schools under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code during the preceding six calendar months, the duration of the attendance of those children, the school district responsible for tuition on behalf of the child, and any other information that the superintendent requires.

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Upon receipt of the report the superintendent, pursuant to division ~~(G)~~(F) of section 3317.023 of the Revised Code, shall deduct each district's tuition obligations under divisions (C)(2) and (3) of this section or section 3313.65 of the Revised Code and pay to the district of attendance that amount plus any amount

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required to be paid by the state. 1884

(J) In the event of a disagreement, the superintendent of 1885
public instruction shall determine the school district in which 1886
the parent resides. 1887

(K) Nothing in this section requires or authorizes, or shall 1888
be construed to require or authorize, the admission to a public 1889
school in this state of a pupil who has been permanently excluded 1890
from public school attendance by the superintendent of public 1891
instruction pursuant to sections 3301.121 and 3313.662 of the 1892
Revised Code. 1893

Sec. 3313.642. (A) Except as provided in division (B) of this 1894
section and notwithstanding the provisions of sections 3313.48 and 1895
3313.64 of the Revised Code, the board of education of a city, 1896
exempted village, or local school district shall not be required 1897
to furnish, free of charge, to the pupils attending the public 1898
schools any materials used in a course of instruction with the 1899
exception of the necessary textbooks required to be furnished 1900
without charge pursuant to section 3329.06 of the Revised Code. 1901
The board may, however, make provision by appropriations 1902
transferred from the general fund of the district or otherwise for 1903
furnishing free of charge any materials used in a course of 1904
instruction to such pupils as it determines are in serious 1905
financial need of such materials. 1906

(B) No board of education of a school district that receives 1907
funds under ~~division (B) of section 3317.023~~ 3317.029 of the 1908
Revised Code shall charge a fee to a recipient of aid under 1909
Chapter 5107. or 5115. of the Revised Code for any materials 1910
needed to enable the recipient to participate fully in a course of 1911
instruction. The prohibition in this division against charging a 1912
fee does not apply to any fee charged for any materials needed to 1913
enable a recipient to participate fully in extracurricular 1914

activities or in any pupil enrichment program that is not a course 1915
of instruction. 1916

(C) Boards of education may adopt rules and regulations 1917
prescribing a schedule of fees for materials used in a course of 1918
instruction and prescribing a schedule of charges which may be 1919
imposed upon pupils for the loss, damage, or destruction of school 1920
apparatus, equipment, musical instruments, library material, 1921
textbooks required to be furnished without charge, and for damage 1922
to school buildings, and may enforce the payment of such fees and 1923
charges by withholding the grades and credits of the pupils 1924
concerned. 1925

Sec. 3313.646. (A) The board of education of a school 1926
district, except a cooperative education district established 1927
pursuant to section 3311.521 of the Revised Code, may establish 1928
and operate a preschool program except that no such program shall 1929
be established after March 17, 1989, unless both of the following 1930
apply at the time the program is established: 1931

(1) The board has demonstrated a need for the program. 1932

(2) Unless it is a cooperative education district established 1933
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 1934
Code, the school district is eligible for moneys distributed by 1935
the department of education pursuant to ~~division (B) of~~ section 1936
~~3317.023~~ 3317.029 of the Revised Code. A board may use school 1937
funds in support of preschool programs. The board shall maintain, 1938
operate, and admit children to any such program pursuant to rules 1939
adopted by such board and the rules of the state board of 1940
education adopted under sections 3301.52 to 3301.57 of the Revised 1941
Code. 1942

A board of education may establish fees or tuition, which may 1943
be graduated in proportion to family income, for participation in 1944
a preschool program. In cases where payment of fees or tuition 1945

would create a hardship for the child's parent or guardian, the board may waive any such fees or tuition. 1946
1947

(B) No board of education that is not receiving funds under the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on March 17, 1989, shall compete for funds under the "Head Start Act" with any grantee receiving funds under that act. 1948
1949
1950
1951

(C) A board of education may contract with any of the following preschool providers to provide preschool programs, other than programs for units described by division (E) of section 3317.05 of the Revised Code, for children of the school district: 1952
1953
1954
1955

(1) Any organization receiving funds under the "Head Start Act"; 1956
1957

(2) Any nonsectarian eligible nonpublic school as defined in division (H) of section 3301.52 of the Revised Code; 1958
1959

(3) Any child day-care provider licensed under Chapter 5104. of the Revised Code. 1960
1961

Boards may contract to provide preschool programs only with such organizations whose staff meet the requirements of rules adopted under section 3301.53 of the Revised Code or those of the child development associate credential established by the national association for the education of young children. 1962
1963
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(D) A contract entered into under division (C) of this section may provide for the board of education to lease school facilities to the preschool provider or to furnish transportation, utilities, or staff for the preschool program. 1967
1968
1969
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(E) The treasurer of any board of education operating a preschool program pursuant to this section shall keep an account of all funds used to operate the program in the same manner as he would any other funds of the district pursuant to this chapter. 1971
1972
1973
1974

Sec. 3313.647. As used in this division, "graduate" means a 1975
person who has received a diploma from a district pursuant to 1976
section 3313.61 of the Revised Code. 1977

Pursuant to rules adopted by the state board of education, a 1978
city, local, exempted village, or joint vocational school district 1979
may establish a policy guaranteeing a specific level of competency 1980
of certain graduates of the district. The guarantee policy shall 1981
specify that any graduate meeting specified criteria established 1982
by the board is capable of performing specified functions at a 1983
level established in the policy. Any employer or potential 1984
employer of a graduate who is guaranteed under such a policy may 1985
submit a written statement to the board of education stating the 1986
guaranteed graduate of its district does not meet the level of 1987
competency specified in the district's guarantee policy. Upon 1988
receipt of such statement the board of education shall provide an 1989
opportunity for additional education to the graduate, regardless 1990
of the graduate's age or place of residence, until such individual 1991
attains the competency level specified in the policy. No fee shall 1992
be charged to any person or government entity for such additional 1993
education. A school board may expend school funds for a guarantee 1994
program; however, no student participating in the program shall be 1995
included in the ~~average daily membership~~ formula ADM of the 1996
district as determined under section 3317.03 of the Revised Code 1997
or included as a participant in any other program, if such 1998
inclusion would result in additional state funds to the school 1999
district. 2000

The state board of education shall adopt rules for the 2001
adoption of a policy under this section and for the additional 2002
education program described under this section. 2003

Sec. 3313.841. The boards of education and governing boards 2004

of two or more city, local, joint vocational, or exempted village 2005
school districts or educational service centers may contract in 2006
accordance with the terms of this section for the sharing on a 2007
cooperative basis of the services of supervisory teachers, special 2008
instruction teachers, special education teachers, and other 2009
licensed personnel necessary to conduct approved cooperative 2010
classes of the type described in ~~divisions~~ division (B), ~~(C), and~~ 2011
~~(E)~~ of section 3317.05 of the Revised Code for handicapped pupils. 2012

The boards of two or more districts or service centers 2013
desiring to enroll students in such classes shall each adopt 2014
resolutions indicating such desire and designating one of the 2015
participating districts or service centers as the funding agent 2016
for purposes of this section. The district or service center 2017
designated as the funding agent shall enter into an employment 2018
contract with each licensed teacher whose services are to be 2019
shared among the participating districts and service centers. In 2020
turn, the funding agent shall enter into contracts with each of 2021
the districts and service centers which have adopted resolutions 2022
agreeing to participate in the cooperative program upon terms 2023
agreed to by all parties to such contract. Such contracts between 2024
districts and service centers shall set forth the services to be 2025
provided by the licensed teacher employed by the funding agent 2026
whose services are to be shared by the participating districts and 2027
service centers and the basis for computing the amounts to be paid 2028
for such services to the funding agent by the participating 2029
districts and service centers. 2030

For purposes of ~~divisions~~ division (B), ~~(C), and (E)~~ of 2031
section 3317.05 of the Revised Code, the funding agent shall count 2032
all pupils enrolled in cooperative programs for handicapped pupils 2033
as pupils enrolled in such programs in the funding agent district. 2034
Upon receipt of payment for such programs, the funding agent 2035
district shall credit the account of districts participating in 2036

the cooperative program for the amounts due under contracts 2037
entered into under the terms of this section in proportion to the 2038
number of resident students enrolled in the cooperative program 2039
from each participating district and service center. 2040

In determining the terms of the contract entered into by the 2041
funding agent district or service center and the participating 2042
districts and service centers, the superintendent of schools of 2043
each participating board of education and governing board shall 2044
serve as a committee which shall recommend such terms to such 2045
boards. 2046

Sec. 3313.842. The boards of education of any two or more 2047
school districts may enter into an agreement for joint or 2048
cooperative establishment and operation of any educational program 2049
including any class, course, or program that may be included in a 2050
school district's graded course of study and staff development 2051
programs for teaching and nonteaching school employees. Each 2052
school district that is party to such an agreement may contribute 2053
funds of the district in support of the agreement and for the 2054
establishment and operation of any educational program established 2055
under the agreement. The agreement shall designate one of the 2056
districts as the district responsible for receiving and disbursing 2057
the funds contributed by the districts that are parties to the 2058
agreement. 2059

A student participating in an educational program established 2060
pursuant to this section shall be included in the ~~average daily~~ 2061
~~membership~~ formula ADM certified under section 3317.03 of the 2062
Revised Code of the district in which ~~he~~ the student is enrolled. 2063

Sec. 3313.843. (A) Notwithstanding division (D) of section 2064
3311.52 of the Revised Code, this section does not apply to either 2065
of the following: 2066

~~(A)~~(1) Any cooperative education school district; 2067

~~(B)~~(2) Any city or exempted village school district with ~~an~~ 2068
~~average daily membership~~ a total student count of thirteen 2069
thousand or more ~~reported~~ determined pursuant to ~~division (A) of~~ 2070
section 3317.03 of the Revised Code that has not entered into one 2071
or more agreements pursuant to this section prior to July 1, 1993, 2072
unless the district's ~~average daily membership~~ total student count 2073
did not exceed thirteen thousand at the time it entered into an 2074
initial agreement under this section. 2075

(B) The board of education of a city or exempted village 2076
school district and the governing board of an educational service 2077
center with territory in a county in which the city or exempted 2078
village school district also has territory may enter into an 2079
agreement, through adoption of identical resolutions, under which 2080
the educational service center governing board will provide 2081
services to the city or exempted village school district. 2082

Services provided under the agreement shall be specified in 2083
the agreement, and may include any one or a combination of the 2084
following: supervisory teachers; in-service and continuing 2085
education programs for city or exempted village school district 2086
personnel; curriculum services as provided to the local school 2087
districts under the supervision of the service center governing 2088
board; research and development programs; academic instruction for 2089
which the governing board employs teachers pursuant to section 2090
3319.02 of the Revised Code; and assistance in the provision of 2091
special accommodations and classes for handicapped students. 2092
Services included in the agreement shall be provided to the city 2093
or exempted village district in the same manner they are provided 2094
to local school districts under the governing board's supervision, 2095
unless otherwise specified in the agreement. The city or exempted 2096
village board of education shall reimburse the educational service 2097
center governing board pursuant to section 3317.11 of the Revised 2098

Code. 2099

(C)(1) If an educational service center received funding 2100
under division (B) of section 3317.11 of the Revised Code for an 2101
agreement under this section involving a city school district 2102
whose ~~average daily membership~~ total student count was less than 2103
thirteen thousand, the service center may continue to receive 2104
funding under that division for such an agreement in any 2105
subsequent year if the city district's ~~average daily membership~~ 2106
total student count exceeds thirteen thousand. However, only the 2107
first thirteen thousand pupils in the ~~average daily membership~~ 2108
formula ADM of such district shall be included in determining the 2109
amount of the per pupil subsidy the service center shall receive 2110
under division (B) of section 3317.11 of the Revised Code. 2111

(2) If, prior to the effective date of this amendment, an 2112
educational service center received funding under division (B) of 2113
section 3317.11 Of the Revised Code for a period of at least three 2114
years, for a good faith agreement under this section involving a 2115
city school district with no territory in the county in which the 2116
educational service center has territory, that educational service 2117
center and that city school district may enter into an agreement 2118
under this section, and the service center shall receive funding 2119
under division (B) of section 3317.11 Of the Revised Code for any 2120
such agreement, notwithstanding the territorial boundaries of the 2121
service center and the city school district. 2122

(D) Any agreement entered into pursuant to this section shall 2123
be valid only if a copy is filed with the department of education 2124
by the first day of the school year for which the agreement is in 2125
effect. 2126

Sec. 3313.90. As used in this section, "formula ADM" has the 2127
same meaning as in section 3317.02 Of the Revised Code. 2128

Notwithstanding division (D) of section 3311.19 and division (D) 2129

of section 3311.52 of the Revised Code, the provisions of this 2130
section that apply to a city school district do not apply to any 2131
joint vocational or cooperative education school district. 2132

(A) Each city, local, and exempted village school district 2133
shall, by one of the following means, provide vocational education 2134
adequate to prepare a pupil enrolled therein for an occupation: 2135

(1) Establishing and maintaining a vocational education 2136
program that meets standards adopted by the state board of 2137
education; 2138

(2) Being a member of a joint vocational school district that 2139
meets standards adopted by the state board; 2140

(3) Contracting for vocational education with a joint 2141
vocational school district or another school district that meets 2142
the standards adopted by the state board. 2143

The standards of the state board of education shall include 2144
criteria for the participation by nonpublic students in vocational 2145
education programs without financial assessment, charge, or 2146
tuition to such student except such assessments, charges, or 2147
tuition paid by resident public school students in such programs. 2148
Such nonpublic school students shall be included in the ~~average~~ 2149
~~daily membership~~ formula ADM of the school district maintaining 2150
the vocational education program as part-time students in 2151
proportion to the time spent in the vocational education program. 2152

By the thirtieth day of October of each year, the 2153
superintendent of public instruction shall determine and certify 2154
to the superintendent of each school district subject to this 2155
section either that the district is in compliance with the 2156
requirements of this section for the current school year or that 2157
the district is not in compliance. If the superintendent certifies 2158
that the district is not in compliance, he shall notify the board 2159

of education of the district of the actions necessary to bring the 2160
district into compliance with this section. 2161

In meeting standards established by the state board of 2162
education, school districts, where practicable, shall provide 2163
vocational programs in high schools. A minimum enrollment of 2164
fifteen hundred pupils in grades nine through twelve is 2165
established as a base for comprehensive vocational course 2166
offerings. A school district may meet this requirement alone, 2167
through a cooperative arrangement pursuant to section 3313.92 of 2168
the Revised Code, through school district consolidation, by 2169
membership in a joint vocational school district, by contract with 2170
a school district, by contract with a school licensed by any state 2171
agency established by the Revised Code which school operates its 2172
courses offered for contracting with public schools under 2173
standards as to staffing and facilities comparable to those 2174
prescribed by the state board of education for public schools 2175
provided no instructor in such courses shall be required to be 2176
certificated by the state department of education, or in a 2177
combination of such ways. Exceptions to the minimum requirement of 2178
fifteen hundred pupils may be made by the state board of education 2179
based on sparsity of population or other factors indicating that 2180
comprehensive educational and vocational programs as required by 2181
this section can be provided through an alternate plan. 2182

(B) Approval of state funds for the construction and 2184
operation of vocational facilities in any city, local, or exempted 2185
village school district shall be contingent upon a comprehensive 2186
vocational program plan approved by the state board of education 2187
no later than July 1, 1970. The state board of education shall not 2188
approve a school district plan unless the plan proposed reasonably 2189
meets the vocational needs of other school districts in the 2190
general area of the school districts in the general area of the 2191

school district submitting the plan. The plan shall be submitted 2192
to the state board of education no later than April 1, 1970. Such 2193
plan shall contain: 2194

(1) The organization for vocational education pursuant to the 2195
requirements of this section; 2196

(2) Vocational programs to be offered in the respective 2197
comprehensive high schools, in specialized schools or skill 2198
centers, and in joint vocational schools; 2199

(3) Remodeled, additional, and new vocational facilities 2200
required at the respective locations. 2201

In approving the organization for vocational education the 2202
state board of education shall provide that no city, local, or 2203
exempted village school district is excluded in the statewide 2204
plan. 2205

Sec. 3313.98. Notwithstanding division (D) of section 3311.19 2206
and division (D) of section 3311.52 of the Revised Code, the 2207
provisions of this section and sections 3313.981 to 3313.983 of 2208
the Revised Code that apply to a city school district do not apply 2209
to a joint vocational or cooperative education school district 2210
unless expressly specified. 2211

(A) As used in this section and sections 3313.981 to 3313.983 2212
of the Revised Code: 2213

(1) "Parent" means either of the natural or adoptive parents 2214
of a student, except under the following conditions: 2215

(a) When the marriage of the natural or adoptive parents of 2216
the student has been terminated by a divorce, dissolution of 2217
marriage, or annulment or the natural or adoptive parents of the 2218
student are living separate and apart under a legal separation 2219
decree and the court has issued an order allocating the parental 2220
rights and responsibilities with respect to the student, "parent" 2221

means the residential parent as designated by the court except 2222
that "parent" means either parent when the court issues a shared 2223
parenting decree. 2224

(b) When a court has granted temporary or permanent custody 2225
of the student to an individual or agency other than either of the 2226
natural or adoptive parents of the student, "parent" means the 2227
legal custodian of the child. 2228

(c) When a court has appointed a guardian for the student, 2229
"parent" means the guardian of the student. 2230

(2) "Native student" means a student entitled under section 2231
3313.64 or 3313.65 of the Revised Code to attend school in a 2232
district adopting a resolution under this section. 2233

(3) "Adjacent district" means a city, exempted village, or 2234
local school district having territory that abuts the territory of 2235
a district adopting a resolution under this section. 2236

(4) "Adjacent district student" means a student entitled 2237
under section 3313.64 or 3313.65 of the Revised Code to attend 2238
school in an adjacent district. 2239

(5) "Adjacent district joint vocational student" means an 2240
adjacent district student who enrolls in a city, exempted village, 2241
or local school district pursuant to this section and who also 2242
enrolls in a joint vocational school district that does not 2243
contain the territory of the district for which that student is a 2244
native student and does contain the territory of the city, 2245
exempted village, or local district in which the student enrolls. 2246

(6) "Adjusted formula amount" means the ~~dollar~~ formula amount 2247
~~specified~~ defined in division (B) of section 3317.02 2248
of the Revised Code multiplied by the cost-of-doing-business factor 2249
for a district defined in division ~~(E)~~ (N) of section 3317.02 of 2250
the Revised Code. 2251

(7) "Poverty line" means the poverty line established by the 2252
director of the United States office of management and budget as 2253
revised by the director of the office of community services in 2254
accordance with section 673(2) of the "Community Services Block 2255
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 2256

(8) "IEP" means an individualized education program defined 2257
by division (E) of section 3323.01 of the Revised Code. 2258

(9) "Other district" means a city, exempted village, or local 2259
school district having territory outside of the territory of a 2260
district adopting a resolution under this section. 2261

(10) "Other district student" means a student entitled under 2262
section 3313.64 or 3313.65 of the Revised Code to attend school in 2263
an other district. 2264

(11) "Other district joint vocational student" means a 2265
student who is enrolled in any city, exempted village, or local 2266
school district and who also enrolls in a joint vocational school 2267
district that does not contain the territory of the district for 2268
which that student is a native student in accordance with a policy 2269
adopted under section 3313.983 of the Revised Code. 2270

(B) The board of education of each city, local, and exempted 2271
village school district may adopt a resolution that entirely 2272
prohibits the enrollment of students from adjacent districts or 2273
other districts, other than students for whom tuition is paid in 2274
accordance with section 3317.08 of the Revised Code, that permits 2275
enrollment of students from all adjacent districts in accordance 2276
with a policy contained in the resolution, or that permits 2277
enrollment of students from all other districts in accordance with 2278
a policy contained in the resolution. 2279

A policy permitting enrollment of students from adjacent or 2280
from other districts, as applicable, shall provide for all of the 2281
following: 2282

(1) 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.	2283 2284 2285 2286
(2) Procedures for admitting adjacent or other district applicants free of any tuition obligation to the district's schools, including, but not limited to:	2287 2288 2289
(a) The establishment of district capacity limits by grade level, school building, and education program;	2290 2291
(b) A requirement that all native 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;	2292 2293 2294 2295
(c) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	2296 2297
(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:	2298 2299 2300
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	2301 2302
(2) Limitations on admitting applicants because of handicapping conditions, 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;	2303 2304 2305 2306 2307
(3) A requirement that the student be proficient in the English language;	2308 2309
(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	2310 2311 2312

consecutive days or more in the term for which admission is sought 2313
or in the term immediately preceding the term for which admission 2314
is sought, the procedures may include a provision denying 2315
admission of such applicant. 2316

(D)(1) Each school board permitting only enrollment of 2317
adjacent district students shall provide information about the 2318
policy adopted under this section, including the application 2319
procedures and deadlines, to the superintendent and the board of 2320
education of each adjacent district and, upon request, to the 2321
parent of any adjacent district student. 2322

(2) Each school board permitting enrollment of other district 2323
students shall provide information about the policy adopted under 2324
this section, including the application procedures and deadlines, 2325
upon request, to the board of education of any other school 2326
district or to the parent of any student anywhere in the state. 2327

(E) Any school board shall accept all credits toward 2328
graduation earned in adjacent or other district schools by an 2329
adjacent or other district student or a native student. 2330
2331

(F)(1) No board of education may adopt a policy discouraging 2332
or prohibiting its native students from applying to enroll in the 2333
schools of an adjacent or any other district that has adopted a 2334
policy permitting such enrollment, except that: 2335

(a) A district may object to the enrollment of a native 2336
student in an adjacent or other district in order to maintain an 2337
appropriate racial balance. 2338

(b) The board of education of a district receiving funds 2339
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 2340
may adopt a resolution objecting to the enrollment of its native 2341
students in adjacent or other districts if at least ten per cent 2342
of its students are included in the determination of the United 2343

States secretary of education made under section 20 U.S.C.A. 2344
238(a). 2345

(2) If a board objects to enrollment of native students under 2346
this division, any adjacent or other district shall refuse to 2347
enroll such native students unless tuition is paid for the 2348
students in accordance with section 3317.08 of the Revised Code. 2349
An adjacent or other district enrolling such students may not 2350
receive funding for those students in accordance with section 2351
3313.981 of the Revised Code. 2352

(G) The state board of education shall monitor school 2353
districts to ensure compliance with this section and the 2354
districts' policies. The board may adopt rules requiring uniform 2355
application procedures, deadlines for application, notification 2356
procedures, and record-keeping requirements for all school boards 2357
that adopt policies permitting the enrollment of adjacent or other 2358
district students, as applicable. If the state board adopts such 2359
rules, no school board shall adopt a policy that conflicts with 2360
those rules. 2361

(H) A resolution adopted by a board of education under this 2362
section that entirely prohibits the enrollment of students from 2363
adjacent and from other school districts does not abrogate any 2364
agreement entered into under section 3313.841 or 3313.92 of the 2365
Revised Code or any contract entered into under section 3313.90 of 2366
the Revised Code between the board of education adopting the 2367
resolution and the board of education of any adjacent or other 2368
district or prohibit these boards of education from entering into 2369
any such agreement or contract. 2370

(I) Nothing in this section shall be construed to permit or 2371
require the board of education of a city, exempted village, or 2372
local school district to exclude any native student of the 2373
district from enrolling in the district. 2374

Sec. 3313.981. (A) The state board shall adopt rules 2375
requiring both of the following: 2376

(1) The board of education of each city, exempted village, 2377
and local school district to annually report the number of 2378
adjacent district or other district students, as applicable, and 2379
adjacent district or other district joint vocational students, as 2380
applicable, enrolled in the district and the number of native 2381
students enrolled in adjacent or other districts, in accordance 2382
with a policy adopted under division (B) of section 3313.98 of the 2383
Revised Code; each adjacent district or other district student's 2384
or adjacent district or other district joint vocational student's 2385
date of enrollment in the district; and each native student's date 2386
of enrollment in an adjacent or other district; 2387

(2) The board of education of each joint vocational school 2388
district to annually report the number of adjacent district or 2389
other district joint vocational students, as applicable, enrolled 2390
in the district and, for each such student, the city, exempted 2391
village, or local school district in which the student is also 2392
enrolled. 2393

The rules shall provide for the method of counting students 2394
who are enrolled for part of a school year in an adjacent or other 2395
district or as an adjacent district or other district joint 2396
vocational student. 2397

(B) From the payments made to a city, exempted village, or 2398
local school district under Chapter 3317. of the Revised Code, the 2399
department of education shall annually subtract both of the 2400
following: 2401

(1) An amount equal to the number of the district's native 2402
students reported under division (A)(1) of this section who are 2403
enrolled in adjacent or other school districts pursuant to 2404

policies adopted by such districts under division (B) of section 2405
3313.98 of the Revised Code multiplied by the adjusted formula 2406
amount for the district; 2407

(2) The excess costs computed in accordance with division (E) 2408
of this section for any such native students receiving special 2409
education and related services in adjacent or other school 2410
districts or as an adjacent district or other district joint 2411
vocational student. 2412

(C) To the payments made to a city, exempted village, or 2413
local school district under Chapter 3317. of the Revised Code, the 2414
department of education shall annually add all of the following: 2415

(1) An amount equal to the adjusted formula amount for the 2416
district multiplied by the remainder obtained by subtracting the 2417
number of adjacent district or other district joint vocational 2418
students from the number of adjacent district or other district 2419
students enrolled in the district, as reported under division 2420
(A)(1) of this section; 2421

(2) The excess costs computed in accordance with division (E) 2422
of this section for any adjacent district or other district 2423
students, except for any adjacent or other district joint 2424
vocational students, receiving special education and related 2425
services in the district; 2426

(3) An amount equal to the number of adjacent district or 2427
other district joint vocational students reported under division 2428
(A)(1) of this section multiplied by an amount equal to one-fourth 2429
of the adjusted formula amount for the district. 2430

(D) To the payments made to a joint vocational school 2431
district under Chapter 3317. of the Revised Code, the department 2432
of education shall add, for each adjacent district or other 2433
district joint vocational student reported under division (A)(2) 2434
of this section, an amount equal to three-fourths of the adjusted 2435

formula amount of the city, exempted village, or local school 2436
district in which the student is also enrolled. 2437

(E)(1) A city, exempted village, or local school board 2438
providing special education and related services to an adjacent or 2439
other district student in accordance with an IEP shall, pursuant 2440
to rules of the state board, compute the excess costs to educate 2441
such student as follows: 2442

(a) Subtract the adjusted formula amount for the district 2443
from the actual costs to educate the student; 2444

(b) From the amount computed under division (E)(1)(a) of this 2445
section subtract the amount of any funds received by the district 2446
under Chapter 3317. of the Revised Code to provide special 2447
education and related services to the student. 2448

(2) The board shall report the excess costs computed under 2449
this division to the department of education. 2450

(3) If any student for whom excess costs are computed under 2451
division (E)(1) of this section is an adjacent or other district 2452
joint vocational student, the department of education shall add 2453
the amount of such excess costs to the payments made under Chapter 2454
3317. of the Revised Code to the joint vocational school district 2455
enrolling the student. 2456

(F) Notwithstanding section 3317.03 of the Revised Code: 2457

~~(1) No city, exempted village, or local school district shall 2458
count any adjacent or other district student reported under 2459
division (A) of this section in its ADM certified under section 2460
3317.03 of the Revised Code. 2461~~

~~(2) Each city, exempted village, and local school district 2462
shall count in its ADM certified under such section, any native 2463
student enrolled in the schools of an adjacent or an other 2464
district under section 3313.98 of the Revised Code. 2465~~

~~(3) No, no~~ joint vocational school district shall count any 2466
adjacent or other district joint vocational student enrolled in 2467
the district in its ~~ADM~~ average daily membership certified under 2468
section 3317.03 of the Revised Code. 2469

(G) No city, exempted village, or local school district shall 2470
receive a payment under division (C) of this section for a 2471
student, and no joint vocational school district shall receive a 2472
payment under division (D) of this section for a student, if for 2473
the same school year that student is counted in the district's 2474
formula ADM or average daily membership certified under section 2475
3317.03 of the Revised Code. 2476

(H) Upon request of a parent, and provided the board offers 2477
transportation to native students of the same grade level and 2478
distance from school under section 3327.01 of the Revised Code, a 2479
city, exempted village, or local school board enrolling an 2480
adjacent or other district student shall provide transportation 2481
for the student within the boundaries of the board's district, 2482
except that the board shall be required to pick up and drop off a 2483
nonhandicapped student only at a regular school bus stop 2484
designated in accordance with the board's transportation policy. 2485
Pursuant to rules of the state board of education, such board may 2486
reimburse the parent from funds received under division ~~(K)~~(D) of 2487
section ~~3317.024~~ 3317.022 of the Revised Code for the reasonable 2488
cost of transportation from the student's home to the designated 2489
school bus stop if the student's family has an income below the 2490
federal poverty line. 2491

Sec. 3314.02. (A) As used in this chapter: 2492

(1) "Sponsor" means a city, local, exempted village, or joint 2493
vocational board of education or the state board of education with 2494
which the governing authority of the proposed community school 2495
enters into a contract pursuant to this section. 2496

(2) "Pilot project district" means a school district included 2497
in the territory of a community school pilot project established 2498
by Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general 2499
assembly. 2500

(3) "Big eight school district" means ~~any of the same~~ 2501
~~districts described in section 3317.02, except for a pilot project~~ 2502
~~district~~ a school district that for fiscal year 1997 had both of 2503
the following: 2504

(a) A percentage of children residing in the district and 2505
participating in the predecessor of Ohio works first greater than 2506
thirty per cent, as reported pursuant to section 3317.10 of the 2507
Revised Code; 2508

(b) An average daily membership greater than twelve thousand, 2509
as reported pursuant to former division (A) of section 3317.03 of 2510
the Revised Code. 2511

(4) "New start-up school" means a community school other than 2512
one created by converting all or part of an existing public 2513
school, as designated in the school's contract pursuant to 2514
division (A)(17) of section 3314.03 of the Revised Code. 2515

(B) Any person or group of individuals may initially propose 2516
under this division the conversion of all or a portion of a public 2517
school to a community school. The proposal shall be made to the 2518
board of education of a city, local, or exempted village school 2519
district, other than a pilot project district, in which the public 2520
school is proposed to be converted. Upon receipt of a proposal, a 2521
board may enter into a preliminary agreement with the person or 2522
group proposing the conversion of the public school, indicating 2523
the intention of the board of education to support the conversion 2524
to a community school. A proposing person or group that has a 2525
preliminary agreement under this division may proceed to finalize 2526
plans for the school, establish a governing authority for the 2527

school, and negotiate a contract with the board of education. 2528
Provided the proposing person or group adheres to the preliminary 2529
agreement and all provisions of this chapter, the board of 2530
education shall negotiate in good faith to enter into a contract 2531
in accordance with section 3314.03 of the Revised Code and 2532
division (C) of this section. 2533

(C)(1) Any person or group of individuals may propose under 2534
this division the establishment of a new start-up school to be 2535
located in a big eight school district other than a pilot project 2536
district. Such proposal may be made to any of the following public 2537
entities: 2538

(a) The board of education of the big eight school district 2539
in which the school is proposed to be located; 2540

(b) The board of education of any joint vocational school 2541
district with territory in the county in which the majority of the 2542
territory of that big eight district is located; 2543

(c) The board of education of any other city, local, or 2544
exempted village school district having territory in the same 2545
county in which that big eight district has the major portion of 2546
its territory; 2547

(d) The state board of education. 2548

Such big eight district board, joint vocational board, other 2549
school district board, or state board may enter into a preliminary 2550
agreement pursuant to division (C)(2) of this section with the 2551
proposing person or group. 2552

(2) A preliminary agreement indicates the intention of a 2553
public entity described in division (C)(1) of this section to 2554
sponsor the community school. A proposing person or group that has 2555
such a preliminary agreement may proceed to finalize plans for the 2556
school, establish a governing authority for the school, and 2557

negotiate a contract with the public entity. Provided the 2558
proposing person or group adheres to the preliminary agreement and 2559
all provisions of this chapter, the public entity shall negotiate 2560
in good faith to enter into a contract in accordance with section 2561
3314.03 of the Revised Code. 2562

(D) A majority vote of a sponsoring school district board and 2563
a majority vote of the members of the governing authority of a 2564
community school shall be required to adopt a contract and convert 2565
the public school to a community school or establish the new 2566
start-up school. An unlimited number of community schools may be 2567
established in any school district provided that a contract is 2568
entered into for each community school pursuant to this chapter. 2569

Sec. 3314.03. (A) Each contract entered into under section 2570
3314.02 of the Revised Code between a sponsor and the governing 2571
authority of a community school shall specify the following: 2572

(1) That the school shall be established as a nonprofit 2573
corporation established under Chapter 1702. of the Revised Code; 2574

(2) The education program of the school, including the 2575
school's mission, the characteristics of the students the school 2576
is expected to attract, the ages and grades of students, and the 2577
focus of the curriculum; 2578

(3) The academic goals to be achieved and the method of 2579
measurement that will be used to determine progress toward those 2580
goals, which shall include the statewide proficiency tests; 2581

(4) Performance standards by which the success of the school 2582
will be evaluated by the sponsor; 2583

(5) The admission standards of section 3314.06 of the Revised 2584
Code; 2585

(6) Dismissal procedures; 2586

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	2587 2588
(8) Requirements and procedures for program and financial audits, including audits by the auditor of state and the department of education. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state.	2589 2590 2591 2592 2593 2594
(9) The facility to be used and its location;	2595
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	2596 2597 2598 2599 2600 2601
(11) That the school will comply with the following requirements:	2602 2603
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year;	2604 2605 2606
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school;	2607 2608 2609
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution;	2610 2611 2612 2613
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0714, 3313.50, 3313.643, 3313.66, 3313.661, 3313.662,	2614 2615 2616

3313.67, 3313.672, 3313.673, 3313.69, 3313.71, 3313.80, 3313.96, 2617
3319.321, 3319.39, 3321.01, 3327.10, 4111.17, and 4113.52 and 2618
Chapters 117., 1347., 2744., 4112., 4123., 4141., and 4167. of the 2619
Revised Code as if it were a school district; 2620

(e) The school shall comply with Chapter 102. of the Revised 2621
Code except that nothing in that chapter shall prohibit a member 2622
of the school's governing board from also being an employee of the 2623
school and nothing in that chapter or section 2921.42 of the 2624
Revised Code shall prohibit a member of the school's governing 2625
board from having an interest in a contract into which the 2626
governing board enters; 2627

(f) The school will comply with sections 3313.61 and 3313.611 2628
of the Revised Code, except that the requirement in those sections 2629
that a person must successfully complete the curriculum in any 2630
high school prior to receiving a high school diploma may be met by 2631
completing the curriculum adopted by the governing authority of 2632
the community school rather than the curriculum specified in Title 2633
XXXVIII of the Revised Code or any rules of the state board of 2634
education; 2635

(g) The school governing authority will submit an annual 2636
report of its activities and progress in meeting the goals and 2637
standards of divisions (A)(3) and (4) of this section and its 2638
financial status to the sponsor and to the parents of all students 2639
enrolled in the school. 2640

(12) Arrangements for providing health and other benefits to 2641
employees; 2642

(13) The length of the contract, which shall begin at the 2643
beginning of an academic year and shall not exceed three years; 2644

(14) The governing authority of the school, which shall be 2645
responsible for carrying out the provisions of the contract; 2646

(15) A financial plan detailing an estimated school budget 2647
for each year of the period of the contract and specifying the 2648
total estimated per pupil expenditure amount for each such year. 2649
The plan shall specify for each year the base formula amount that 2650
will be used for purposes of funding calculations under section 2651
3314.08 of the Revised Code. This base formula amount for any year 2652
shall not exceed the ~~dollar~~ formula amount ~~specified for the year~~ 2653
defined under section ~~3317.022~~ 3317.02 of the Revised Code. The 2654
plan may also specify for any year a percentage figure to be used 2655
for reducing the per pupil amount of disadvantaged pupil impact 2656
aid calculated pursuant to section 3317.029 Of the Revised Code 2657
the school is to receive that year under section 3314.08 of the 2658
Revised Code. 2659

(16) Requirements and procedures regarding the disposition of 2660
employees of the school in the event the contract is terminated or 2661
not renewed pursuant to section 3314.07 of the Revised Code; 2662

(17) Whether the school is to be created by converting all or 2663
part of an existing public school or is to be a new start-up 2664
school, and if it is a converted public school, specification of 2665
any duties or responsibilities of an employer that the board of 2666
education that operated the school before conversion is delegating 2667
to the governing board of the community school with respect to all 2668
or any specified group of employees provided the delegation is not 2669
prohibited by a collective bargaining agreement applicable to such 2670
employees; 2671

(18) Provisions establishing procedures for resolving 2672
disputes or differences of opinion between the sponsor and the 2673
governing authority of the community school. 2674

(B) The community school shall also submit to the sponsor a 2675
comprehensive plan for the school. The plan shall specify the 2676
following: 2677

(1) The process by which the governing authority of the school will be selected in the future;	2678 2679
(2) The management and administration of the school;	2680
(3) If the community school is a currently existing public school, alternative arrangements for current public school students who choose not to attend the school and teachers who choose not to teach in the school after conversion;	2681 2682 2683 2684
(4) The instructional program and educational philosophy of the school;	2685 2686
(5) Internal financial controls.	2687
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor.	2688 2689 2690 2691 2692 2693
Sec. 3314.08. (A) As used in this section:	2694
(1) "Base formula amount" means the amount specified as such in a community school's financial plan for a school year pursuant to division (A)(15) of section 3314.03 of the Revised Code.	2695 2696 2697
(2) "Cost-of-doing-business factor" has the same meaning as in division (E) of section 3317.02 of the Revised Code.	2698 2699
(3) "IEP" means an individualized education program defined by division (E) of section 3323.01 of the Revised Code.	2700 2701
(4) "Actual cost" means the actual cost of providing special education and related services to a special education student pursuant to an IEP in the school district where that student is entitled to attend school pursuant to section 3313.64 and or 3313.65 of the Revised Code, as calculated in a manner acceptable	2702 2703 2704 2705 2706

to the superintendent of public instruction. 2707

(5) "DPIA reduction factor" means the percentage figure, if 2708
any, specified for reducing the per pupil amount of disadvantaged 2709
pupil impact aid a community school is entitled to receive 2710
pursuant to division (D)(3) of this section in any year, as 2711
specified in the school's financial plan for the year pursuant to 2712
division (A)(15) of section 3314.03 of the Revised Code. 2713

(B) The state board of education shall adopt rules requiring 2714
both of the following: 2715

(1) The board of education of each city, exempted village, 2716
and local school district to annually report the number of 2717
students entitled to attend school in the district pursuant to 2718
section 3313.64 or 3313.65 of the Revised Code who are enrolled in 2719
grades one through twelve and one-half of the kindergarten 2720
students enrolled in a community school established under this 2721
chapter and for each child the community school in which the child 2722
is enrolled. In addition, for each such child receiving special 2723
education and related services enrolled in grades kindergarten 2724
through twelve or in a preschool handicapped unit in a community 2725
school pursuant to an IEP, the board shall report the actual cost 2726
for such child and, if the district receives disadvantaged pupil 2727
impact aid pursuant to section ~~3317.023~~ 3317.029 of the Revised 2728
Code, it shall report the amount received for each such child. 2729

(2) The governing authority of each community school 2730
established under this chapter to annually report the number of 2731
students enrolled in grades one through twelve and one-half the 2732
number of kindergarten students in the school who are not 2733
receiving special education and related services pursuant to an 2734
IEP; the number of enrolled students in grades one through twelve 2735
and one-half the number of kindergarten students who are receiving 2736
special education and related services pursuant to an IEP ~~and;~~ the 2737
number of ~~such~~ enrolled preschool handicapped students ~~counted in~~ 2738

~~a unit approved by the state board of education and funded under~~ 2739
~~division (N) of section 3317.024 of the Revised Code, receiving~~ 2740
~~special education services in a state-funded unit; the community~~ 2741
school's base formula amount~~;~~i and the city, exempted village, or 2742
local school district in which the school is located. Each 2743
governing authority shall also report any DPIA reduction factor 2744
that applies to a school year. 2745

(C) From the payments made to a city, exempted village, or 2746
local school district under Chapter 3317. Of the Revised Code and, 2747
if necessary, sections 321.14 and 323.156 of the Revised Code, the 2748
department of education shall annually subtract all of the 2749
following: 2750

(1) An amount equal to the sum of the amounts obtained when, 2751
for each community school where the district's students are 2752
enrolled, the number of the district's students reported under 2753
division (B)(2) of this section who are enrolled in grades one 2754
through twelve and one-half the number of kindergarten students in 2755
that community school and are not receiving special education and 2756
related services pursuant to an IEP is multiplied by the base 2757
formula amount of that community school as adjusted by the school 2758
district's cost-of-doing-business factor. 2759

(2) The sum of the actual costs for all district students 2760
reported under division (B)(2) of this section who are to be 2761
receiving special education and related services pursuant to an 2762
IEP in their respective community schools, less the sum of the 2763
prorated share for each such student of any amounts received from 2764
state preschool handicapped unit funding or from federal funds to 2765
provide special education and related services to students in the 2766
respective community schools. This prorated share of state or 2767
federal funds received for each such student shall be determined 2768
on the basis of all such funds received by a community school for 2769
students receiving similar services, as calculated in a manner 2770

acceptable to the superintendent of public instruction. 2771

(3) An amount equal to the sum of the amounts obtained when, 2772
for each community school where the district's students are 2773
enrolled, the number of the district's students enrolled in that 2774
community school and residing in the district in a family 2775
~~receiving assistance under Title IV A of the "Social Security~~ 2776
~~Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended~~ 2777
participating in Ohio works first under Chapter 5107. Of the 2778
Revised Code is multiplied by the per pupil amount of 2779
disadvantaged pupil impact aid the school district receives that 2780
year pursuant to section 3317.029 Of the Revised Code, as adjusted 2781
by any DPIA reduction factor of that community school. 2782

(D) The department shall annually pay to a community school 2783
established under this chapter all of the following: 2784

(1) An amount equal to the sum of the amounts obtained when 2785
the number of students enrolled in grades one through twelve plus 2786
one-half of the kindergarten students in the school as reported 2787
under division (B)(2) of this section who are not receiving 2788
special education and related services pursuant to an IEP is 2789
multiplied by the community school's base formula amount, as 2790
adjusted by the cost-of-doing-business factor of the school 2791
district in which the school is located; 2792

(2) For each student enrolled in the school receiving special 2793
education and related services pursuant to an IEP, an amount equal 2794
to the actual cost for such student, less a prorated share for the 2795
student of any amount received from state preschool handicapped 2796
unit funding or federal funds to provide special education and 2797
related services to students in the community school. This 2798
prorated share shall be determined as described under division 2799
(C)(2) of this section. 2800

(3) An amount equal to the number of students enrolled in the 2801

community school and residing in the school district in a family receiving assistance under Title IV A of the "Social Security Act" participating in Ohio works first is multiplied by the per pupil amount of disadvantaged pupil impact aid that school district receives that year pursuant to section 3317.029 Of the Revised Code, as adjusted by any DPIA reduction factor of the community school.

~~(E) Each city, exempted village, and local school district shall count in its ADM certified under division (A)(1) of section 3317.03 of the Revised Code, any student entitled to attend school in the district enrolled in a community school, except that a school district may instead count a student enrolled in a community school in its ADM certified under division (A)(3) of that section if the district had counted the student under division (A)(3) of that section immediately prior to the student's enrollment in the community school.~~

~~(F) A community school may apply to the department of education for preschool handicapped or gifted unit funding the school would receive if it were a school district. Upon request of its governing authority, a community school that received unit funding as a school district-operated school before it became a community school shall retain any units awarded to it as a school district-operated school provided the school continues to meet eligibility standards for the unit.~~

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

~~(G)~~(F) A board of education sponsoring a community school may 2833
utilize local funds to make enhancement grants to the school or 2834
may agree, either as part of the contract or separately, to 2835
provide any specific services to the community school at no cost 2836
to the school. 2837

~~(H)~~(G) A community school may not levy taxes or issue bonds 2838
secured by tax revenues. 2839

~~(I)~~(H) No community school shall charge tuition for the 2840
enrollment of any student. 2841

~~(J)~~(I) A community school may borrow money to pay any 2842
necessary and actual expenses of the school in anticipation of the 2843
receipt of any portion of the payments to be received by the 2844
school pursuant to division (D) of this section. The school may 2845
issue notes to evidence such borrowing to mature no later than the 2846
end of the fiscal year in which such money was borrowed. The 2847
proceeds of the notes shall be used only for the purposes for 2848
which the anticipated receipts may be lawfully expended by the 2849
school. 2850

~~(K)~~(J) For purposes of determining the number of students for 2851
which division (D)(3) of this section applies in any school year, 2852
a community school may submit to the state department of human 2853
services, no later than the first day of March, a list of the 2854
students enrolled in the school. For each student on the list, the 2855
community school shall indicate the student's name, address, and 2856
date of birth and the school district where the student is 2857
entitled to attend school under section 3313.64 or 3313.65 of the 2858
Revised Code. Upon receipt of a list under this division, the 2859
department of human services shall determine, for each school 2860
district where one or more students on the list is entitled to 2861
attend school under section 3313.64 or 3313.65 Of the Revised 2862
Code, the number of students residing in that school district ~~in a~~ 2863

~~family receiving assistance pursuant to Title IV A of the "Social Security Act."~~ 2864
~~who were included in the department's report under~~ 2865
~~section 3317.10 Of the Revised Code.~~ The department shall make 2866
this determination on the basis of information readily available 2867
to it. Upon making this determination and no later than ninety 2868
days after submission of the list by the community school, the 2869
department shall report to the state department of education the 2870
number of students on the list who reside in ~~the~~ each school 2871
district ~~in a family receiving assistance under Title IV A of the~~ 2872
~~"Social Security Act."~~ who were included in the department's 2873
report under section 3317.10 Of the Revised Code. In complying 2874
with this division, the department of human services shall not 2875
report to the state department of education any personally 2876
identifiable information on any student. 2877

~~(L)~~(K) The department of education shall adjust the amounts 2878
subtracted and paid under divisions (C) and (D) of this section to 2879
reflect any enrollment of students in community schools for less 2880
than the equivalent of a full school year. 2881

Sec. 3314.20. This section does not apply to any school 2882
district declared to be effective pursuant to division (B)(1) of 2883
section 3302.03 of the Revised Code. 2884

(A) The department of education shall recommend rules to the 2885
general assembly requiring school districts with ~~average daily~~ 2886
~~memberships~~ a total student count of over five thousand, as 2887
~~reported~~ determined pursuant to ~~division (A) of~~ section 3317.03 of 2888
the Revised Code, to designate one school building to be operated 2889
by a site-based management council. The rules shall specify the 2890
composition of the council and the manner in which members of the 2891
council are to be selected and removed. 2892

(B) The rules adopted under division (A) of this section 2893
shall specify those powers, duties, functions, and 2894

responsibilities that shall be vested in the management council 2895
and that would otherwise be exercised by the district board of 2896
education. The rules shall also establish a mechanism for 2897
resolving any differences between the council and the district 2898
board if there is disagreement as to their respective powers, 2899
duties, functions, and responsibilities. 2900

(C) The board of education of any school~~7~~ district described 2901
by division (A) of this section may, in lieu of complying with the 2902
rules adopted under this section, file with the department of 2903
education an alternative structure for a district site-based 2904
management program in at least one of its school buildings. The 2905
proposal shall specify the composition of the council, which shall 2906
include an equal number of parents and teachers and the building 2907
principal, and the method of selection and removal of the council 2908
members. The proposal shall also clearly delineate the respective 2909
powers, duties, functions, and responsibilities of the district 2910
board and the council. The district's proposal shall comply 2911
substantially with the rules approved by the general assembly. 2912

(D) The rules recommended under this section shall take 2913
effect upon approval of the general assembly through the passage 2914
of a joint resolution. 2915

Sec. 3315.01. (A) Except as provided in division (B) of this 2916
section and notwithstanding sections 3315.12 and 3315.14 of the 2917
Revised Code, the board of education of any school district may 2918
adopt a resolution requiring the treasurer of the district to 2919
credit the earnings made on the investment of the principal of the 2920
moneys specified in the resolution to the fund from which the 2921
earnings arose or any other fund of the district as the board 2922
specifies in its resolution. 2923

(B) This section does not apply to the earnings made on the 2924
investment of the bond retirement fund, the sinking fund, or the 2925

payments received by school districts pursuant to division ~~(P)~~(L) 2926
of section 3317.024 of the Revised Code. 2927

Sec. 3316.03. (A) The auditor of state shall declare a school 2928
district to be in a state of fiscal watch if the auditor of state 2929
determines that division (A)(1), (2), or (3) of this section 2930
applies to the school district: 2931

(1) All of the following conditions are satisfied with 2932
respect to the school district: 2933

(a) An operating deficit has been certified for the current 2934
fiscal year by the auditor of state under section 3313.483 of the 2935
Revised Code, and the certified operating deficit exceeds eight 2936
per cent of the school district's general fund revenue for the 2937
preceding fiscal year; 2938

(b) The unencumbered cash balance in the school district's 2939
general fund at the close of the preceding fiscal year, less any 2940
advances of property taxes, was less than eight per cent of the 2941
expenditures made from the general fund for the preceding fiscal 2942
year; 2943

(c) A majority of the voting electors have not voted in favor 2944
of levying a tax under section 5705.194 or 5705.21 or Chapter 2945
5748. of the Revised Code that the auditor of state expects will 2946
raise enough additional revenue in the next succeeding fiscal year 2947
that divisions (A)(1)(a) and (b) of this section will not apply to 2948
the district in such next succeeding fiscal year. 2949

2950

(2) The school district has outstanding securities issued 2951
under division (A)(4) of section 3316.06 of the Revised Code and 2952
its financial planning and supervision commission has been 2953
terminated under section 3316.16 of the Revised Code. 2954

(3) The school district has received an advancement under 2955

section 3316.20 of the Revised Code. 2956

(B) The auditor of state, after consulting with the 2957
superintendent of public instruction, shall issue an order 2958
declaring a school district to be in a state of fiscal emergency 2959
if the auditor of state determines that division (B)(1), (2), (3), 2960
or (4) of this section applies to the school district: 2961

(1) All of the following conditions are satisfied with 2962
respect to the school district: 2963

(a) The board of education of the school district is not able 2964
to demonstrate, to the auditor of state's satisfaction, the 2965
district's ability to repay outstanding loans received pursuant to 2966
section 3313.483 of the Revised Code or to repay securities issued 2967
pursuant to section 133.301 of the Revised Code in accordance with 2968
applicable repayment schedules unless the board requests 2969
additional loans under section 133.301 of the Revised Code in an 2970
aggregate principal amount exceeding fifty per cent of the sum of 2971
the following: 2972

(i) The aggregate original principal amount of loans received 2973
in the preceding fiscal year under section 3313.483 of the Revised 2974
Code; 2975

(ii) The aggregate amount borrowed by the district under 2976
section 133.301 of the Revised Code, excluding any additional 2977
amount borrowed as authorized under division (C) of that section. 2978

(b) An operating deficit has been certified for the current 2979
fiscal year by the auditor of state under section 3313.483 of the 2980
Revised Code, and the certified operating deficit exceeds fifteen 2981
per cent of the school district's general fund revenue for the 2982
preceding fiscal year. In determining the amount of an operating 2983
deficit under division (B)(1)(b) of this section, the auditor of 2984
state shall credit toward the amount of that deficit only the 2985
amount that may be borrowed from the spending reserve balance as 2986

determined under section 133.301 and division (G) of section 5705.29 of the Revised Code. 2987
2988

(c) A majority of the voting electors have not voted in favor of levying a tax under section 5705.194 or 5705.21 or Chapter 5748. of the Revised Code that the auditor of state expects will raise enough additional revenue in the next succeeding fiscal year that divisions (A)(1)(a) and (b) of this section will not apply to the district in such next succeeding fiscal year. 2989
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(d) The school district is one that, at the time of the auditor of state's determination under this section, had ~~an average daily membership~~ a total student count of more than ten thousand students as most recently ~~reported to~~ determined by the department of education pursuant to ~~division (A) of~~ section 3317.03 of the Revised Code. 2996
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(2) The school district board fails, pursuant to section 3316.04 of the Revised Code, to submit a plan acceptable to the state superintendent of public instruction within one hundred twenty days of the ~~auditor's~~ auditor of state's declaration under division (A) of this section; 3002
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3004
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(3) A declaration of fiscal emergency is required by division (D) of section 3316.04 of the Revised Code; 3007
3008

(4) The school district has received more than one advancement under section 3316.20 of the Revised Code within a two-year period, or has received only one such advancement but also has an operating deficit as described in division (B)(1)(b) of this section. 3009
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(C) In making the determinations under this section, the auditor of state may use financial reports required under section 117.43 of the Revised Code; tax budgets, certificates of estimated resources and amendments thereof, annual appropriating measures 3014
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and spending plans, and any other documents or information 3018
prepared pursuant to Chapter 5705. of the Revised Code; and any 3019
other documents, records, or information available to the auditor 3020
of state that indicate the conditions described in divisions (A) 3021
and (B) of this section. 3022

(D) The auditor of state shall certify the action taken under 3023
division (A) or (B) of this section to the board of education of 3024
the school district, the director of budget and management, the 3025
mayor or county auditor who could be required to act pursuant to 3026
division (B)(1) of section 3316.05 of the Revised Code, and to the 3027
superintendent of public instruction. 3028

(E) A determination by the auditor of state under this 3029
section that a fiscal emergency condition does not exist is final 3030
and conclusive and not appealable. A determination by the auditor 3031
of state under this section that a fiscal emergency exists is 3032
final, except that the board of education of the school district 3033
affected by such a determination may appeal the determination of 3034
the existence of a fiscal emergency condition to the court of 3035
appeals having territorial jurisdiction over the school district. 3036
The appeal shall be heard expeditiously by the court of appeals 3037
and for good cause shown shall take precedence over all other 3038
civil matters except earlier matters of the same character. Notice 3039
of such appeal must be filed with the auditor of state and such 3040
court within thirty days after certification by the auditor of 3041
state to the board of education of the school district provided 3042
for in division (D) of this section. In such appeal, 3043
determinations of the auditor of state shall be presumed to be 3044
valid and the board of education shall have the burden of proving, 3045
by clear and convincing evidence, that each of the determinations 3046
made by the auditor of state as to the existence of a fiscal 3047
emergency condition under this section was in error. If the board 3048
of education fails, upon presentation of its case, to prove by 3049

clear and convincing evidence that each such determination by the auditor of state was in error, the court shall dismiss the appeal. The board of education and the auditor of state may introduce any evidence relevant to the existence or nonexistence of such fiscal emergency conditions. The pendency of any such appeal shall not affect or impede the operations of this chapter; no restraining order, temporary injunction, or other similar restraint upon actions consistent with this chapter shall be imposed by the court or any court pending determination of such appeal; and all things may be done under this chapter that may be done regardless of the pendency of any such appeal. Any action taken or contract executed pursuant to this chapter during the pendency of such appeal is valid and enforceable among all parties, notwithstanding the decision in such appeal. If the court of appeals reverses the determination of the existence of a fiscal emergency condition by the auditor of state, the determination no ~~long~~ longer has any effect, and any procedures undertaken as a result of the determination shall be terminated.

Sec. 3317.01. As used in this section and section 3317.011 of the Revised Code, "school district," unless otherwise specified, means any city, local, exempted village, joint vocational, or cooperative education school district and ~~also includes any~~ educational service ~~centers unless otherwise specified~~ center.

~~As used in sections 3317.02 to 3317.64 of the Revised Code, "school district," unless otherwise specified, means city, local, and exempted village school districts; "county MR/DD board" means a county board of mental retardation and developmental disabilities; and "handicapped preschool child" means a handicapped child, as defined by division (A) of section 3323.01 of the Revised Code, who is at least three years of age but is not~~

~~of compulsory school age, as defined in section 3321.01 of the Revised Code, and who has not entered kindergarten.~~

This chapter shall be administered by the state board of education. The superintendent of public instruction shall calculate the amounts payable to each school district and shall certify the amounts payable to each eligible district to the treasurer of the district as provided by this chapter. No moneys shall be distributed pursuant to this chapter without the approval of the controlling board.

The state board of education shall, in accordance with appropriations made by the general assembly, meet the financial obligations of this chapter, except that moneys to meet the financial obligations of section 3301.17 of the Revised Code shall be supplemented from funds available to the state from the United States or any agency or department thereof for a driver education course of instruction.

Moneys distributed pursuant to this chapter shall be calculated and paid on a fiscal year basis, beginning with the first day of July and extending through the thirtieth day of June. The moneys appropriated for each fiscal year shall be distributed at least monthly to each school district unless otherwise provided for. With each payment, the state board shall submit to each school district a detailed statement of state special education support indicating the amount of the payment calculated under division (A) of section 3317.022 Of the Revised Code as basic aid that is attributable to the district's category one, two, and three special education ADMs plus the amount of the distribution computed under division (C) of section 3317.022 Of the Revised Code. The state board shall submit a yearly distribution plan to the controlling board at its first meeting in July. The state board shall submit any proposed midyear revision of the plan to the controlling board in January. Any year-end revision of the

plan shall be submitted to the controlling board in June. If 3113
moneys appropriated for each fiscal year are distributed other 3114
than monthly, such distribution shall be on the same basis for 3115
each school district. 3116

The total amounts paid each month shall constitute, as nearly 3117
as possible, one-twelfth of the total amount payable for the 3118
entire year. Payments made during the first six months of the 3119
fiscal year may be based on an estimate of the amounts payable for 3120
the entire year. Payments made in the last six months shall be 3121
based on the final calculation of the amounts payable to each 3122
school district for that fiscal year. Payments made in the last 3123
six months may be adjusted, if necessary, to correct the amounts 3124
distributed in the first six months, and to reflect enrollment 3125
increases when such are at least three per cent. Except as 3126
otherwise provided, payments under this chapter shall be made only 3127
to those school districts in which: 3128

(A) The school district, except for any educational service 3129
center and any joint vocational or cooperative education school 3130
district, levies for current operating expenses at least twenty 3131
mills. Levies for joint vocational or cooperative education school 3132
districts or county school financing districts, limited to or to 3133
the extent apportioned to current expenses, shall be included in 3134
this qualification requirement. School district income tax levies 3135
under Chapter 5748. of the Revised Code, limited to or to the 3136
extent apportioned to current operating expenses, shall be 3137
included in this qualification requirement to the extent 3138
determined by the tax commissioner under division (C) of section 3139
3317.021 of the Revised Code. 3140

(B) The school year next preceding the fiscal year for which 3141
such payments are authorized meets the requirement of section 3142
3313.48 or 3313.481 of the Revised Code, with regard to the 3143
minimum number of days or hours school must be open for 3144

instruction with pupils in attendance, for individualized 3145
parent-teacher conference and reporting periods, and for 3146
professional meetings of teachers. This requirement shall be 3147
waived by the superintendent of public instruction if it had been 3148
necessary for a school to be closed because of disease epidemic, 3149
hazardous weather conditions, inoperability of school buses or 3150
other equipment necessary to the school's operation, damage to a 3151
school building, or other temporary circumstances due to utility 3152
failure rendering the school building unfit for school use, 3153
provided that for those school districts operating pursuant to 3154
section 3313.48 of the Revised Code the number of days the school 3155
was actually open for instruction with pupils in attendance and 3156
for individualized parent-teacher conference and reporting periods 3157
is not less than one hundred seventy-five, or for those school 3158
districts operating on a trimester plan the number of days the 3159
school was actually open for instruction with pupils in attendance 3160
not less than seventy-nine days in any trimester, for those school 3161
districts operating on a quarterly plan the number of days the 3162
school was actually open for instruction with pupils in attendance 3163
not less than fifty-nine days in any quarter, or for those school 3164
districts operating on a pentamester plan the number of days the 3165
school was actually open for instruction with pupils in attendance 3166
not less than forty-four days in any pentamester. 3167

A school district shall not be considered to have failed to 3168
comply with this division or section 3313.481 of the Revised Code 3169
because schools were open for instruction but either twelfth grade 3170
students were excused from attendance for up to three days or only 3171
a portion of the kindergarten students were in attendance for up 3172
to three days in order to allow for the gradual orientation to 3173
school of such students. 3174

The superintendent of public instruction shall waive the 3175
requirements of this section with reference to the minimum number 3176

of days or hours school must be in session with pupils in 3177
attendance for the school year succeeding the school year in which 3178
a board of education initiates a plan of operation pursuant to 3179
section 3313.481 of the Revised Code. The minimum requirements of 3180
this section shall again be applicable to such a district 3181
beginning with the school year commencing the second July 3182
succeeding the initiation of one such plan, and for each school 3183
year thereafter. 3184

A school district shall not be considered to have failed to 3185
comply with this division or section 3313.48 or 3313.481 of the 3186
Revised Code because schools were open for instruction but the 3187
length of the regularly scheduled school day, for any number of 3188
days during the school year, was reduced by not more than two 3189
hours due to hazardous weather conditions. 3190

(C) The school district has on file, and is paying in 3191
accordance with, a ~~teachers'~~ teacher's salary schedule which 3192
complies with section 3317.13 of the Revised Code. 3193

A board of education or governing board of an educational 3194
service center which has not conformed with other law and the 3195
rules pursuant thereto, shall not participate in the distribution 3196
of funds authorized by sections 3317.022 to 3317.0211, 3317.11, 3197
3317.16, 3317.17, and 3317.19 of the Revised Code, except for good 3198
and sufficient reason established to the satisfaction of the state 3199
board of education and the state controlling board. 3200

All funds allocated to school districts under this chapter, 3201
except those specifically allocated for other purposes, shall be 3202
used to pay current operating expenses only. 3203

Sec. 3317.012. (A) The general assembly, having analyzed 3204
school district expenditure and cost data for fiscal year 1996, 3205
performed the calculation described in division (B) of this 3206
section, and adjusted the results for inflation, hereby determines 3207

that the base cost of an adequate education per pupil for the 3208
fiscal year beginning July 1, 1998, is \$4,063. For the five 3209
following fiscal years, the base cost per pupil for each of those 3210
years, reflecting an annual rate of inflation of two and 3211
eight-tenths per cent, is \$4,177 for fiscal year 2000, \$4,294 for 3212
fiscal year 2001, \$4,414 for fiscal year 2002, \$4,538 for fiscal 3213
year 2003, and \$4,665 for fiscal year 2004. 3214

(B) In determining the base cost stated in division (A) of 3215
this section, capital and debt costs, costs paid for by federal 3216
funds, and costs covered by funds provided pursuant to sections 3217
3317.023 and 3317.024 Of the Revised Code as they existed prior to 3218
July 1, 1998, for disadvantaged pupil impact aid and 3219
transportation were excluded, as were the effects on the 3220
districts' state funds of the application of the 3221
cost-of-doing-business factors, assuming an eighteen per cent 3222
variance. 3223

The base cost for fiscal year 1996 was calculated as the 3224
unweighted average cost per student, on a school district basis, 3225
of educating students who were not receiving vocational education 3226
or services pursuant to Chapter 3323. of the Revised Code and who 3227
were enrolled in a city, exempted village, or local school 3228
district that in fiscal year 1994 met all of the following 3229
criteria: 3230

(1) The district met at least all but one of the following 3231
performance standards: 3232

(a) A three per cent or lower dropout rate; 3233

(b) At least seventy-five per cent of fourth graders 3234
proficient on the mathematics test prescribed under division 3235
(A)(1) of section 3301.0710 of the Revised Code; 3236

(c) At least seventy-five per cent of fourth graders 3237
proficient on the reading test prescribed under division (A)(1) of 3238

<u>section 3301.0710 of the Revised Code;</u>	3239
(d) <u>At least seventy-five per cent of fourth graders</u>	3240
<u>proficient on the writing test prescribed under division (A)(1) of</u>	3241
<u>section 3301.0710 of the Revised Code;</u>	3242
(e) <u>At least seventy-five per cent of fourth graders</u>	3243
<u>proficient on the citizenship test prescribed under division</u>	3244
<u>(A)(1) of section 3301.0710 of the Revised Code;</u>	3245
(f) <u>At least seventy-five per cent of ninth graders</u>	3246
<u>proficient on the mathematics test prescribed under former</u>	3247
<u>division (B) of section 3301.0710 of the Revised Code;</u>	3248
(g) <u>At least seventy-five per cent of ninth graders</u>	3249
<u>proficient on the reading test prescribed under former division</u>	3250
<u>(B) of section 3301.0710 of the Revised Code;</u>	3251
(h) <u>At least seventy-five per cent of ninth graders</u>	3252
<u>proficient on the writing test prescribed under former division</u>	3253
<u>(B) of section 3301.0710 of the Revised Code;</u>	3254
(i) <u>At least seventy-five per cent of ninth graders</u>	3255
<u>proficient on the citizenship test prescribed under former</u>	3256
<u>division (B) of section 3301.0710 of the Revised Code;</u>	3257
(j) <u>At least eighty-five per cent of tenth graders proficient</u>	3258
<u>on the mathematics test prescribed under former division (B) of</u>	3259
<u>section 3301.0710 of the Revised Code;</u>	3260
(k) <u>At least eighty-five per cent of tenth graders proficient</u>	3261
<u>on the reading test prescribed under former division (B) of</u>	3262
<u>section 3301.0710 of the Revised Code;</u>	3263
(l) <u>At least eighty-five per cent of tenth graders proficient</u>	3264
<u>on the writing test prescribed under former division (B) of</u>	3265
<u>section 3301.0710 of the Revised Code;</u>	3266
(m) <u>At least eighty-five per cent of tenth graders proficient</u>	3267
<u>on the citizenship test prescribed under former division (B) of</u>	3268

<u>section 3301.0710 of the Revised Code;</u>	3269
<u>(n) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed under division (A)(3) of section 3301.0710 of the Revised Code;</u>	3270 3271 3272
<u>(o) At least sixty per cent of twelfth graders proficient on the reading test prescribed under division (A)(3) of section 3301.0710 of the Revised Code;</u>	3273 3274 3275
<u>(p) At least sixty per cent of twelfth graders proficient on the writing test prescribed under division (A)(3) of section 3301.0710 of the Revised Code;</u>	3276 3277 3278
<u>(q) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed under division (A)(3) of section 3301.0710 of the Revised Code;</u>	3279 3280 3281
<u>(r) An attendance rate for the year of at least ninety-three per cent as defined in section 3302.01 of the Revised Code.</u>	3282 3283
<u>(2) The district was not among the ten per cent of all districts with the highest income factors, as defined in section 3317.02 of the Revised Code, nor among the ten per cent of all districts with the lowest income factors.</u>	3284 3285 3286 3287
<u>(3) The district was not among the five per cent of all districts with the highest valuation per pupil in ADM, as reported under division (A) of section 3317.03 of the Revised Code as it existed prior to July 1, 1998, nor among the five per cent of all districts with the lowest valuation per pupil.</u>	3288 3289 3290 3291 3292
<u>(C) In July of 2001, and in July of every six years thereafter, the speaker of the house of representatives and the president of the senate shall each appoint three members to a committee to reexamine the cost of an adequate education. no more than two members from any political party shall represent each house. The director of budget and management and the</u>	3293 3294 3295 3296 3297 3298

superintendent of public instruction shall serve as nonvoting ex officio members of the committee. 3299
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The committee shall select a rational methodology for calculating the costs of an adequate education system for the ensuing six-year period, and shall report the methodology and the resulting costs to the general assembly. in performing its function, the committee is not bound by any method used by previous general assemblies to examine and calculate costs and instead may utilize any rational method it deems suitable and reasonable given the educational needs and requirements of the state at that time. 3301
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the methodology for determining the cost of an adequate education system shall take into account the basic educational costs that all districts incur in educating regular students, the unique needs of special categories of students, and significant special conditions encountered by certain classifications of school districts. 3310
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any committee appointed pursuant to this section shall make its report to the office of budget and management and the general assembly within one year of its appointment so that the information is available for use by the office and the general assembly in preparing the next biennial appropriations act. 3316
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Sec. 3317.013. this section does not apply to preschool handicapped students. 3321
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analysis of special education cost data has resulted in a finding that the average special education excess cost per pupil, including the costs of related services, can be expressed as a multiple of the base cost per pupil calculated under section 3317.012 Of the Revised Code. The multiples for the following categories of special education programs, as these programs are defined for purposes of Chapter 3323. Of the Revised Code, are as 3323
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follows: 3330

(A) A multiple of 0.22 for students identified as specific 3331
learning disabled, other health handicapped, or developmentally 3332
handicapped, as these terms are defined pursuant to Chapter 3323. 3333
of the Revised Code; 3334

(B) A multiple of 3.01 for students identified as hearing 3335
handicapped, orthopedically handicapped, vision impaired, 3336
multihandicapped, and severe behavior handicapped, as these terms 3337
are defined pursuant to Chapter 3323. of the Revised Code. 3338

Further analysis indicates that approximately one-eighth of 3339
special education costs consist of the furnishing of related 3340
services specified in division (A) of section 3317.024 Of the 3341
Revised Code. 3342

Sec. 3317.02. ~~As used in sections 3317.02 to 3317.023 and~~ 3343
~~section 3317.16 of the Revised Code~~ this chapter: 3344

(A) ~~Except as used in division (B) of section 3317.023 of the~~ 3345
~~Revised Code, "ADM" means the average daily membership determined~~ 3346
~~pursuant to section 3317.03 of the Revised Code, including the~~ 3347
~~average daily membership certified under division (A)(4) of~~ 3348
~~section 3317.03 of the Revised Code but not including the average~~ 3349
~~daily membership of pupils attending a joint vocational school or~~ 3350
~~counted in a unit funded under division (M) or (N) of section~~ 3351
~~3317.024 of the Revised Code; minus one half of the kindergarten~~ 3352
~~average daily membership in the case of any school district other~~ 3353
~~than an urban or big eight district; minus one fourth of the~~ 3354
~~extended kindergarten average daily membership and one half of the~~ 3355
~~traditional kindergarten average daily membership in the case of~~ 3356
~~any big eight district; minus one fourth of the all day and~~ 3357
~~extended kindergarten average daily membership and one half of the~~ 3358
~~traditional kindergarten average daily membership in the case of~~ 3359

~~any urban district; plus one fourth of the average daily membership of pupils enrolled in the district and attending a joint vocational school, or a vocational school, or a compact or contract vocational school. Except for purposes of divisions (C), (D), and (E) of section 3317.023 of the Revised Code, if the average of the average daily membership of a district for the current year and the two immediately preceding years is larger than the sum for the current year, such average shall be used as the ADM for that district for the current year after: deducting the number of pupils attending a joint vocational school or counted in division (M) or (N) of section 3317.024 of the Revised Code; and, in the case of any school district other than an urban or big eight district, deducting one half of the kindergarten average daily membership, and, in the case of any big eight district, deducting one fourth of the extended kindergarten average daily membership and one half of the traditional kindergarten average daily membership, and in the case of any urban district, deducting one fourth of the all day and extended kindergarten average daily membership and one half of the traditional kindergarten average daily membership; and adding one fourth of the pupils residing in the district and attending a joint vocational school. Unless otherwise specified, "school district" means city, local, and exempted village school districts.~~

~~(B) "Per pupil" means the amount to which the term refers divided by the district's ADM for the fiscal year for which the amount was computed. Formula amount" means the base cost for the fiscal year specified in section 3317.012 of the Revised Code, except that to allow for the orderly phase-in of the increased funding specified in that section, the formula amount for fiscal year 1999 shall be \$3,851; the formula amount for fiscal year 2000 shall be \$4,038; and the formula amount for fiscal year 2001 shall be \$4,226. Thereafter, the formula amount shall be as specified in~~

that section. 3393

(C) "FTE basis" means a count of students based on full-time 3394
equivalency, in accordance with rules adopted by the department of 3395
education pursuant to section 3317.03 of the Revised Code. 3396

(D) "Formula ADM" means the greater of the number reported 3397
pursuant to division (A) of section 3317.03 of the Revised Code or 3398
the three-year average of that number and the number reported 3399
under that division for the preceding two fiscal years. However, 3400
as applicable in Fiscal years 1999 and 2000, the three-year 3401
average specified in this division shall be determined utilizing 3402
the FY 1997 or FY 1998 ADM in lieu of a number reported under 3403
division (a) of section 3317.03 of the Revised Code. 3404

(E) "Preschool special education ADM" means the sum of the 3405
average daily membership of handicapped preschool children 3406
receiving services in preschool special education units approved 3407
pursuant to division (B) of section 3317.05 of the Revised Code. 3408

(F)(1) "Category one special education ADM" means the average 3409
daily membership of handicapped children receiving special 3410
education services for those handicaps specified in division (A) 3411
of section 3317.013 of the Revised Code and reported under 3412
division (B) of section 3317.03 of the Revised Code. 3413

(2) "Category two special education ADM" means the average 3414
daily membership of handicapped children receiving special 3415
education services for those handicaps specified in division (B) 3416
of section 3317.013 of the Revised Code and reported under 3417
division (B) of section 3317.03 of the Revised Code. 3418

(3) "Category three special education ADM" means the average 3419
daily membership of students receiving special education services 3420
for students identified as autistic, having traumatic brain 3421
injuries, or as both visually and hearing disabled as these terms 3422
are defined pursuant to Chapter 3323. Of the Revised Code, and 3423

reported under division (B) of section 3317.03 of the Revised Code. 3424
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(G) "Family assistance" means assistance received under the Ohio works first program or, for the purpose of determining the five-year average of recipients of family assistance for fiscal years 1999 through 2002, assistance received under an antecedent family assistance program known as TANF or ADC. 3426
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(H) "DPIA ADM" means the five-year average of the number of children ages five to seventeen years residing in the school district and living in a family receiving family assistance, as certified or adjusted under section 3317.10 of the Revised Code. 3431
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(I)(1) "DPIA percentage" means a school district's DPIA ADM for the fiscal year divided by the district's three-year average formula ADM for that fiscal year. 3435
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(2) "Three-year average formula ADM" means the average of the district's formula ADM for the current and preceding two fiscal years, provided that in fiscal years 1999 and 2000, the department shall calculate this average utilizing the district's ADM reported for fiscal years 1997 and 1998 pursuant to division (A) of section 3317.03 of the Revised Code, minus one-half the kindergarten students. 3438
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(J) "Transportation ADM" means the number of children reported under division (B)(9) of section 3317.03 of the Revised Code. 3445
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(K) "Most efficient transportation use cost per student" for a district means the most efficient cost per transported student for that district as developed under division (D) of section 3317.022 of the Revised Code. 3448
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(L) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus 3452
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3454

the taxes levied against tangible personal property. 3455

~~(D) Except as provided in division (B)(2) of section 3317.022~~ 3456
~~of the Revised Code, "total~~ 3457

(M) "Total taxable value" means the sum of the amounts 3458
certified for a city, local, exempted village, or joint vocational 3459
school district under divisions (A)(1) and (2) of section 3317.021 3460
of the Revised Code. 3461

~~(E)(N)(1)~~ "Cost-of-doing-business factor" means the amount 3462
indicated in this division for the county in which the district is 3463
located, adjusted in accordance with division ~~(E)(N)(2)~~ of this 3464
section. If the district is located in more than one county, the 3465
factor is the amount indicated for the county to which the 3466
district is assigned by the state department of education. 3467

COST-OF-DOING-BUSINESS

COUNTY	FACTOR AMOUNT
Adams	1.0100
Allen	1.0272
Ashland	1.0362
Ashtabula	1.0540
Athens	1.0040
Auglaize	1.0300
Belmont	1.0101
Brown	1.0218
Butler	1.0662
Carroll	1.0180
Champaign	1.0432
Clark	1.0489
Clermont	1.0498
Clinton	1.0287
Columbiana	1.0320
Coshocton	1.0224

Crawford	1.0174
Cuyahoga	1.0725
Darke	1.0360
Defiance	1.0214
Delaware	1.0512
Erie	1.0414
Fairfield	1.0383
Fayette	1.0281
Franklin	1.0548
Fulton	1.0382
Gallia	1.0000
Geauga	1.0608
Greene	1.0418
Guernsey	1.0091
Hamilton	1.0750
Hancock	1.0270
Hardin	1.0384
Harrison	1.0111
Henry	1.0389
Highland	1.0177
Hocking	1.0164
Holmes	1.0275
Huron	1.0348
Jackson	1.0176
Jefferson	1.0090
Knox	1.0276
Lake	1.0627
Lawrence	1.0154
Licking	1.0418
Logan	1.0376
Lorain	1.0573
Lucas	1.0449
Madison	1.0475

Mahoning	1.0465
Marion	1.0289
Medina	1.0656
Meigs	1.0016
Mercer	1.0209
Miami	1.0456
Monroe	1.0152
Montgomery	1.0484
Morgan	1.0168
Morrow	1.0293
Muskingum	1.0194
Noble	1.0150
Ottawa	1.0529
Paulding	1.0216
Perry	1.0185
Pickaway	1.0350
Pike	1.0146
Portage	1.0595
Preble	1.0523
Putnam	1.0308
Richland	1.0232
Ross	1.0111
Sandusky	1.0361
Scioto	1.0082
Seneca	1.0265
Shelby	1.0274
Stark	1.0330
Summit	1.0642
Trumbull	1.0465
Tuscarawas	1.0109
Union	1.0488
Van Wert	1.0181
Vinton	1.0065

Warren	1.0678
Washington	1.0124
Wayne	1.0446
Williams	1.0316
Wood	1.0431
Wyandot	1.0227

(2) As used in this division, "multiplier" means the number 3559
for the corresponding fiscal year as follows: 3560

FISCAL YEAR OF THE

COMPUTATION

MULTIPLIER

1998	9.6/7.5
1999	10.3/7.5
	<u>11.0/7.5</u>
2000	11.0/7.5
	<u>12.4/7.5</u>
2001	11.7/7.5
	<u>13.8/7.5</u>
2002	12.4/7.5
	<u>15.2/7.5</u>
2003	13.1/7.5
	<u>16.6/7.5</u>
2004	13.8/7.5
2005	14.5/7.5
2006	15.2/7.5
2007	15.9/7.5
2008	16.6/7.5
2009	17.3/7.5
2010 and thereafter	18.0/7.5

Beginning in fiscal year 1998, the department shall annually 3581
adjust the cost-of-doing-business factor for each county in 3582
accordance with the following formula: 3583

[(The cost-of-doing-business factor specified under division 3584

~~(E)~~(N)(1) of this section - 1) X (the multiplier for the fiscal 3585
year of the calculation)] + 1 3586

The result of such formula shall be the adjusted 3587
cost-of-doing-business factor for that fiscal year. 3588

~~(F)~~(O) "Tax exempt value" of a school district means the 3589
amount certified for a school district under division (A)(4) of 3590
section 3317.021 of the Revised Code. 3591

~~(G)~~(P) "Potential value" of a school district means the 3592
adjusted total taxable value of a school district plus the tax 3593
exempt value of the district. 3594

~~(H)~~(Q) "District median income" means the median Ohio 3595
adjusted gross income certified for a school district. On or 3596
before the first day of July of each year, the tax commissioner 3597
shall certify to the department of education for each city, 3598
exempted village, and local school district the median Ohio 3599
adjusted gross income of the residents of the school district 3600
determined on the basis of tax returns filed for the second 3601
preceding tax year by the residents of the district. 3602

~~(I)~~(R) "Statewide median income" means the median district 3603
median income of all city, exempted village, and local school 3604
districts in the state. 3605

~~(J)~~(S) "Income factor" for a city, exempted village, or local 3606
school district means the quotient obtained by dividing that 3607
district's median income by the statewide median income. 3608

~~(K)~~(T) "Valuation per pupil" for a city, exempted village, or 3609
local school district means the district's recognized valuation 3610
divided by the district's formula ADM. 3611

~~(L)~~ "Adjusted (U) Except as provided in section 3317.0213 of 3612
the Revised Code, "adjusted valuation per pupil" means the amount 3613
calculated in accordance with the following formula: 3614

District valuation per pupil - [$\$60,000 \times (1 - \text{district income factor})$] 3615
3616

If the result of such formula is negative, the adjusted 3617
valuation per pupil shall be zero. 3618

~~(M)(V) "Adjusted total taxable value~~ Income adjusted 3619
valuation" means ~~one of the following:~~ 3620

~~(1) In any fiscal year that a district's income factor is~~ 3621
~~less than or equal to one, the product obtained by multiplying the~~ 3622
~~district's adjusted valuation per pupil by the district's~~ formula 3623
~~ADM except that the adjusted total taxable value for such a~~ 3624
~~district in fiscal years 1998 through 2009 shall be recalculated in~~ 3625
~~accordance with the following formula:~~ 3626

~~(Adjusted total taxable value X multiple) + [recognized valuation~~ 3627
~~X (1 - multiple)]~~ 3628

(W) "Adjusted total taxable value" means one of the 3629
following: 3630

(1) In any fiscal year that a district's income factor is 3631
less than or equal to one, the amount calculated under the 3632
following formula: 3633

(Income adjusted valuation X 1/5) + (recognized valuation X 4/5) 3634

(2) In ~~any~~ fiscal year ~~that~~ 1999, if a district's income 3635
factor is greater than one, ~~the product obtained by multiplying~~ 3636
~~the district's adjusted valuation per pupil by the district's ADM,~~ 3637
~~except that the adjusted total taxable value for such a district~~ 3638
~~in that fiscal year shall be recalculated in accordance with~~ the 3639
amount calculated under the following formula: 3640

~~(Adjusted total taxable value~~ Income adjusted valuation X 2/15 3641
~~1/15) + (recognized valuation X 13/15~~ 14/15) 3642

Thereafter, the adjusted total taxable value of a district 3643
with an income factor greater than one shall be its recognized 3644
valuation. 3645

~~(N) "Multiple" means the number for the corresponding fiscal year as follows:~~ 3646
3647

~~FISCAL YEAR OF THE~~

~~COMPUTATION~~

~~MULTIPLE~~

1998	1/5
1999	4/15
2000	1/3
2001	2/5
2002	7/15
2003	8/15
2004	3/5
2005	2/3
2006	11/15
2007	4/5
2008	13/15
2009	14/15

~~(O) "Urban school district" means a school district that in fiscal year 1997 met either of the following conditions:~~ 3662
3663

~~(1) Had a percentage of children residing in the district and participating in Ohio works first greater than fifteen and one half per cent, as reported pursuant to section 3317.10 of the Revised Code, and had an average daily membership greater than five thousand five hundred, as reported pursuant to division (A) of section 3317.03 of the Revised Code;~~ 3664
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~~(2) Had a percentage of children residing in the district and participating in Ohio works first greater than five per cent, as reported pursuant to section 3317.10 of the Revised Code, and had an average daily membership greater than twelve thousand, as reported pursuant to division (A) of section 3317.03 of the Revised Code.~~ 3670
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~~(P) "Big eight school district" means a school district that~~ 3676

~~for fiscal year 1997 had a percentage of children residing in the
district and participating in Ohio works first greater than thirty
per cent, as reported pursuant to section 3317.10 of the Revised
Code, and had an average daily membership greater than twelve
thousand, as reported pursuant to division (A) of section 3317.03
of the Revised Code.~~

~~(Q) "All day kindergarten" means a kindergarten class that is
in session five days per week for not less than the same number of
clock hours each day as for pupils in grades one through six.~~

~~(R) "Extended kindergarten" means a kindergarten class that
is in session five days per week for not less than one hour longer
each day than the number of clock hours required for kindergarten
by the minimum standards adopted under section 3301.07 of the
Revised Code.~~

~~(S) "Traditional kindergarten" means kindergarten that is
neither all day kindergarten nor extended kindergarten.~~

~~(T)(X) "Recognized valuation" means the amount calculated for
a school district pursuant to section 3317.015 of the Revised
Code.~~

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

(Z) "Handicapped preschool child" means a handicapped child,
as defined in section 3323.01 of the Revised Code, who is at least
age three but is not of compulsory school age, as defined in
section 3321.01 of the Revised Code, and who has not entered
kindergarten.

(AA) "FY 1997 or FY 1998 ADM" means for either fiscal year,
as applicable, the district's average daily membership as
described by division (A) of former section 3317.02 of the Revised
Code, plus the district's average daily membership based upon

full-time equivalency in approved vocational units as certified by 3707
the district under division (a)(2) of former section 3317.03 of 3708
the Revised Code and the district's average daily membership of 3709
all handicapped children, except for preschool handicapped 3710
children, in classes in the district as certified under division 3711
(a)(3) of former section 3317.03 of the Revised Code, as those 3712
divisions and sections existed in the applicable fiscal year. 3713

Sec. 3317.021. (A) On or before the first day of June of each 3714
year, the tax commissioner shall certify to the department of 3715
education the following information for each city, exempted 3716
village, and local school district and the information required by 3717
divisions (A)(1) and (2) of this section for each joint vocational 3718
school district, and it shall be used, along with the information 3719
certified under division (B) of this section, in making the 3720
computations for the district under section 3317.022 or 3317.16 of 3721
the Revised Code: 3722

(1) The taxable value of real and public utility real 3723
property in the school district subject to taxation in the 3724
preceding tax year, by class and by county of location; 3725

(2) The taxable value of tangible personal property, 3726
including public utility personal property, subject to taxation by 3727
the district for the preceding tax year; 3728

(3) The total property tax rate and total taxes charged and 3729
payable for the current expenses for the preceding tax year and 3730
the total property tax rate and the total taxes charged and 3731
payable to a joint vocational district for the preceding tax year 3732
that are limited to or to the extent apportioned to current 3733
expenses; 3734

(4) The value of all real and public utility real property in 3735
the school district exempted from taxation minus both of the 3736
following: 3737

(a) The value of real and public utility real property in the 3738
district owned by the United States government and used 3739
exclusively for a public purpose; 3740

(b) The value of real and public utility real property in the 3741
district exempted from taxation under Chapter 725. or 1728. or 3742
section 3735.67, 5709.40, 5709.41, 5709.62, 5709.63, 5709.632, 3743
5709.73, or 5709.78 of the Revised Code. 3744

(5) The total effective operating tax rate for the district. 3745

(B) On or before the first day of May each year, the tax 3746
commissioner shall certify to the department of education the 3747
total taxable real property value of railroads and, separately, 3748
the total taxable tangible personal property value of all public 3749
utilities for the preceding tax year, by school district and by 3750
county of location. 3751

(C) If on the basis of the information certified under 3752
division (A) of this section, the department determines that any 3753
district fails in any year to meet the qualification requirement 3754
specified in division (A) of section 3317.01 of the Revised Code, 3755
the department shall immediately request the tax commissioner to 3756
determine the extent to which any school district income tax 3757
levied by the district under Chapter 5748. of the Revised Code 3758
shall be included in meeting that requirement. Within five days of 3759
receiving such a request from the department, the tax commissioner 3760
shall make the determination required by this division and report 3761
the quotient obtained under division (C)(3) of this section to the 3762
department. This quotient represents the number of mills that the 3763
department shall include in determining whether the district meets 3764
the qualification requirement of division (A) of section 3317.01 3765
of the Revised Code. 3766

The tax commissioner shall make the determination required by 3767
this division as follows: 3768

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A)(1) and (2) of this section;	3769 3770 3771
(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district;	3772 3773 3774 3775
(3) Divide the amount estimated under division (C)(2) of this section by the product obtained under division (C)(1) of this section.	3776 3777 3778
<u>(D) As used in this section:</u>	3779
(1) <u>"Class I taxes charged and payable for current expenses" means taxes charged and payable for current expenses on land and improvements classified as residential/agricultural real property under section 5713.041 of the Revised Code.</u>	3780 3781 3782 3783
(2) <u>"Class I taxable value" means the taxable value of land and improvements classified as residential/agricultural real property under section 5713.041 of the Revised Code.</u>	3784 3785 3786
(3) <u>"Class I effective operating tax rate" of a school district means the quotient obtained by dividing the school district's Class I taxes charged and payable for current expenses by the district's Class I taxable value.</u>	3787 3788 3789 3790
(4) <u>"Income tax equivalent tax rate" of a school district means the quotient obtained by dividing the income tax liability for the most recently concluded year under any tax levied pursuant to Chapter 5748. of the Revised Code by total taxable value of the district to the extent the revenue from the tax is allocated or apportioned to current expenses.</u>	3791 3792 3793 3794 3795 3796
(5) <u>"Total effective operating tax rate" means the sum of the Class I effective operating tax rate and the income tax equivalent</u>	3797 3798

tax rate. 3799

(6) "State taxable value per pupil" means the quotient 3800
obtained by dividing the total taxable value of all city, local, 3801
and exempted village school districts in this state by the sum of 3802
the formula ADMs of all city, local, and exempted village school 3803
districts in this state. 3804

Sec. 3317.022. (A) ~~As used in the computation under this~~ 3805
~~section, the "formula amount for fiscal year 1998" equals \$3,663.~~ 3806

(1) The department of education shall compute and distribute state 3807
basic aid to each school district for the fiscal year in 3808
accordance with the following formula, using adjusted total 3809
taxable value as defined under division ~~(M)~~(W) of section 3317.02 3810
of the Revised Code and the information obtained under section 3811
3317.021 of the Revised Code in ~~1997~~ the calendar year ~~+~~ in which 3812
the fiscal year begins. 3813

Compute the following for each eligible district: 3814

(cost-of-doing-business factor X the formula amount X formula 3815
ADM)- (.023 X adjusted total taxable value) 3816

If the difference obtained is a negative number, the 3817
district's computation shall be zero. 3818

~~(B)(1)(2)(a)~~ For each school district for which the tax 3819
exempt value of the district equals or exceeds twenty-five per 3820
cent of the potential value of the district, the department of 3821
education shall calculate the difference between the district's 3822
tax exempt value and twenty-five per cent of the district's 3823
potential value. 3824

~~(2)(b)~~ For each school district to which division 3825
~~(B)(1)(A)(2)(a)~~ of this section applies, the adjusted total 3826
taxable value used in the calculation under division (A)(1) of 3827
this section shall be the adjusted total taxable value modified by 3828

subtracting the amount calculated under division ~~(B)(1)~~(A)(2)(a) 3829
of this section. 3830

~~(C) If in any fiscal year insufficient funds are appropriated 3831
to provide each school district the amount of money calculated 3832
under the formula in division (A) of this section and pursuant to 3833
other sections of this chapter, such calculated amounts shall be 3834
reduced in accordance with any formula provided for that purpose 3835
by the general assembly in its main biennial appropriations act. 3836
3837~~

(B) As used in division (C) of this section and in section 3838
3317.024 of the Revised Code: 3839

(1) The "total special education weight" for a district means 3840
the sum of the following amounts: 3841

(a) The district's category one special education ADM 3842
multiplied by the multiple specified under division (A) of section 3843
3317.013 Of the Revised Code; 3844

(b) The sum of the district's category two and category three 3845
special education ADMs multiplied by the multiple specified under 3846
division (B) of section 3317.013 Of the Revised Code. 3847

(2) "State share percentage" means the percentage calculated 3848
for a district as follows: 3849

(a) Calculate the basic aid amount for the district for the 3850
fiscal year under division (A) of this section. If the district 3851
would not receive any state basic aid for that year under that 3852
division, the district's state share percentage is zero. 3853

(b) If the district would receive basic aid under that 3854
division, divide that basic aid amount by an amount equal to the 3855
following: 3856

Cost-of-doing-business factor X The formula amount X formula ADM 3857
3858

The resultant number is the district's state share 3859
percentage. 3860

(C)(1) The department shall compute and distribute state 3861
basic special education funds to each school district in 3862
accordance with the following formula: 3863

the district's state share percentage 3864
x seven-eighths of the formula amount for the year 3865
for which the aid is calculated 3866
x the district's total special education weight 3867

(2) The department shall compute and pay in accordance with 3868
this division additional state aid to school districts for 3869
students in category three special education ADM. If a district's 3870
costs for the fiscal year for a student in its category three 3871
special education ADM are twenty-five thousand dollars or more, 3872
the district may submit to the superintendent of public 3873
instruction documentation, as prescribed by the superintendent, of 3874
all its costs for that student. Upon submission of documentation 3875
for a student of the type and in the manner prescribed, the 3876
department shall pay to the district an amount equal to the 3877
district's costs for the student in excess of twenty-five thousand 3878
dollars multiplied by the district's state share percentage. 3879

(D)(1) As used in this division, "log density" means a 3880
statistical representation of the most efficient transportation 3881
use cost per transported student for each district based on a 3882
statewide analysis of each district's transportation ADM per 3883
linear mile. 3884

(2) In addition to funds paid under divisions (A) and (C) of 3885
this section, each district shall receive a payment equal to sixty 3886
per cent of the district's transportation ADM times the district's 3887
most efficient transportation use cost per transported student. 3888

(3) In fiscal years 1999 through 2002, notwithstanding the 3889

amount calculated for each district under division (D)(2) of this 3890
section, each district shall receive in the corresponding fiscal 3891
year the following percentage of the district's transportation ADM 3892
times the district's most efficient transportation use cost per 3893
transported student: 3894

<u>FISCAL YEAR</u>	<u>PERCENTAGE</u>
1999	50%
2000	52.5%
2001	55%
2002	57.5%

(4) For purposes of funding the student transportation 3900
portion, the department of education shall determine the most 3901
efficient transportation use cost per transported student for each 3902
school district. This cost per student shall be an amount equal to 3903
the number ten to a power calculated in accordance with the 3904
following formula: 3905

$$\underline{(-0.413148 \times \log \text{ density}) + 2.493129}$$
 3906

(5) The department of education shall biennially update the 3907
most efficient transportation use cost per transported student for 3908
each district in accordance with the formula in division (D)(4) of 3909
this section, including the figures and log density component of 3910
that formula, based on a statewide analysis of each district's 3911
transportation ADM per linear mile, and shall notify the office of 3912
budget and management of such update by September of each 3913
even-numbered year. 3914

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 3915
Revised Code, the amounts required to be paid to a district under 3916
that section shall be adjusted by the amount of the computations 3917
made under divisions (B) to ~~(I)~~(J) of this section. 3918

As used in this section: 3919

(1) "Classroom teacher" means a licensed employee who 3920

provides direct instruction to pupils, excluding teachers funded 3921
from money paid to the district from federal sources; educational 3922
service personnel; and vocational and special education teachers. 3923

(2) "Educational service personnel" shall not include such 3924
specialists funded from money paid to the district from federal 3925
sources or assigned full-time to vocational or special education 3926
students and classes and may only include those persons employed 3927
in the eight specialist areas in a pattern approved by the 3928
department of education under guidelines established by the state 3929
board of education. 3930

(3) "Annual salary" means the annual base salary stated in 3931
the state minimum salary schedule for the performance of the 3932
teacher's regular teaching duties that the teacher earns for 3933
services rendered for the first full week of October of the fiscal 3934
year for which the adjustment is made under division ~~(D)~~(C) of 3935
this section. It shall not include any salary payments for 3936
supplemental teachers contracts. 3937

~~(4) As used in division (B) of this section, "average daily 3938
membership" means the three year average number of pupils in 3939
grades one through twelve plus one half the kindergarten average 3940
daily membership certified under section 3317.03 of the Revised 3941
Code for the current and preceding two fiscal years, except that: 3942~~

~~(a) In the case of a big eight district "average daily 3943
membership" means the three year average number of pupils in 3944
grades one through twelve, plus the three year average number of 3945
pupils in all day kindergarten, plus three fourths of the 3946
three year average number of pupils in extended kindergarten, plus 3947
one half of the three year average number of pupils in traditional 3948
kindergarten, all certified under division (A) of that section for 3949
the current and preceding two fiscal years; 3950~~

~~(b) In the case of an urban district, "average daily 3951~~

~~membership" means the three year average number of pupils in 3952
grades one through twelve, plus three fourths of the three year 3953
average number of pupils in all day or extended kindergarten, plus 3954
one half of the three year average number of pupils in traditional 3955
kindergarten, all as certified under division (A) of that section 3956
for the current and preceding two fiscal years. 3957~~

~~(5) As used in division (B) of this section, "per cent 3958
figure" means a school district's three year average number of 3959
children participating in Ohio works first (OWF) under Chapter 3960
5107. of the Revised Code divided by the average daily membership, 3961
multiplied by one hundred. 3962~~

~~(6) As used in divisions (A)(5) and (B) of this section, "aid 3963
to dependent children" and "ADC" mean: 3964~~

~~(a) Aid provided under Chapter 5107. of the Revised Code 3965
prior to October 1, 1996; 3966~~

~~(b) Cash assistance provided on or after October 1, 1996, 3967
under a state program operated pursuant to Title IV A of the 3968
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as 3969
amended, regardless of the name used to designate that assistance. 3970~~

~~(B)(1)(a) If the three year average of the number of children 3971
ages five to seventeen residing in the district and living in a 3972
family participating in Ohio works first, as certified or adjusted 3973
under section 3317.10 of the Revised Code for the current and 3974
preceding two fiscal years, is equal to five per cent or more of 3975
the number of pupils in the average daily membership, add the 3976
amount computed for the district in accordance with the following 3977
schedule, as adjusted by division (B)(1)(b) of this section: 3978~~

~~THREE YEAR AVERAGE NUMBER OF 3979
OWF CHILDREN DIVIDED BY 3980
THE AVERAGE DAILY MEMBERSHIP 3981
PAYMENT PER OWF CHILD IN 3982
THE THREE YEAR AVERAGE 3982~~

At least 5%, but less than 10%	\$198.00 OWF	3983
At least 10%, but less than 20%	(\$101.50 x per cent figure) minus \$817.00 OWF	3984
At least 20%, but less than 30%	(\$7.50 x per cent figure) plus \$1,063.00 OWF	3985
At least 30%	\$1,288.00 OWF	3986

~~(b) In fiscal year 1998, for school districts with a per cent figure of at least five, increase the amount determined under division (B)(1)(a) of this section by four per cent. In fiscal year 1999, determine the per ADC child amount the district would have received in fiscal year 1998 under divisions (B)(1)(a) and (b) of this section, based on its per cent figure for fiscal year 1999, and increase that amount by five per cent.~~

~~(2) If in any year the sum of the additions made under this division is less than ninety seven per cent of the amount appropriated for this division for that year, the department of education shall increase the amount added for each district under this division. The amount so added for each district shall equal (1) the difference between ninety seven per cent of the amount appropriated and the total amount of the additions prior to such increase, times (2) the percentage that the amount added for the district prior to the increase was of the total of such amount added for all districts.~~

~~(3) Except as provided in division (B)(4) of this section, a district shall expend at least seventy per cent of any addition received under this division for any of the following:~~

- ~~(a) The purchase of technology for instructional purposes;~~
- ~~(b) All day kindergarten;~~
- ~~(c) Reduction of class sizes;~~

(d) Summer school remediation or other remedial programs;	4010
(e) Dropout prevention programs;	4011
(f) Guaranteeing that all third graders are ready to progress to more advanced work;	4012 4013
(g) Summer education and work programs;	4014
(h) Adolescent pregnancy programs;	4015
(i) Head start or preschool programs;	4016
(j) Reading improvement programs described by the department of education;	4017 4018
(k) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;	4019 4020 4021
(l) Furnishing free of charge materials used in courses of instruction, except for the necessary textbooks required to be furnished without charge pursuant to section 3329.06 of the Revised Code, to pupils living in families participating in Ohio works first in accordance with section 3313.642 of the Revised Code;	4022 4023 4024 4025 4026 4027
(m) School breakfasts provided pursuant to section 3313.813 of the Revised Code.	4028 4029
(4) Except as provided in division (B) of section 3301.0719 of the Revised Code, each at risk school district, as defined in division (A)(3) of section 3301.0719 of the Revised Code, that receives at least three hundred thousand dollars under divisions (B)(1) and (2) of this section shall expend at least one tenth of the amount described in division (B)(3) of this section for either all day kindergarten classes with a student teacher ratio of fifteen to one or for reduction of class sizes in grades kindergarten to four to a fifteen to one student teacher ratio, or both. Such districts shall also expend such funds to provide	4030 4031 4032 4033 4034 4035 4036 4037 4038 4039

~~training for teachers participating in such programs on an ongoing 4040
basis, including at least six days of training each school year. 4041
Amounts expended for all-day kindergarten under this section shall 4042
only be expended to provide additional all-day kindergarten 4043
classes not in existence on July 26, 1991. Upon the request of a 4044
board of education, the state board of education may grant an 4045
exemption from the requirement of division (B)(4) of this section 4046
if the district board satisfies the state board that the district 4047
has insufficient physical facilities to implement this 4048
requirement. 4049~~

~~(5) Each district shall maintain the portion required to be 4050
spent under division (B)(3) of this section in a separate district 4051
account. Each district shall submit to the department, in such 4052
format and at such time as the department shall specify, a report 4053
on the programs for which it expended funds under this division. 4054~~

~~(C) "Regular student population" means the formula ADM minus 4055
the number of students reported under division (A)(2) of section 4056
3317.03 of the Revised Code and minus the FTE of students reported 4057
under division (B)(5), (6), (7), or (8) of that section who are 4058
enrolled in a vocational education class or receiving special 4059
education, and minus one-fourth of the students enrolled 4060
concurrently in a joint vocational school district. 4061~~

~~(B) If the district employs less than one full-time 4062
equivalent classroom teacher for each twenty-five pupils in ADM 4063
the regular student population in any school district, deduct the 4064
sum of the amounts obtained from the following computations: 4065~~

~~(1) Divide the number of the district's full-time equivalent 4066
classroom teachers employed by one twenty-fifth; 4067~~

~~(2) Subtract the quotient in (1) from the district's ADM 4068
regular student population; 4069~~

~~(3) Multiply the difference in (2) by seven hundred fifty-two 4070~~

dollars. 4071

~~(D)~~(C) If a positive amount, add one-half of the amount 4072
obtained by multiplying the number of full-time equivalent 4073
classroom teachers by: 4074

(1) The mean annual salary of all full-time equivalent 4075
classroom teachers employed by the district at their respective 4076
training and experience levels minus; 4077

(2) The mean annual salary of all such teachers at their 4078
respective levels in all school districts receiving payments under 4079
this section. 4080

The number of full-time equivalent classroom teachers used in 4081
this computation shall not exceed one twenty-fifth of the 4082
district's ADM regular student population. In calculating the 4083
district's mean salary under this division, those full-time 4084
equivalent classroom teachers with the highest training level 4085
shall be counted first, those with the next highest training level 4086
second, and so on, in descending order. Within the respective 4087
training levels, teachers with the highest years of service shall 4088
be counted first, the next highest years of service second, and so 4089
on, in descending order. 4090

~~(E)~~(D) This division does not apply to a school district that 4091
has entered into an agreement under division (A) of section 4092
3313.42 of the Revised Code. Deduct the amount obtained from the 4093
following computations if the district employs fewer than five 4094
full-time equivalent educational service personnel, including 4095
elementary school art, music, and physical education teachers, 4096
counselors, librarians, visiting teachers, school social workers, 4097
and school nurses for each one thousand pupils in ADM the regular 4098
student population: 4099

(1) Divide the number of full-time equivalent educational 4100
service personnel employed by the district by five 4101

one-thousandths; 4102

(2) Subtract the quotient in (1) from the district's ~~ADM~~ 4103
regular student population; 4104

(3) Multiply the difference in (2) by ninety-four dollars. 4105

~~(F)~~(E) If a local school district, or a city or exempted 4106
village school district to which a governing board of an 4107
educational service center provides services pursuant to section 4108
3313.843 of the Revised Code, deduct the amount of the payment 4109
required for the reimbursement of the governing board under 4110
section 3317.11 of the Revised Code. 4111

~~(G)~~(F)(1) If the district is required to pay to or entitled 4112
to receive tuition from another school district under division 4113
(C)(2) or (3) of section 3313.64 or section 3313.65 of the Revised 4114
Code, or if the superintendent of public instruction is required 4115
to determine the correct amount of tuition and make a deduction or 4116
credit under section 3317.08 of the Revised Code, deduct and 4117
credit such amounts as provided in division (I) of section 3313.64 4118
or section 3317.08 of the Revised Code. 4119

(2) For each child for whom the district is responsible for 4120
tuition or payment under division (A)(1) of section 3317.082 or 4121
~~under division (B)(1) of~~ section 3323.091 of the Revised Code, 4122
deduct the amount of tuition or payment for which the district is 4123
responsible. 4124

~~(H)~~(G) If the district has been certified by the 4125
superintendent of public instruction under section 3313.90 of the 4126
Revised Code as not in compliance with the requirements of that 4127
section, deduct an amount equal to ten per cent of the amount 4128
computed for the district under section 3317.022 of the Revised 4129
Code. 4130

~~(I) If the amount computed by the department of education~~ 4131

~~under division (I)(1) of this section is less than the amount
computed under division (I)(2) of this section, add an amount
equal to the result obtained by subtracting the amount computed
under division (I)(1) from the amount computed under division
(I)(2) of this section.~~

~~The department of education shall compute both of the
following for each district:~~

~~(1) The sum of the amounts computed for the district under
section 3317.022 and division (N) of section 3317.024 of the
Revised Code for units approved under division (B) of section
3317.05 of the Revised Code.~~

~~(2) The amount the district would be entitled to receive
under section 3317.022 of the Revised Code if the ADM used in the
computation required by that section included the number of
full-time equivalent pupils enrolled in the units for handicapped
children approved under division (B) of section 3317.05 of the
Revised Code that are used to make the computation required by
division (N)(1)(a) of section 3317.024 of the Revised Code.~~

~~(J)(H) If the district has received a loan from a commercial
lending institution for which payments are made by the
superintendent of public instruction pursuant to division (E)(3)
of section 3313.483 of the Revised Code, deduct an amount equal to
such payments.~~

~~(K)(I)(1) If the district is a party to an agreement entered
into under division (D), (E), or (F) of section 3311.06 or
division (B) of section 3311.24 of the Revised Code and is
obligated to make payments to another district under such an
agreement, deduct an amount equal to such payments if the district
school board notifies the department in writing that it wishes to
have such payments deducted.~~

~~(2) If the district is entitled to receive payments from~~

another district that has notified the department to deduct such 4163
payments under division ~~(K)~~(I)(1) of this section, add the amount 4164
of such payments. 4165

~~(L)~~(J) If the district is required to pay an amount of funds 4166
to a cooperative education district pursuant to a provision 4167
described by division (B)(4) of section 3311.52 or division (B)(8) 4168
of section 3311.521 of the Revised Code, deduct such amounts as 4169
provided under that provision and credit those amounts to the 4170
cooperative education district for payment to the district under 4171
division (B)(1) of section 3317.19 of the Revised Code. 4172

Sec. 3317.024. In addition to the moneys paid to eligible 4173
school districts ~~and educational service centers~~ pursuant to 4174
section ~~3317.02 or 3317.11~~ 3317.022 of the Revised Code, moneys 4175
appropriated for the education programs in divisions (A) to ~~(P)~~ 4176
~~(S)~~ (L), and ~~(T)~~(O) to (Q) of this section shall be distributed 4177
to school districts meeting the requirements of section 3317.01 of 4178
the Revised Code ~~and; in the case of divisions (I) and (J) of this~~ 4179
section, to educational service centers as provided in section 4180
3317.11 of the Revised Code; in the case of division (E) of this 4181
section, to county MR/DD boards; in the case of division (I) of 4182
this section, to joint vocational and cooperative education school 4183
districts; in the case of division ~~(L)~~(K) of this section, to 4184
cooperative education school districts; ~~in the case of division~~ 4185
~~(M) of this section, to state institutions providing vocational~~ 4186
~~education programs that are under the supervision of the division~~ 4187
~~of vocational education of the department of education and meet~~ 4188
~~such standards and rules for such programs as are established by~~ 4189
~~the state board of education, including licensure of professional~~ 4190
~~staff involved in such programs; in the case of divisions (N) and~~ 4191
~~(O)(1) of this section, to county MR/DD boards and to institutions~~ 4192
~~providing special education programs under section 3323.091 of the~~ 4193

~~Revised Code that are under the supervision of the division of 4194
special education of the department and meet such standards and 4195
rules for such programs as are established by the state board of 4196
education including licensure of all professional staff involved 4197
in such programs; in the case of divisions ~~(Q)~~(M) and ~~(R)~~(N) of 4198
this section, to county MR/DD boards; and in the case of division 4199
~~(U)~~(R) of this section, to the institutions defined under section 4200
3317.082 of the Revised Code providing elementary or secondary 4201
education programs to children other than children receiving 4202
special education under section 3323.091 of the Revised Code. The 4203
following shall be distributed monthly, quarterly, or annually as 4204
may be determined by the state board of education: 4205~~

~~(A)(1) An amount, distributed on the basis of standards 4206
adopted by the state board of education, for each of the 4207
following: 4208~~

~~(1) The approved cost of board and transportation required 4209
for orthopedically handicapped, other health handicapped, or 4210
severe behavior handicapped children attending regular school or 4211
special education classes; 4212~~

~~(2) The cost of teacher training contracted under section 4213
3323.06 of the Revised Code; 4214~~

~~(3) Home instruction for orthopedically handicapped, other 4215
health handicapped, or severe behavior handicapped children; 4216~~

~~(4) Special instructional services for orthopedically 4217
handicapped, other health handicapped, or severe behavior 4218
handicapped children for related services equal to one-eighth of 4219
the district's total special education weight times the formula 4220
amount times the district's state share percentage. 4221~~

~~(2) In any fiscal year, a school district receiving funds 4222
under this division shall spend on related services at least the 4223~~

<u>lesser of:</u>	4224
(a) <u>The amount the district spent on related services in the preceding fiscal year;</u>	4225 4226
(b) <u>The sum of the amount it receives under this division in state funds plus an amount equal to the local share of related services costs.</u>	4227 4228 4229
(3) <u>As used in this division:</u>	4230
(a) <u>"Local share of related services costs" equals the amount calculated under the following formula:</u>	4231 4232
<u>[(1 minus the district's state share) X 1/8 of the district's total special education weight X the formula amount]</u>	4233 4234
(b) <u>"Related services" means programs and services related to the provision of special education to handicapped students, and includes child study; special education supervisors and coordinators; speech and hearing services; adaptive physical development services; and occupational or physical therapy, as those terms are defined by the department of education.</u>	4235 4236 4237 4238 4239 4240
(B) An amount for each island school district and each joint state school district for the operation of each high school and each elementary school maintained within such district and for capital improvements for such schools. Such amounts shall be determined on the basis of standards adopted by the state board of education.	4241 4242 4243 4244 4245 4246
(C) An amount for each school district operating classes for children of migrant workers who are unable to be in attendance in an Ohio school during the entire regular school year. The amounts shall be determined on the basis of standards adopted by the state board of education, except that payment shall be made only for subjects regularly offered by the school district providing the classes.	4247 4248 4249 4250 4251 4252 4253

(D) An amount for each school district with guidance, 4254
testing, and counseling programs approved by the state board of 4255
education. The amount shall be determined on the basis of 4256
standards adopted by the state board of education. 4257

(E) An amount for the emergency purchase of school buses as 4258
provided for in section 3317.07 of the Revised Code; 4259

(F) An amount for each school district required to pay 4260
tuition for a child in an institution maintained by the department 4261
of youth services pursuant to section 3317.082 of the Revised 4262
Code, provided the child was not included in the calculation of 4263
the district's average daily membership for the preceding school 4264
year. 4265

(G) An amount to each school district for supplemental salary 4266
allowances for each licensed employee except those licensees 4267
serving as superintendents, assistant superintendents, principals, 4268
or assistant principals, whose term of service in any year is 4269
extended beyond the term of service of regular classroom teachers, 4270
as described in section 3301.0725 of the Revised Code-; 4271

(H) An amount for adult basic literacy education for each 4272
district participating in programs approved by the state board of 4273
education. The amount shall be determined on the basis of 4274
standards adopted by the state board of education. 4275

(I) Notwithstanding section 3317.01 of the Revised Code, to 4276
each city, local, and exempted village school district, an amount 4277
pursuant to section 3301.17 of the Revised Code for conducting 4278
driver education courses at high schools for which the state board 4279
of education prescribes minimum standards and to joint vocational 4280
and cooperative education school districts and educational service 4281
centers, an amount pursuant to such section for conducting driver 4282
education courses to pupils enrolled in a high school for which 4283
the state board prescribes minimum standards; 4284

(J) An amount for the approved cost of transporting 4285
developmentally handicapped pupils whom it is impossible or 4286
impractical to transport by regular school bus in the course of 4287
regular route transportation provided by the district or service 4288
center. No district or service center is eligible to receive a 4289
payment under this division for the cost of transporting any pupil 4290
whom it transports by regular school bus and ~~for whom it receives~~ 4291
~~a subsidy under division (K) of this section~~ who is included in 4292
the district's transportation ADM. The state board of education 4293
shall establish standards and guidelines for use by the department 4294
of education in determining the approved cost of such 4295
transportation for each district or service center. 4296

~~(K) An amount for transportation operating costs for each 4297
school district in which transportation of pupils is necessary. 4298
The amount of the payment shall be determined on the basis of a 4299
formula adopted by the state board of education and in accordance 4300
with the rules prescribed by it to secure an efficient and 4301
economical program of pupil transportation. The number of pupils 4302
transported, the total number of miles traveled, and other factors 4303
beyond the control of each board of education shall be considered 4304
in the formulation of the rules and in the adoption and 4305
application of the formula in determining the amount of money to 4306
be included for pupil transportation in each district. 4307~~

~~(L) An amount to each school district, including each 4308
cooperative education school district, pursuant to section 3313.81 4309
of the Revised Code to assist in providing free lunches to needy 4310
children and an amount to assist needy school districts in 4311
purchasing necessary equipment for food preparation. The amounts 4312
shall be determined on the basis of rules adopted by the state 4313
board of education. 4314~~

~~(M) An amount for approved vocational units in the district, 4315
educational service center, or institution. 4316~~

~~(1) For a school district or educational service center, the amount shall be the greater of:~~ 4317
4318

~~(a) The total of all of the amounts calculated for all approved vocational units in the district or for the educational service center. The amount for each vocational unit shall equal the sum of the minimum salary for the teacher of the unit calculated on the basis of the teacher's training level and years of experience pursuant to section 3317.13 of the Revised Code, fifteen per cent of that minimum salary amount, and nine thousand five hundred ten dollars:~~ 4319
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~~(b) One hundred five per cent of the amount per pupil paid during the current fiscal year under section 3317.022, divisions (A) and (C) to (F) of section 3317.023, and sections 3317.025, 3317.027, and 3317.028 of the Revised Code times the number of full time equivalent pupils enrolled in all approved vocational units in the district.~~ 4327
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~~(2) For an institution, the amount shall equal the total of all of the amounts calculated for all approved vocational units in the institution. The amount for each vocational unit shall be calculated as specified under division (M)(1)(a) of this section.~~ 4333
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~~(3) For pupils enrolled in approved vocational classes in licensed proprietary schools pursuant to sections 3313.90, 3313.91, and 3317.03 of the Revised Code, a payment shall be made to each eligible school district for each full time equivalent pupil in an amount equal to the average payment for all full time equivalent pupils in the state for the previous year as determined by the superintendent of public instruction.~~ 4337
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~~(N) An amount for units approved under division (B) or (E) of section 3317.05 of the Revised Code for classes for handicapped children in the district, educational service center, institution, or operated by a county MR/DD board.~~ 4344
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4347

~~(1)(a) For a school district or educational service center, 4348
the amount shall be the greater of: 4349~~

~~(i) The total of all of the amounts calculated for all such 4350
units in the district or for the educational service center. The 4351
amount for each unit shall equal the sum of the minimum salary for 4352
the teacher of the unit calculated on the basis of the teacher's 4353
training level and years of experience pursuant to section 3317.13 4354
of the Revised Code, fifteen per cent of that minimum salary 4355
amount, and eight thousand twenty three dollars; 4356~~

~~(ii) One hundred five per cent of the amount per pupil paid 4357
during the current fiscal year under section 3317.022, divisions 4358
(A) and (C) to (F) of section 3317.023, and sections 3317.025, 4359
3317.027, and 3317.028 of the Revised Code times the number of 4360
full-time equivalent pupils enrolled in all such units in the 4361
district. 4362~~

~~(b) For an institution or a county MR/DD board, the amount 4363
shall equal the total of all of the amounts calculated for all 4364
such units in the institution or operated by the county MR/DD 4365
board. The amount for each unit shall be calculated as specified 4366
under division (N)(1)(a)(i) of this section. 4367~~

~~(2) If a school district or educational service center has 4368
had additional units approved for the year under division (D)(2) 4369
of section 3317.03 of the Revised Code, or if a county MR/DD board 4370
has had additional units approved for the year under division 4371
(E)(3) of section 3317.03 of the Revised Code, the district, 4372
educational service center, or board shall receive an additional 4373
amount during the last half of the fiscal year. 4374~~

~~(a) For a school district or educational service center, the 4375
additional amount shall equal the difference between the following 4376
amounts: 4377~~

~~(i) Fifty per cent of the amount computed for the unit in the 4378~~

manner prescribed by division (N)(1)(a)(i) of this section; 4379

~~(ii) Fifty per cent of the per pupil payments required to be 4380
paid to the district for the year under section 3317.022, 4381
divisions (C) to (F) of section 3317.023, and sections 3317.025, 4382
3317.027, and 3317.028 of the Revised Code for each child who was 4383
included in the district's ADM that was used to compute the amount 4384
of such payments and who is in an additional unit provided for in 4385
division (D)(2) of section 3317.03 of the Revised Code. 4386~~

~~(b) For a county MR/DD board, the additional amount shall 4387
equal fifty per cent of the amount computed for the unit in the 4388
manner prescribed by division (N)(1)(a)(i) of this section. 4389~~

~~(O)(1) An amount for each approved unit for child study, 4390
occupational or physical therapy, speech and hearing, adaptive 4391
physical development, special education supervisors, and special 4392
education coordinators. The amount shall be the sum of the minimum 4393
salary for the teacher of the unit calculated on the basis of the 4394
teacher's training level and years of experience pursuant to 4395
section 3317.13 of the Revised Code, fifteen per cent of that 4396
minimum salary amount, and two thousand one hundred thirty two 4397
dollars. 4398~~

~~(2) An amount for each approved unit for the gifted. The 4399
amount shall be the sum of the minimum salary for the teacher of 4400
the unit calculated on the basis of the teacher's training level 4401
and years of experience pursuant to section 3317.13 of the Revised 4402
Code, fifteen per cent of that minimum salary amount, and two 4403
thousand six hundred seventy eight dollars. 4404~~

~~(P)(L) An amount to each school district, for each pupil 4405
attending a chartered nonpublic elementary or high school within 4406
the district. The amount shall equal the amount appropriated for 4407
the implementation of section 3317.06 of the Revised Code divided 4408
by the average daily membership in grades kindergarten through 4409~~

twelve in nonpublic elementary and high schools within the state 4410
as determined during the first full week in October of each school 4411
year. 4412

~~(Q)~~(M) An amount for each county MR/DD board, distributed on 4413
the basis of standards adopted by the state board of education, 4414
for the approved cost of transportation required for children 4415
attending special education programs operated by the county MR/DD 4416
board under section 3323.09 of the Revised Code; 4417

~~(R)~~(N) An amount for each county MR/DD board, distributed on 4418
the basis of standards adopted by the state board of education, 4419
for supportive home services for preschool children; 4420

~~(S)~~(O) An amount for each school district that establishes a 4421
mentor teacher program that complies with rules of the state board 4422
of education. No school district shall be required to establish or 4423
maintain such a program in any year unless sufficient funds are 4424
appropriated to cover the district's total costs for the program. 4425

~~(T)~~(P) A per pupil amount to each school district that 4426
establishes a summer school remediation program that complies with 4427
rules of the state board of education; 4428

~~(U)~~ An amount to each institution defined under section 4429
3317.082 of the Revised Code providing elementary or secondary 4430
education to children other than children receiving special 4431
education under section 3323.091 of the Revised Code. This amount 4432
for any institution in any fiscal year shall equal the total of 4433
all tuition amounts required to be paid to the institution under 4434
division (A)(1) of section 3317.082 of the Revised Code. 4435

(O)(1) For fiscal year 1999 only, an amount to each school 4436
district or educational service center for the total number of 4437
gifted units approved pursuant to section 3317.05 Of the Revised 4438
Code. The amount for each such unit shall be the sum of the 4439
minimum salary for the teacher of the unit, calculated on the 4440

basis of the teacher's training level and years of experience 4441
pursuant to section 3317.13 Of the Revised Code, plus fifteen per 4442
cent of that minimum salary amount, plus two thousand six hundred 4443
seventy-eight dollars. 4444

(2) Beginning with fiscal year 2000, an amount for each 4445
school district for programs for gifted students calculated under 4446
the following formula: 4447

[.10 (formula ADM) multiplied by .10 (formula amount)] 4448

No money shall be distributed to a school district under 4449
division (O)(2) of this section in any fiscal year unless the 4450
superintendent has on file by the first day of that year a 4451
district plan specifying the manner in which funds will be 4452
utilized to serve gifted students and the method for selecting 4453
students to participate in gifted programs and activities. 4454

(3) Prior to October 1, 1998, the general assembly shall 4455
begin a review and revision of the funding formula for gifted 4456
education services. The analysis and any resulting calculations 4457
shall be based upon a rational methodology for calculating the 4458
cost of adequate gifted education services. The analysis shall use 4459
data generated by a study funded through the department of 4460
education. 4461

(R) An amount to each institution defined under section 4462
3317.082 of the Revised Code providing elementary or secondary 4463
education to children other than children receiving special 4464
education under section 3323.091 of the Revised Code. This amount 4465
for any institution in any fiscal year shall equal the total of 4466
all tuition amounts required to be paid to the institution under 4467
division (A)(1) of section 3317.082 of the Revised Code. 4468

The state board of education or any other board of education 4469
or governing board may provide for any resident of a district or 4470
educational service center territory any educational service for 4471

which funds are made available to the board by the United States 4472
under the authority of public law, whether such funds come 4473
directly or indirectly from the United States or any agency or 4474
department thereof or through the state or any agency, department, 4475
or political subdivision thereof. 4476

Sec. 3317.025. On or before the first day of June of each 4477
year, the tax commissioner shall certify the following information 4478
to the department of education, for each school district in which 4479
the value of the property described under division (A) of this 4480
section exceeds one per cent of the taxable value of all real and 4481
tangible personal property in the district or in which is located 4482
tangible personal property designed for use or used in strip 4483
mining operations, whose taxable value exceeds five million 4484
dollars, and the taxes upon which the district is precluded from 4485
collecting by virtue of legal proceedings to determine the value 4486
of such property: 4487

(A) The total taxable value of all property in the district 4488
owned by a public utility or railroad that has filed a petition 4489
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 4490
(1898), 11 U.S.C. 205, as amended, and all tangible personal 4491
property in the district designed for use or used in strip mining 4492
operations whose taxable value exceeds five million dollars upon 4493
which have not been paid in full on or before the first day of 4494
April of that calendar year all real and tangible personal 4495
property taxes levied for the preceding calendar year and which 4496
the district was precluded from collecting by virtue of 4497
proceedings under section 205 of said act or by virtue of legal 4498
proceedings to determine the tax liability of such strip mining 4499
equipment; 4500

(B) The percentage of the total operating taxes charged and 4501
payable for school district purposes levied against such valuation 4502

for the preceding calendar year which have not been paid by such
date; 4503
4504

(C) The product obtained by multiplying the value certified 4505
under division (A) of this section by the percentage certified 4506
under division (B) of this section. If the value certified under 4507
division (A) of this section includes taxable property owned by a 4508
public utility or railroad that has filed a petition for 4509
reorganization under the bankruptcy act, the amount used in making 4510
the calculation under this division shall be reduced by one per 4511
cent of the total value of all real and tangible personal property 4512
in the district or the value of the ~~utility~~ utility's or 4513
railroad's property, whichever is less. 4514

Upon receipt of the certification, the department shall 4515
recompute the payments required under ~~sections~~ section 3317.022 4516
~~and 3317.023~~ of the Revised Code in the manner the payments would 4517
have been computed if: 4518

(1) The amount certified under division (C) of this section 4519
was not subject to taxation by the district and was not included 4520
in the certification made under division (A)(1), (2), or (C) of 4521
section 3317.021 of the Revised Code. 4522

(2) The amount of taxes charged and payable and unpaid and 4523
used to make the computation under division (B) of this section 4524
had not been levied and had not been used in the computation 4525
required by division (B) of section 3317.021 of the Revised Code. 4526
The department shall pay the district that amount in the ensuing 4527
fiscal year in lieu of the amounts computed under ~~sections~~ section 4528
3317.022 ~~and 3317.023~~ of the Revised Code. 4529

Sec. 3317.027. On or before the fifteenth day of May of each 4530
year, the tax commissioner shall certify to the department of 4531
education: 4532

(A) The amount by which applications filed under section 4533
5713.38 of the Revised Code or complaints filed under section 4534
5715.19 of the Revised Code resulted in a reduction in the second 4535
preceding year's taxable value in each school district in which 4536
such a reduction occurred and the amount by which such reduction 4537
reduced the district's taxes charged and payable for such year; 4538
and 4539

(B) The taxes charged and payable for the second preceding 4540
tax year that were remitted under section 5713.081 of the Revised 4541
Code and the taxable value against which such taxes were imposed. 4542

Upon receipt of such certifications, the department shall 4543
recompute the state aid for such year under ~~sections~~ section 4544
3317.022 ~~and 3317.023~~ of the Revised Code and determine the amount 4545
of aid that would have been paid had the taxable value not been 4546
used in the computation made under division (A)(1) of section 4547
3317.021 of the Revised Code and the taxes charged and payable not 4548
been included in the certification made under division (A)(3) of 4549
such section. The department shall adjust the remainder of the 4550
fiscal year's payments so the district's total payments for the 4551
fiscal year equal the amount of the recomputation. 4552

Sec. 3317.028. On or before the fifteenth day of May in each 4553
calendar year, the tax commissioner shall determine for each 4554
school district whether the taxable value of all tangible personal 4555
property, including utility tangible personal property, subject to 4556
taxation by the district in the preceding tax year was less or 4557
greater than the taxable value of such property during the second 4558
preceding tax year. If any such decrease exceeds five per cent of 4559
the district's tangible personal property taxable value included 4560
in the total taxable value used in the district's state aid 4561
computation for the fiscal year that ends in the current calendar 4562
year or if any such increase exceeds five per cent of the 4563

district's total taxable value used in the district's state aid 4564
computation for the fiscal year that ends in the current calendar 4565
year, the tax commissioner shall certify to the department of 4566
education: 4567

(A) The taxable value of the tangible personal property 4568
increase or decrease, including utility tangible personal property 4569
increase or decrease, which shall be considered a change in 4570
valuation; and 4571

(B) The decrease or increase in taxes charged and payable on 4572
such change in taxable value calculated in the same manner as in 4573
division (A)(3) of section 3317.021 of the Revised Code. 4574

Upon receipt of such certification, the department of 4575
education shall reduce or increase by the respective amounts 4576
certified, the taxable value and the taxes charged and payable 4577
that were used in the district's state aid computation under 4578
~~sections~~ section 3317.022 ~~and 3317.023~~ of the Revised Code for the 4579
fiscal year that ends in the current calendar year and shall 4580
recompute the state aid for such fiscal year. During the last six 4581
months of the fiscal year, the department shall pay the district a 4582
sum equal to one-half of the recomputed payments in lieu of the 4583
payments otherwise required under such sections. 4584

Sec. 3317.029. (A) As used in this section: 4585

(1) "Statewide DPIA percentage" means the five-year average 4586
of the total number of children ages five to seventeen years 4587
residing in the state and receiving family assistance, divided by 4588
the average of the sum of the formula ADMs reported for all school 4589
districts in the state for the current and preceding two fiscal 4590
years, provided that in fiscal years 1999 and 2000, the department 4591
shall calculate this three-year average utilizing district ADMs 4592
reported pursuant to the version of division (A) of section 4593
3317.03 of the Revised Code in effect in fiscal years 1997 and 4594

<u>1998;</u>	4595
(2) <u>"DPIA index" means the quotient obtained by dividing the</u>	4596
<u>school district's DPIA percentage by the statewide DPIA</u>	4597
<u>percentage;</u>	4598
(3) <u>"Kindergarten ADM" means the number of students reported</u>	4599
<u>under section 3317.03 of the Revised Code as enrolled in</u>	4600
<u>kindergarten;</u>	4601
(4) <u>"Kindergarten through third grade ADM" means the sum</u>	4602
<u>obtained by multiplying the kindergarten ADM by two, adding the</u>	4603
<u>number of students in grades one through three, and subtracting</u>	4604
<u>the number of special education students in grades one through</u>	4605
<u>three;</u>	4606
(5) <u>"Statewide average teacher salary" means thirty-nine</u>	4607
<u>thousand ninety-two dollars, which includes an amount for the</u>	4608
<u>value of fringe benefits;</u>	4609
(6) <u>"Statewide formula ADM" means the sum total of the</u>	4610
<u>formula ADM for all school districts in the state;</u>	4611
(7) <u>"All-day kindergarten percentage" means the percentage of</u>	4612
<u>a district's actual total number of students enrolled in</u>	4613
<u>kindergarten who are in classes that are in session five days per</u>	4614
<u>week for not less than the same number of clock hours each day as</u>	4615
<u>for pupils in grades one through six;</u>	4616
(8) <u>"Buildings with the highest concentration of need" means</u>	4617
<u>the school buildings in a district with percentages of students</u>	4618
<u>receiving family assistance in grades kindergarten through three</u>	4619
<u>at least as high as the district-wide percentage of students</u>	4620
<u>receiving family assistance.</u>	4621
(B) <u>In addition to the amounts required to be paid to a</u>	4622
<u>school district under section 3317.022 of the Revised Code, a</u>	4623
<u>school district shall receive the greater of the amount the</u>	4624

district received in fiscal year 1998 pursuant to division (B) of 4625
section 3317.023 Of the Revised Code as it existed at that time or 4626
the amount of the sum of the following computations made under 4627
divisions (C) to (E) of this section. 4628

(C) A supplemental payment that may be utilized for measures 4629
related to safety and security and for remediation or similar 4630
programs, calculated as follows: 4631

(1) If the DPIA index of the school district is greater than 4632
or equal to thirty-five-hundredths, but less than one, an amount 4633
obtained by multiplying the three-year average number of pupils in 4634
a district receiving family assistance by two hundred thirty 4635
dollars; 4636

(2) If the DPIA index of the school district is greater than 4637
or equal to one, an amount obtained by multiplying the DPIA index 4638
by two hundred thirty dollars and multiplying that product by the 4639
three-year average number of pupils in a district receiving family 4640
assistance. 4641

(D) A payment for all-day kindergarten if the DPIA index of 4642
the school district is greater than or equal to one OR IF THE 4643
DISTRICT'S THREE-YEAR AVERAGE FORMULA ADM EXCEEDED SEVENTEEN 4644
THOUSAND FIVE HUNDRED, calculated by multiplying the all-day 4645
kindergarten percentage by the kindergarten ADM and multiplying 4646
that product by the formula amount. 4647

(E) A class-size reduction payment based on calculating the 4648
number of new teachers necessary to achieve a lower 4649
student-teacher ratio, as follows: 4650

(1) Determine or calculate a formula number of teachers per 4651
one thousand students based on the DPIA index of the school 4652
district as follows: 4653

(a) If the DPIA index of the school district is less than 4654
six-tenths, the formula number of teachers is 43.478, which is the 4655

number of teachers per one thousand students at a student-teacher ratio of twenty-three to one; 4656
4657

(b) If the DPIA index of the school district is greater than or equal to six-tenths, but less than two and one-half, the formula number of teachers is calculated as follows: 4658
4659
4660

$$43.478 + [(DPIA \text{ index} - 0.6) / 1.9] \times 23.188$$
 4661

Where 43.478 is the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one; 1.9 is the interval from a DPIA index of six-tenths to a DPIA index of two and one-half; and 23.188 is the difference in the number of teachers per one thousand students at a student-teacher ratio of fifteen to one and the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one. 4662
4663
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(c) If the DPIA index of the school district is greater than or equal to two and one-half, the formula number of teachers is 66.667, which is the number of teachers per one thousand students at a student-teacher ratio of fifteen to one. 4669
4670
4671
4672

(2) Multiply the formula number of teachers determined or calculated in division (E)(1) of this section by the kindergarten through third grade ADM for the district and divide that product by one thousand; 4673
4674
4675
4676

(3) Calculate the number of new teachers as follows: 4677

(a) Multiply the kindergarten through third grade ADM by 43.478, which is the number of teachers per one thousand students at a student-teacher ratio of twenty-three to one, and divide that product by one thousand; 4678
4679
4680
4681

(b) Subtract the quotient obtained in division (E)(3)(a) of this section from the product in division (E)(2) of this section. 4682
4683

(4) Multiply the greater of the difference obtained under division (E)(3) of this section or zero by the statewide average 4684
4685

<u>teachers salary.</u>	4686
(F) <u>This division applies only to school districts whose DPIA index is one or greater.</u>	4687 4688
(1) <u>Each school district subject to this division shall first utilize funds received under this section to provide all-day kindergarten to at least the number of children in the district's all-day kindergarten percentage.</u>	4689 4690 4691 4692
(2) <u>Up to an amount equal to the district's DPIA index multiplied by two hundred thirty dollars of the money distributed under this section may be utilized for one or both of the following:</u>	4693 4694 4695 4696
(a) <u>Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;</u>	4697 4698 4699
(b) <u>Remediation for students who have failed or are in danger of failing any of the proficiency tests administered pursuant to section 3301.0710 Of the Revised Code.</u>	4700 4701 4702
(3) <u>Except as otherwise required by division (G) of this section, all other funds distributed to districts subject to this division under this section shall be utilized for the purpose of the third grade guarantee. The third grade guarantee consists of increasing the amount of instructional attention received per pupil in kindergarten through third grade, either by reducing the ratio of students to instructional personnel or by increasing the amount of instruction and curriculum-related activities by extending the length of the school day or the school year.</u>	4703 4704 4705 4706 4707 4708 4709 4710 4711
<u>School districts may implement a reduction of the ratio of students to instructional personnel through any or all of the following methods:</u>	4712 4713 4714
(a) <u>Reducing the number of students in a classroom taught by</u>	4715

<u>a single teacher;</u>	4716
(b) <u>Employing full-time educational aides or educational</u>	4717
<u>paraprofessionals issued a permit or license under section</u>	4718
<u>3319.088 Of the Revised Code;</u>	4719
(c) <u>Instituting a team-teaching method that will result in a</u>	4720
<u>lower student-teacher ratio in a classroom.</u>	4721
<u>Districts may extend the school day either by increasing the</u>	4722
<u>amount of time allocated for each class, increasing the number of</u>	4723
<u>classes provided per day, offering optional academic-related</u>	4724
<u>after-school programs, providing curriculum-related extra</u>	4725
<u>curricular activities, or establishing tutoring or remedial</u>	4726
<u>services for students who have demonstrated an educational need.</u>	4727
<u>In accordance with section 3319.089 Of the Revised Code, a</u>	4728
<u>district extending the school day pursuant to this division may</u>	4729
<u>utilize a participant of the work experience program who has a</u>	4730
<u>child enrolled in a public school in that district and who is</u>	4731
<u>fulfilling the work requirements of that program by volunteering</u>	4732
<u>or working in that public school. If the work experience program</u>	4733
<u>participant is compensated, the school district may use the funds</u>	4734
<u>distributed under this section for all or part of the</u>	4735
<u>compensation.</u>	4736
<u>Districts may extend the school year either through adding</u>	4737
<u>regular days of instruction to the school calendar or by providing</u>	4738
<u>summer programs.</u>	4739
(G) <u>Each district subject to division (F) of this section</u>	4740
<u>shall not expend any funds received under division (E) of this</u>	4741
<u>section in any school buildings that are not buildings with the</u>	4742
<u>highest concentration of need, unless there is a ratio of</u>	4743
<u>instructional personnel to students of no more than fifteen to one</u>	4744
<u>in each kindergarten and first grade class in all buildings with</u>	4745
<u>the highest concentration of need.</u>	4746

(H)(1) by the first day of August of each fiscal year, each school district wishing to receive any funds under division (D) of this section shall certify to the department of education its all-day kindergarten percentage. 4747
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(2) annually by the end of December, the department of education, utilizing data from the information system established under section 3301.0714 Of the Revised Code and after consultation with the legislative office of education oversight, shall determine for each school district subject to division (F) of this section whether in the preceding fiscal year the district's ratio of instructional personnel to students; and its number of kindergarten students receiving all-day kindergarten appear reasonable, given the amounts of money the district received for that fiscal year pursuant to divisions (D) and (E) of this section. if the department is unable to verify from the data available that students are receiving reasonable amounts of instructional attention and all-day kindergarten, given the funds the district has received under this section and that class-size reduction funds are being used in school buildings with the highest concentration of need as required by division (G) of this section, the department shall conduct a more intensive investigation to ensure that funds have been expended as required by this section. The department shall file an annual report of its findings under this division with the chairpersons of the committees in each house of the general assembly dealing with finance and education. 4751
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(I) any school district with a DPIA index less than one shall expend at least seventy per cent of the funds received under this section for any of the following purposes: 4773
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(1) The purchase of technology for instructional purposes; 4776

(2) All-day kindergarten; 4777

(3) <u>Reduction of class sizes;</u>	4778
(4) <u>Summer school remediation;</u>	4779
(5) <u>Dropout prevention programs;</u>	4780
(6) <u>Guaranteeing that all third graders are ready to progress</u> <u>to more advanced work;</u>	4781 4782
(7) <u>Summer education and work programs;</u>	4783
(8) <u>Adolescent pregnancy programs;</u>	4784
(9) <u>Head start or preschool programs;</u>	4785
(10) <u>Reading improvement programs described by the department</u> <u>of education;</u>	4786 4787
(11) <u>Programs designed to ensure that schools are free of</u> <u>drugs and violence and have a disciplined environment conducive to</u> <u>learning;</u>	4788 4789 4790
(12) <u>Furnishing, free of charge, materials used in courses of</u> <u>instruction, except for the necessary textbooks required to be</u> <u>furnished without charge pursuant to section 3329.06 Of the</u> <u>Revised Code, to pupils living in families participating in Ohio</u> <u>works first in accordance with section 3313.642 of the Revised</u> <u>Code;</u>	4791 4792 4793 4794 4795 4796
(13) <u>School breakfasts provided pursuant to section 3313.813</u> <u>of the Revised Code.</u>	4797 4798
<u>Each district shall submit to the department, in such format</u> <u>and at such time as the department shall specify, a report on the</u> <u>programs for which it expended funds under this division.</u>	4799 4800 4801
(J) <u>If at any time the superintendent of public instruction</u> <u>determines that a school district has used the funds received</u> <u>under division (D) of this section for any purpose other than to</u> <u>provide all-day kindergarten as required under this section, or if</u> <u>the superintendent determines that a school district has enrolled</u>	4802 4803 4804 4805 4806

less than the all-day kindergarten percentage reported for that 4807
fiscal year, the superintendent shall withhold from the funds 4808
otherwise due a district under this section the amount of the 4809
funds spent in violation of this section or a proportional amount 4810
of the funds as determined by the difference in the certified 4811
all-day kindergarten percentage and the percentage actually 4812
enrolled in all-day kindergarten. 4813

The superintendent shall also withhold an appropriate amount 4814
of funds otherwise due a district for any other misuse of funds 4815
not in accordance with this section. 4816

Sec. 3317.0210. (A) As used in this section: 4817

(1) "Bankruptcy Reform Act" means the "Bankruptcy Reform Act 4818
of 1978," 92 Stat. 2558, 11 U.S.C. 301, as amended. 4819

(2) "Chapter 11 corporation" means a corporation, company, or 4820
other business organization that has filed a petition for 4821
reorganization under Chapter 11 of the "Bankruptcy Reform Act," 92 4822
Stat. 2626, 11 U.S.C. 1101, as amended. 4823

(3) "Real property" includes public utility real property and 4824
"personal property" includes public utility personal property. 4825

(4) "Uncollectable taxes" means property taxes owed by a 4826
Chapter 11 corporation on its property for a tax year that a 4827
school district is precluded from collecting by virtue of 4828
proceedings under the Bankruptcy Reform Act. 4829

(5) "Basic state aid" means the state aid calculated for a 4830
school district under ~~sections~~ section 3317.022 ~~and 3317.023~~ of 4831
the Revised Code. 4832

(6) "Effective value" means the sum of the 4833
residential/agricultural real property value, the effective 4834
nonresidential/agricultural real property value, and the effective 4835
personal value. 4836

(7) "Effective nonresidential/agricultural real property value" means, for a tax year, the amount obtained by multiplying the value for that year of nonresidential/agricultural real property subject to taxation in the district by a fraction, the numerator of which is the total taxes charged and payable for that year against the nonresidential/agricultural real property subject to taxation in the district, exclusive of the uncollectable taxes for that year on all real property subject to taxation in the district, and the denominator of which is the total taxes charged and payable for that year against the nonresidential/agricultural real property subject to taxation in the district.

(8) "Effective personal value" means, for a tax year, the amount obtained by multiplying the value for that year certified under division (A)(2) of section 3317.021 of the Revised Code by a fraction, the numerator of which is the total taxes charged and payable for that year against personal property subject to taxation in the district, exclusive of the uncollectable taxes for that year on that property, and the denominator of which is the total taxes charged and payable for that year against personal property subject to taxation in the district.

(9) "Nonresidential/agricultural real property value" means, for a tax year, the sum of the values certified for a school district for that year under ~~divisions~~ division (B)(2)(a) of this section, and "residential/agricultural real property value" means, for a tax year, the sum of the values certified for a school district under division (B)(2)(b) of this section.

(10) "Taxes charged and payable against real property" means the taxes charged and payable against that property after making the reduction required by section 319.301 of the Revised Code.

(11) "Total taxes charged and payable" has the same meaning given "taxes charged and payable" in section 3317.02 of the

Revised Code. 4868

(B)(1) By the first day of August of any calendar year, a 4869
school district shall notify the department of education if it has 4870
uncollectable taxes from one Chapter 11 corporation for the second 4871
preceding tax year whose total taxes charged and payable represent 4872
at least one-half of one per cent of the district's total taxes 4873
charged and payable for that tax year. 4874

(2) The department shall verify whether the district has such 4875
uncollectable taxes from such a corporation by the first day of 4876
September, and if the district does, shall immediately request the 4877
county auditor of each county in which the school district has 4878
territory to certify the following information concerning the 4879
district's property values and taxes for the second preceding tax 4880
year, and each such auditor shall certify that information to the 4881
department within thirty days of receiving the request: 4882

(a) The value of the property subject to taxation in the 4883
district that was classified as nonresidential/agricultural real 4884
property pursuant to section 5713.041 of the Revised Code, and the 4885
taxes charged and payable on that property; and 4886

(b) The value of the property subject to taxation in the 4887
district that was classified as residential/agricultural real 4888
property under section 5713.041 of the Revised Code. 4889

(C) By the fifteenth day of November, the department shall 4890
compute the district's effective nonresidential/agricultural real 4891
property value, residential/agricultural real property value, 4892
effective personal value, and effective value, and shall determine 4893
whether the school district's effective value for the second 4894
preceding tax year is at least one per cent less than its total 4895
value for that year certified under divisions (A)(1) and (2) of 4896
section 3317.021 of the Revised Code. If it is, the department 4897
shall recompute the basic state aid payable to the district for 4898

the immediately preceding fiscal year using the effective value in 4899
lieu of the amounts previously certified under section 3317.021 of 4900
the Revised Code. The difference between the original basic state 4901
aid amount computed for the district for the preceding fiscal year 4902
and the recomputed amount shall be paid to the district from the 4903
lottery profits education fund before the end of the current 4904
fiscal year. 4905

(D) Amounts received by a school district under division (C) 4906
of this section shall be repaid to the department of education 4907
~~within two years of the end of the fiscal year in which such~~ 4908
~~amounts were received. Beginning on the first day of each month~~ 4909
~~following the date on which the amount is required to be paid, a~~ 4910
~~penalty of one per cent per month shall be charged against any~~ 4911
~~portion of such balance remaining unpaid on the last day of the~~ 4912
~~preceding month. All moneys collected from a district under this~~ 4913
~~section shall be deposited to the credit of the lottery profits~~ 4914
~~education fund in any future year to the extent the district~~ 4915
~~receives payments of uncollectable taxes in such future year. The~~ 4916
~~department shall notify a district of any amount owed under this~~ 4917
~~division.~~ 4918

Sec. 3317.0211. (A) As used in this section: 4919

(1) "Port authority" means any port authority as defined in 4920
section 4582.01 or 4582.21 of the Revised Code. 4921

(2) "Real property" includes public utility real property and 4922
"personal property" includes public utility personal property. 4923

(3) "Uncollected taxes" means property taxes charged and 4924
payable against the property of a port authority for a tax year 4925
that a school district has not collected. 4926

(4) "Basic state aid" means the state aid calculated for a 4927
school district under ~~sections~~ section 3317.022 and ~~3317.023~~ of 4928

the Revised Code. 4929

(5) "Effective value" means the sum of the effective 4930
residential/agricultural real property value, the effective 4931
nonresidential/agricultural real property value, and the effective 4932
personal value. 4933

(6) "Effective residential/agricultural real property value" 4934
means, for a tax year, the amount obtained by multiplying the 4935
value for that year of residential/agricultural real property 4936
subject to taxation in the district by a fraction, the numerator 4937
of which is the total taxes charged and payable for that year 4938
against the residential/agricultural real property subject to 4939
taxation in the district, exclusive of the uncollected taxes for 4940
that year on all real property subject to taxation in the 4941
district, and the denominator of which is the total taxes charged 4942
and payable for that year against the residential/agricultural 4943
real property subject to taxation in the district. 4944

(7) "Effective nonresidential/agricultural real property 4945
value" means, for a tax year, the amount obtained by multiplying 4946
the value for that year of nonresidential/agricultural real 4947
property subject to taxation in the district by a fraction, the 4948
numerator of which is the total taxes charged and payable for that 4949
year against the nonresidential/agricultural real property subject 4950
to taxation in the district, exclusive of the uncollected taxes 4951
for that year on all real property subject to taxation in the 4952
district, and the denominator of which is the total taxes charged 4953
and payable for that year against the nonresidential/agricultural 4954
real property subject to taxation in the district. 4955

(8) "Effective personal value" means, for a tax year, the 4956
amount obtained by multiplying the value for that year certified 4957
under division (A)(2) of section 3317.021 of the Revised Code by a 4958
fraction, the numerator of which is the total taxes charged and 4959
payable for that year against personal property subject to 4960

taxation in the district, exclusive of the uncollected taxes for 4961
that year on that property, and the denominator of which is the 4962
total taxes charged and payable for that year against personal 4963
property subject to taxation in the district. 4964

(9) "Nonresidential/agricultural real property value" means, 4965
for a tax year, the sum of the values certified for a school 4966
district for that year under ~~divisions~~ DIVISION (B)(2)(a) of this 4967
section, and "residential/agricultural real property value" means, 4968
for a tax year, the sum of the values certified for a school 4969
district under ~~divisions~~ DIVISION (B)(2)(b) of this section. 4970

(10) "Taxes charged and payable against real property" means 4971
the taxes charged and payable against that property after making 4972
the reduction required by section 319.301 of the Revised Code. 4973

(11) "Total taxes charged and payable" has the same meaning 4974
given "taxes charged and payable" in section 3317.02 of the 4975
Revised Code. 4976

(B)(1) By the first day of August of any calendar year, a 4977
school district shall notify the department of education if it has 4978
any uncollected taxes from one port authority for the second 4979
preceding tax year whose taxes charged and payable represent at 4980
least one-half of one per cent of the district's total taxes 4981
charged and payable for that tax year. 4982

(2) The department shall verify whether the district has such 4983
uncollected taxes by the first day of September, and if the 4984
district does, shall immediately request the county auditor of 4985
each county in which the school district has territory to certify 4986
the following information concerning the district's property 4987
values and taxes for the second preceding tax year, and each such 4988
auditor shall certify that information to the department within 4989
thirty days of receiving the request: 4990

(a) The value of the property subject to taxation in the 4991

district that was classified as nonresidential/agricultural real 4992
property pursuant to section 5713.041 of the Revised Code, and the 4993
taxes charged and payable on that property; and 4994

(b) The value of the property subject to taxation in the 4995
district that was classified as residential/agricultural real 4996
property under section 5713.041 of the Revised Code. 4997

(C) By the fifteenth day of November, the department shall 4998
compute the district's effective nonresidential/agricultural real 4999
property value, effective residential/agricultural real property 5000
value, effective personal value, and effective value, and shall 5001
determine whether the school district's effective value for the 5002
second preceding tax year is at least one per cent less than its 5003
total value for that year certified under divisions (A)(1) and (2) 5004
of section 3317.021 of the Revised Code. If it is, the department 5005
shall recompute the basic state aid payable to the district for 5006
the immediately preceding fiscal year using the effective value in 5007
lieu of the amounts previously certified under section 3317.021 of 5008
the Revised Code. The difference between the original basic state 5009
aid amount computed for the district for the preceding fiscal year 5010
and the recomputed amount shall be paid to the district from the 5011
lottery profits education fund before the end of the current 5012
fiscal year. 5013

(D) Amounts received by a school district under division (C) 5014
of this section shall be repaid to the department of education 5015
~~within two years of the end of the fiscal year in which such~~ 5016
~~amounts were received. Beginning on the first day of each month~~ 5017
~~following the date on which the amount is required to be paid, a~~ 5018
~~penalty of one per cent per month shall be charged against any~~ 5019
~~portion of such balance remaining unpaid on the last day of the~~ 5020
~~preceding month. All moneys collected from a district under this~~ 5021
~~section shall be deposited to the credit of the lottery profits~~ 5022
~~education fund in any future year to the extent the district~~ 5023

receives payments of uncollectable taxes in such future year. The 5024
department shall notify a district of any amount owed under this 5025
division. 5026

Sec. 3317.0212. (A) As used in this section: 5027

(1) "Fundamental FY 1998 state aid" for a district means the 5028
total amount of state money received by the district under 5029
sections 3317.022 and 3317.023 of the Revised Code before any 5030
deductions required by division (G), (J), (K), or (L) of section 5031
3317.023 of the Revised Code, plus any amounts for which the 5032
district was eligible pursuant to divisions (M), (N), and (O)(2) 5033
of section 3317.024 and sections 3317.0212 and 3317.0213 of the 5034
Revised Code, as those divisions and sections existed in fiscal 5035
year 1998, plus the district's share of state funds for service 5036
center units. 5037

(2) "Enhanced FY 1998 state aid" for a district means its 5038
fundamental FY 1998 state aid plus any amounts for which the 5039
district was eligible pursuant to division (K) of section 3317.024 5040
of the Revised Code, as that division existed in fiscal year 1998. 5041

(3) "State basic aid" for a district in any fiscal year after 5042
1998 means the amount computed for the district for basic formula 5043
aid and Special education aid under divisions (A) and (C) of 5044
section 3317.022 of the Revised Code and DPIA aid under section 5045
3317.029 of the Revised Code in the current fiscal year but after 5046
any deduction required by division (E) of section 3317.023 of the 5047
Revised Code, plus any amounts for which the district is eligible 5048
pursuant to divisions (G) and (O) of section 3317.024 of the 5049
Revised Code, plus any amounts for which the district is eligible 5050
under section 3317.0213 Of the Revised Code. 5051

(4) "FY 1998 ADM" for a district means the district's average 5052
daily membership as described by division (A) of section 3317.02 5053
of the Revised Code, for fiscal year 1998, plus the district's 5054

average daily membership based upon full-time equivalency in 5055
approved vocational units as certified by the district in fiscal 5056
year 1998 under division (A)(2) of section 3317.03 of the Revised 5057
Code and the district's average daily membership of all 5058
handicapped children, except for preschool handicapped children, 5059
in classes in the district as certified in fiscal year 1998 under 5060
division (A)(3) of section 3317.03 of the Revised Code, as those 5061
divisions and sections existed in fiscal year 1998. 5062

(5) "District's share of state funds for service center 5064
units" means an estimated portion of the state money distributed 5065
to educational service centers for approved units in fiscal year 5066
1998 attributable to the costs of providing services in such units 5067
to students, other than preschool handicapped students, residing 5068
in the district. 5069

(B) The department of education shall compute the state basic 5070
aid guarantee for each school district for the fiscal year as 5071
follows: 5072

(1) Subtract the amount of state basic aid from the amount of 5073
fundamental FY 1998 state aid. If a negative number, this 5074
computation shall be deemed to be zero; 5075

(2) Compute the following amounts: 5076

(a) Formula ADM X (state basic aid/formula ADM); 5077

(b) Formula ADM X (fundamental FY 1998 state aid/FY 1998 5078
ADM). 5079

(3) If the amount computed under division (B)(2)(b) of this 5080
section is greater than the amount computed under division 5081
(B)(2)(a) of this section, determine the amount by which it is 5082
greater. If the amount computed under division (B)(2)(b) of this 5083
section is not greater than the amount computed under division 5084
(B)(2)(a) of this section, this computation shall be deemed to be 5085

zero. 5086

(4) Except as provided in division (C) of this section, the 5087
department shall determine for each district the lesser of the 5088
amounts computed in divisions (B)(1) and (2) of this section and, 5089
if greater than zero, pay the district that amount. 5090

(C)(1) In fiscal year 1999, if a district's amount under 5091
division (B)(4) of this section is zero, the department shall 5092
determine for each such district the following: 5093

(2) Add to the district's state basic aid for fiscal year 5094
1999 the sum of the transportation portion of state aid computed 5095
under division (D) of section 3317.022 of the Revised Code for the 5096
district for fiscal year 1999; 5097

(3) If a district's enhanced FY 1998 state aid is greater 5098
than the district's amount calculated in division (C)(2) of this 5099
section, then the department shall pay the district one hundred 5100
per cent of the difference. 5101

Sec. 3317.0213. No money shall be distributed under this 5102
section after fiscal year 2001. 5103

(A) As used in this section: 5104

(1) "ADM" for any school district means: 5105

(a) In fiscal year 1999, the average daily membership 5106
described by reported in fiscal year 1998 under division (A) of 5107
section 3317.02 3317.03 of the Revised Code as that section 5108
existed in fiscal year 1998, as finally determined by the 5109
department of education in calculating the district's payments 5110
under section 3317.022 of the Revised Code for the preceding 5111
fiscal year less one-half of the kindergarten students, less 5112
three-quarters of the students enrolled in a joint vocational 5113
school district, and less any students enrolled in preschool 5114
handicapped units approved under division (E) of section 3317.05 5115

Of the Revised Code, as that section existed in fiscal year 1998; 5116

(b) In fiscal years 2000 and 2001, the formula ADM reported 5117
for the previous fiscal year. 5118

(2) "~~Total~~ Average taxable value" means the ~~sum of the~~ 5119
average of the amounts certified for a district in the second, 5120
third, and fourth preceding fiscal years under divisions (A)(1) 5121
and (2) of section 3317.021 of the Revised Code. 5122

(3) "~~District median income~~" means the median Ohio adjusted 5123
~~gross income certified for a district under division (B) of this~~ 5124
~~section.~~ 5125

(4) "~~Statewide median income~~" means the median district 5126
~~median income of all school districts in the state.~~ 5127

(5) "~~Income factor~~" for a district means the quotient 5128
~~obtained by dividing that district's median income by the~~ 5129
~~statewide median income.~~ 5130

~~(6)~~(a) "Valuation per pupil" for a district in fiscal year 5131
1999 means the district's ~~total~~ average taxable value, divided by 5132
the district's ~~ADM~~ average daily membership for fiscal year 1998, 5133
as described in division (A)(1)(a) of this section. 5134

(b) "Valuation per pupil" for a district in a fiscal year 5135
that occurs after fiscal year 1999 means the district's average 5136
taxable value, divided by the district's formula ADM for the 5137
preceding fiscal year. 5138

~~(7)~~(4) "Threshold valuation" means: 5139

(a) In fiscal year 1999, the adjusted valuation per pupil of 5140
the school district with the two hundred ~~ninety-third~~ twenty-ninth 5141
lowest adjusted valuation per pupil in the state, according to 5142
data available at the time of the computation under division 5143
~~(C)~~(B) of this section; 5144

(b) In fiscal year 2000, the adjusted valuation per pupil of 5145

the district with the one hundred sixty-third lowest such 5146
valuation in the state; 5147

(c) In fiscal year 2001, the adjusted valuation per pupil of 5148
the district with the one hundred eighteenth lowest such valuation 5149
in the state. 5150

~~(8)(5)~~ "Adjusted valuation per pupil" for a district means an 5151
amount calculated in accordance with the following formula: 5152

The district's valuation per pupil - (\$30,000 X (one minus the 5153
district's income factor)) 5154

(6) "Millage rate" means .012 in fiscal year 1999, .011 in 5155
fiscal year 2000, and .010 in fiscal year 2001. 5156

~~(B) On or before the first day of July of each year, the tax~~ 5157
~~commissioner shall certify to the department of education for each~~ 5158
~~city, exempted village, and local school district the median Ohio~~ 5159
~~adjusted gross income of the residents of the school district~~ 5160
~~determined on the basis of tax returns filed for the second~~ 5161
~~preceding tax year by the residents of the district. The amount~~ 5162
~~certified shall be used in calculating the district's income~~ 5163
~~factor.~~ 5164

~~(C)~~ Beginning in fiscal year 1993, during August of each 5165
fiscal year, the department of education shall distribute to each 5166
school district meeting the requirements of section 3317.01 of the 5167
Revised Code whose adjusted valuation per pupil is less than the 5168
threshold valuation, an amount calculated in accordance with the 5169
following formula: 5170

(The threshold valuation - the district's adjusted valuation per 5171
pupil) X ~~.013~~ millage rate X ADM 5172

Sec. 3317.0214. As used in this section, "~~ADM~~" means the 5173
~~average daily membership reported for a district under division~~ 5174
~~(A) of section 3317.03 of the Revised Code, as finally determined~~ 5175

by the department of education for the preceding fiscal year and 5176
~~"total~~ "Average taxable value" has the same meaning as in division 5177
(A)(2) of section 3317.0213 of the Revised Code. 5178

Beginning in fiscal year 1993, during each August, the 5179
department of education shall distribute to each school district 5180
with ~~an~~ a formula ADM less than one thousand and ~~a total~~ an 5181
average taxable value ~~per pupil in ADM~~ equal to or less than 5182
eighty-five thousand dollars per pupil in formula ADM, an amount 5183
equal to fifty dollars multiplied by any amount by which one 5184
thousand exceeds the district's formula ADM. 5185

Sec. 3317.0215. (A) As used in this section, "total effective 5186
operating tax rate" has the same meaning as in section 3317.021 Of 5187
the Revised Code, and "equalized tax rate" of a school district 5188
means the amount by which a district's total effective operating 5189
tax rate exceeds two and three-tenths per cent. 5190

(B) Upon receiving the certifications under division (A) of 5191
section 3317.021 of the Revised Code, the department of education 5192
shall determine the equalized tax rate for each city, local, and 5193
exempted village school district. If the total effective operating 5194
tax rate of a district is greater than two and three-tenths per 5195
cent, the district shall receive a payment computed by multiplying 5196
the lesser of two-tenths of one per cent or the equalized tax rate 5197
by the amount by which the state taxable value per pupil exceeds 5198
the district's total taxable value per pupil. 5199

5200

Sec. 3317.0216. (A) As used in this section: 5201

(1) "Total taxes charged and payable for current expenses" 5202
means the sum of the taxes charged and payable as certified under 5203
division (A)(3) of section 3317.021 of the Revised Code, and the 5204
tax liability for the preceding year under any school district 5205
income tax levied by the district pursuant to Chapter 5748. of the 5206

<u>Revised Code to the extent the revenue from the income tax is</u>	5207
<u>allocated or apportioned to current expenses.</u>	5208
(2) <u>"State equalization enhancement payments" means any</u>	5209
<u>payment made to a school district pursuant to section 3317.0215 of</u>	5210
<u>the Revised Code for the preceding fiscal year.</u>	5211
(3) <u>"Charge-off amount" means the product obtained by</u>	5212
<u>multiplying two and three-tenths per cent by adjusted total</u>	5213
<u>taxable value.</u>	5214
(4) <u>"Local share percentage" means a percentage equal to one</u>	5215
<u>minus the state share percentage.</u>	5216
(5) <u>"Total receipts available for current expenses" of a</u>	5217
<u>school district means the sum of total taxes charged and payable</u>	5218
<u>for current expenses and the district's state equalization</u>	5219
<u>enhancement payments.</u>	5220
(6) <u>"Local share of special education expenses" means the</u>	5221
<u>district's local share percentage X the formula amount for the</u>	5222
<u>year for which the aid is calculated X the district's total</u>	5223
<u>special education weight.</u>	5224
(7) <u>"State share percentage" and "total special education</u>	5225
<u>weight" have the same meanings as in section 3317.022 of the</u>	5226
<u>Revised Code.</u>	5227
(B) <u>Upon receiving the certifications under section 3317.021</u>	5228
<u>of the Revised Code, the department of education shall determine</u>	5229
<u>for each city, local, and exempted village school district whether</u>	5230
<u>the district's charge-off amount is greater than the district's</u>	5231
<u>total receipts available for current expenses, and if it is, shall</u>	5232
<u>pay the district the amount of the difference. A payment shall not</u>	5233
<u>be made to any school district for which the computation under</u>	5234
<u>division (A) of section 3317.022 of the Revised Code equals zero.</u>	5235
(C)(1) <u>If a district's charge-off amount is equal to or</u>	5236

greater than its total receipts available for current expenses, 5237
the department shall, in addition to the payment required under 5238
division (B) of this section, pay the district the amount of the 5239
local share of special education expenses. 5240

(2) If a district's charge-off amount is less than its total 5241
receipts available for current expenses, the department shall pay 5242
the district the difference between the local share of special 5243
education expenses and the amount by which the district's total 5244
receipts available for current expenses exceeds its charge-off 5245
amount. 5246

~~Sec. 3317.03. Except for handicapped preschool children in~~ 5247
~~units approved by the state board of education under division (E)~~ 5248
~~of section 3317.05 of the Revised Code, handicapped preschool~~ 5249
~~children shall not be counted in any calculation under this~~ 5250
~~section or included in any determination of average daily~~ 5251
~~membership under this section. Notwithstanding divisions (A)(1),~~ 5252
~~(B)(1), and (C) of this section, any student enrolled in~~ 5253
~~kindergarten more than half time shall be reported as one-half~~ 5254
~~student under this section.~~ 5255

(A) ~~Except as otherwise provided in this section, the~~ The 5256
superintendent of each city and exempted village school district 5257
and of each educational service center shall, for the schools 5258
under the superintendent's supervision, certify ~~each of the~~ 5259
~~following~~ to the state board of education on or before the 5260
fifteenth day of October in each year for the first full school 5261
week in October the formula ADM, which shall consist of the 5262
average daily membership during such week of the sum of the 5263
following: 5264

(1) On an FTE basis, the number of students in grades 5265
kindergarten through twelve receiving any educational services 5266
from the district, except that the following categories of 5267

<u>students shall not be included in the determination:</u>	5268
(a) <u>students enrolled in adult education classes;</u>	5269
(b) <u>adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;</u>	5270 5271 5272
(c) <u>students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.</u>	5273 5274
(2) <u>on an FTE basis, the number of students entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code, but receiving educational services in grades kindergarten through twelve from one or more of the following entities:</u>	5275 5276 5277 5278 5279
(a) <u>A community school pursuant to Chapter 3314. of the Revised Code or Section 50.52 of Amended Substitute House Bill No. 215 of the 122nd general assembly;</u>	5280 5281 5282
(b) <u>An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code as described in division (I)(2)(a) or (b) of this section;</u>	5283 5284 5285
(c) <u>A college pursuant to Chapter 3365. of the Revised Code;</u>	5286
(d) <u>An adjacent or other school district under an open enrollment policy adopted pursuant to section 3313.98 of the Revised Code;</u>	5287 5288 5289
(e) <u>An educational service center or cooperative education district;</u>	5290 5291
(f) <u>Another school district under a cooperative education agreement.</u>	5292 5293
(3) <u>One-fourth of the number of students enrolled both in a joint vocational school district and in the district, but who are not receiving regular education services in the school district.</u>	5294 5295 5296

(B) to enable the department of education to obtain the data 5297
needed to complete the calculation of payments pursuant to this 5298
chapter, in addition to the formula ADM, each superintendent shall 5299
report separately the following student counts: 5300

(1) ~~The total average daily membership in regular day classes~~ 5301
~~for the first full school week in the month of October included in~~ 5302
~~the report under division (A)(1) or (2) of this section for~~ 5303
~~all day kindergarten, extended kindergarten, and traditional~~ 5304
~~kindergarten, all as defined in section 3317.02 of the Revised~~ 5305
~~Code; and each of grades one through six; and grades seven through~~ 5306
~~twelve in each school schools under the superintendent's~~ 5307
~~supervision;~~ 5308

~~(2) The average daily membership based upon full-time~~ 5309
~~equivalency in approved vocational units and in joint vocational~~ 5310
~~school districts;~~ 5311

~~(3) The average daily membership of all handicapped children~~ 5312
~~in classes in the district and in the educational service center's~~ 5313
~~territory that are eligible for approval by the state board of~~ 5314
~~education under division (B) or (E) of section 3317.05 of the~~ 5315
~~Revised Code and the number of such classes;~~ 5316

~~(4) The average daily membership based upon full-time~~ 5317
~~equivalency in schools of a cooperative education school district~~ 5318
The average daily membership of all handicapped preschool children 5319
included in a unit approved for the district under section 3317.05 5320
of the Revised Code, in accordance with rules adopted under that 5321
section; 5322

(3) The number of children entitled to attend school in the 5323
district pursuant to section 3313.64 or 3313.65 of the Revised 5324
Code who are participating in a pilot project scholarship program 5325
established under sections 3313.974 to 3313.979 of the Revised 5326
Code as described in division (I)(2)(a) or (b) of this section, 5327

are enrolled in a college under Chapter 3365. of the Revised Code, 5328
are enrolled in an adjacent or other school district under section 5329
3313.98 of the Revised Code, are enrolled in a community school 5330
established under Chapter 3314. of the Revised Code or Section 5331
50.52 of Amended Substitute House Bill No. 215 of the 122nd 5332
general assembly, or are participating in a program operated by a 5333
county MR/DD board or a state institution; 5334

(4) The number of pupils enrolled both in schools under the 5335
superintendent's supervision and in joint vocational schools, but 5336
who are not in regular day classes in the school district; 5337

(5) The average daily membership of handicapped children 5338
reported under division (A)(1) or (2) of this section receiving 5339
category one special education services, described in division (A) 5340
of section 3317.013 of the Revised Code; 5341

(6) The average daily membership of handicapped children 5342
reported under division (A)(1) or (2) of this section receiving 5343
category two special education services, described in division (B) 5344
of section 3317.013 of the Revised Code; 5345

(7) the average daily membership of handicapped children 5346
reported under division (A)(1) or (2) of this section identified 5347
as having any of the handicaps specified in division (F)(3) of 5348
section 3317.02 of the Revised Code; 5349

(8) the average daily membership of pupils reported under 5350
division (A)(1) or (2) of this section enrolled in vocational 5351
education programs or classes operated by the school district or 5352
by another district other than a joint vocational school district 5353
or by an educational service center; 5354

(9) The average number of children transported by the school 5355
district, reported in accordance with rules adopted by the 5356
department of education. 5357

The (C) Except as otherwise provided in this section for 5358

~~kindergarten students, the average daily membership in vocational~~ 5359
~~units, in approved classes in licensed proprietary schools, and in~~ 5360
~~joint vocational and cooperative education districts~~ divisions 5361
(B)(1) to (8) of this section shall be based upon the number of 5362
full-time equivalent students ~~in attendance in such units and~~ 5363
~~districts~~. The state board of education shall adopt rules defining 5364
full-time equivalent students and for determining the average 5365
daily membership therefrom. ~~The average daily membership of pupils~~ 5366
~~enrolled in approved vocational classes in licensed proprietary~~ 5367
~~schools may be counted, pursuant to section 3313.90 of the Revised~~ 5368
~~Code, only where standards as to facilities and staffing are~~ 5369
~~comparable, as determined by the superintendent of public~~ 5370
~~instruction, to those established by the state board of education~~ 5371
~~for public schools for the purposes of divisions (A) and (B) of~~ 5372
this section. No child shall be counted as more than once a total 5373
of one child in the sum of the average daily membership 5374
memberships of a school district under division (A) or under 5375
divisions (B)(1) to (8) of this section. Based on the information 5376
reported under this section, the department of education shall 5377
determine the total student count, as defined in section 3301.011 5378
Of the Revised Code, for each school district. The 5379

(D) The superintendent of each joint vocational and 5380
cooperative education school district shall ~~similarly~~ certify to 5381
the superintendent of public instruction, in a manner prescribed 5382
by the state board of education, the applicable average daily 5383
~~membership~~ memberships for all ~~classes~~ students in the joint 5384
vocational or cooperative education school district, also 5385
indicating the city, local, or exempted village school district of 5386
residence for each pupil. 5387

~~(B) The superintendent of each city, exempted village, joint~~ 5388
~~vocational, or cooperative education school district, and the~~ 5389
~~superintendent of the educational service center on behalf of~~ 5390

local districts, operating on a trimester plan, on a quarterly
plan, or on a pentamester plan shall estimate the number of
students for all day kindergarten, extended kindergarten,
traditional kindergarten, grades one through six, and grades seven
through twelve in each school under the superintendent's
supervision; the average daily membership based upon full time
equivalency in approved vocational units and in joint vocational
and cooperative education school districts; and the average daily
membership of all handicapped children in classes approved
annually by the state board of education under division (B) or (E)
of section 3317.05 of the Revised Code under the superintendent's
supervision not actually enrolled in the first full week of
October, but whose enrollment is anticipated in the next
succeeding trimester, quarter, or pentamester and shall certify
this estimate to the state board of education in addition to the
certification of total average daily membership of those students
actually enrolled during the first full week in October. For the
purposes of this report and for the purpose of the calculation of
classroom units under section 3317.05 of the Revised Code, the
estimates so certified shall be interpreted as though the number
of students contained therein were actually enrolled during the
first full week of October. In no case shall such estimate exceed
fifty per cent of the total average daily membership calculated on
those students actually enrolled during the first week in October
for districts operating on a trimester plan. In no case shall such
estimate exceed thirty three and one third per cent of the total
average daily membership calculated on those students actually
enrolled during the first full week of October for districts
operating on a quarterly plan. In no case shall such estimate
exceed twenty five per cent of the total average daily membership
calculated on those students actually enrolled during the first
week in October for districts operating on a pentamester plan.
Within ten days after the conclusion of the third full week of the

next succeeding trimester for those districts operating on a 5424
trimester plan or the next succeeding quarter for those districts 5425
operating on a quarterly plan, or the next succeeding pentamester 5426
for those districts operating on a pentamester plan, the 5427
appropriate superintendent shall certify to the state board of 5428
education the actual number of students for all day kindergarten, 5429
extended kindergarten, traditional kindergarten, grades one 5430
through six, and grades seven through twelve in each school under 5431
such superintendent's supervision; the average daily membership 5432
based upon full-time equivalency in approved vocational units and 5433
in joint vocational and cooperative education school districts; 5434
and the average daily membership of all handicapped children in 5435
classes approved annually by the state board of education under 5436
division (B) or (E) of section 3317.05 of the Revised Code under 5437
such superintendent's supervision who were not actually enrolled 5438
during the first full week of October but who are enrolled in the 5439
third full week of the subsequent trimester, quarter, or 5440
pentamester. The average daily membership figures so certified 5441
plus the average daily membership figures calculated on those 5442
students actually enrolled during the first full week of October 5443
shall be considered as the total average daily membership figures 5444
for the district for the school year and the calculation of 5445
classroom units under section 3317.05 of the Revised Code shall be 5446
adjusted accordingly. 5447

The certification of average daily membership required by 5448
this section for districts operating one or more schools in 5449
accordance with section 3313.481 of the Revised Code on other than 5450
a trimester, quarter, or pentamester plan shall be due on or 5451
before the fifteenth day of October and shall be the sum of: 5452

(1) The number of students actually in average daily 5453
membership during the first full school week in October; and 5454

(2) An estimate of the number of students that are not in 5455

~~average daily membership during the first full school week in~~ 5456
~~October but who are anticipated to be in attendance prior to the~~ 5457
~~end of the school year.~~ 5458

~~The figure so obtained shall be used to calculate classroom~~ 5459
~~units under section 3317.05 of the Revised Code.~~ 5460

~~On or before the first week in January, a district operating~~ 5461
~~a school under section 3313.481 of the Revised Code on other than~~ 5462
~~a trimester, quarter, or pentamester plan shall certify to the~~ 5463
~~state board of education the number of pupils enrolled in the~~ 5464
~~district as of that date who were not enrolled upon the date of~~ 5465
~~the first certification of average daily membership required by~~ 5466
~~this division for such districts. This figure plus the number of~~ 5467
~~students certified under division (B)(1) of this section, shall be~~ 5468
~~the average daily membership of that district for the school year,~~ 5469
~~and the calculation of average daily membership shall be adjusted~~ 5470
~~accordingly.~~ 5471

~~(C)(E)~~ In each school of each city, local, exempted village, 5472
joint vocational, and cooperative education school district there 5473
shall be maintained a record of school membership, which record 5474
shall accurately show, for each day the school is in session, the 5475
actual membership enrolled in regular day classes. For the purpose 5476
of determining average daily membership, the membership figure of 5477
any school shall not include any pupils except those who are 5478
entitled by division (B) or (F) of section 3313.64 or section 5479
3313.65 of the Revised Code to attend school in that school 5480
district, those pupils described by division (G)(A) of this 5481
section, and those who are attending the school in the capacity of 5482
tuition pupils, other than those pupils for whom tuition is 5483
calculated pursuant to section 3317.081 or 3323.141 of the Revised 5484
Code. Part-time pupils may be included on a pro rata basis, as 5485
defined by the superintendent of public instruction, as regular 5486
day class students in average daily membership. The record of 5487

membership for each school shall be maintained in such manner that 5488
no pupil shall be counted as in membership prior to the actual 5489
date of entry in the school and also in such manner that where for 5490
any cause a pupil permanently withdraws from the school that pupil 5491
shall not be counted as in membership from and after the date of 5492
such withdrawal. There shall not be included in the membership of 5493
any school any of the following: 5494

(1) Any pupil who has graduated from the twelfth grade of a 5495
public high school; ~~any~~ 5496

(2) Any pupil who is not a resident of the state; ~~any~~ 5497

(3) Any pupil who was enrolled in the schools of the district 5498
during the previous school year when tests were administered under 5499
section 3301.0711 of the Revised Code but did not take one or more 5500
of the tests required by that section and was not excused pursuant 5501
to division (C)(1) of that section; ~~or any~~ 5502

(4) Any pupil who has attained the age of twenty-two years, 5503
except for the following: 5504

~~(1)~~(a) Persons suffering from tuberculosis and receiving 5505
treatment in any approved state, county, district, or municipal 5506
tuberculosis hospital who have not graduated from the twelfth 5507
grade of a public high school; 5508

~~(2)~~(b) Veterans of the armed services whose attendance was 5509
interrupted before completing the recognized twelve-year course of 5510
the public schools by reason of induction or enlistment in the 5511
armed forces and who apply for reenrollment in the public school 5512
system of their residence not later than four years after 5513
termination of war or their honorable discharge. ~~If~~ 5514

If, however, any ~~such~~ veteran described by division (E)(4)(b) 5515
of this section elects to enroll in special courses organized for 5516
veterans for whom tuition is paid under the provisions of federal 5517
laws, or otherwise, that veteran shall not be included in ~~such~~ 5518

average daily membership. 5519

Notwithstanding division ~~(C)~~(E)(3) of this section, the 5520
membership of any school may include a pupil who did not take a 5521
test required by section 3301.0711 of the Revised Code if the 5522
superintendent of public instruction grants a waiver from the 5523
requirement to take the test to the specific pupil. The 5524
superintendent may grant such a waiver only for good cause in 5525
accordance with rules adopted by the state board of education. 5526

The average daily membership figure of any local, city, or 5527
exempted village school district shall be determined by dividing 5528
the figure representing the sum of the number of pupils enrolled 5529
during each day the school of attendance is actually open for 5530
instruction during the first full school week in October by the 5531
total number of days the school was actually open for instruction 5532
during that week. For purposes of state funding, "enrolled" 5533
persons are only those pupils who are attending school, those who 5534
have attended school during the current school year and are absent 5535
for authorized reasons, ~~those students described by division (C)~~ 5536
~~of this section~~, and those handicapped children currently 5537
receiving home instruction. 5538

The average daily membership figure of any joint vocational 5539
or cooperative education school district shall be determined in 5540
accordance with rules adopted by the state board of education 5541
~~pursuant to division (A) of this section.~~ 5542

~~(D)~~(F)(1) If the ~~total average daily membership in regular~~ 5543
~~day classes~~ formula ADM for the first full school week in February 5544
is at least three per cent greater than that certified for the 5545
first full school week in the preceding October, the 5546
superintendent of schools of any city or exempted village school 5547
district or educational service center shall certify such increase 5548
to the superintendent of public instruction. Such certification 5549
shall be submitted no later than the fifteenth day of February. 5550

For the balance of the fiscal year, beginning with the February 5551
payments, the superintendent of public instruction shall use the 5552
increased ~~membership~~ formula ADM in calculating or recalculating 5553
the amounts to be allocated in accordance with ~~sections~~ section 5554
3317.022 ~~and 3317.023~~ of the Revised Code. In no event shall the 5555
superintendent use an increased membership certified to the 5556
superintendent after the fifteenth day of February. 5557

(2) If during the first full school week in February the 5558
total number of ~~classes or~~ units for preschool handicapped 5559
children that are eligible for approval under division (B) of 5560
section 3317.05 of the Revised Code exceeds the number of such 5561
~~classes or~~ units that have been approved for the year under such 5562
division, the superintendent of schools of any city, exempted 5563
village, ~~joint vocational,~~ or cooperative education school 5564
district or educational service center shall make the 5565
certifications required by ~~division (A)(3)~~ of this section for 5566
such week. If the state board of education determines additional 5567
~~classes or~~ units can be approved for the fiscal year within any 5568
limitations set forth in the acts appropriating moneys for the 5569
funding of such ~~classes and~~ units, the board shall approve 5570
additional units for the fiscal year on the basis of such average 5571
daily membership. For each unit so approved, the department of 5572
education shall pay an amount computed in the manner prescribed in 5573
~~division (N)(2)~~ of section ~~3317.024, 3317.16,~~ 3317.161 or 3317.19 5574
of the Revised Code, ~~as applicable.~~ 5575

(E)(3) If during the first full school week in February the 5576
total number of special education units that are eligible for 5577
approval under division (D)(1) of section 3317.05 Of the Revised 5578
Code for a joint vocational school district exceeds the number of 5579
those units that have been approved for the year under that 5580
division, the superintendent of the district shall make the 5581
certifications required by this section for that week. If the 5582

state board of education determines additional units can be 5583
approved for the fiscal year within any limitations set forth in 5584
the acts appropriating moneys for the funding of such units, the 5585
state board shall approve additional units for the fiscal year on 5586
the basis of the average daily membership certified. For each unit 5587
approved, the department of education shall pay an amount computed 5588
in the manner prescribed by section 3317.16 Of the Revised Code. 5589

5590

(G)(1)(a) The superintendent of an institution operating a 5591
special education program pursuant to section 3323.091 of the 5592
Revised Code shall, for the programs under such superintendent's 5593
supervision, certify to the state board of education the average 5594
daily membership of all handicapped children in classes or 5595
programs approved annually by the state board of education, in 5596
accordance with divisions (A), (C), and (D)(1) of this section in 5597
the manner prescribed by the superintendent of public instruction. 5598

(b) The superintendent of an institution with vocational 5599
education units approved under division (A) of section 3317.05 of 5600
the Revised Code shall, for the units under the superintendent's 5601
supervision, certify to the state board of education the average 5602
daily membership in those units, in the manner prescribed by the 5603
superintendent of public instruction. 5604

(2) The superintendent of each county MR/DD board that 5605
maintains special education classes or units approved by the state 5606
board of education pursuant to ~~division (B) or (E) of~~ section 5607
3317.05 of the Revised Code shall do both of the following: 5608

(a) ~~In accordance with divisions (A), (C), and (D)(1) of this~~ 5609
~~section, certify~~ Certify to the state board, in the manner 5610
prescribed by the board, the average daily membership in classes 5611
and units ~~described in~~ approved under division ~~(B)(D)(1)~~ of 5612
section 3317.05 of the Revised Code for each school district that 5613
has placed children in the classes or units; 5614

(b) Certify to the state board, in the manner prescribed by 5615
the board, the average daily membership in preschool handicapped 5616
units ~~described in~~ approved under division ~~(E)(B)~~ of section 5617
3317.05 of the Revised Code. 5618

(3) If during the first full school week in February the 5619
average daily membership of the classes or units maintained by the 5620
county MR/DD board that are eligible for approval under division 5621
~~(B)(D)(1)~~ of section 3317.05 of the Revised Code is greater than 5622
the average daily membership for the preceding October, the 5623
superintendent of the board shall make the certifications required 5624
by ~~division (A)(3)~~ of this section for such week and, if during 5625
the first full school week in February the average daily 5626
membership of the units maintained by the county MR/DD board that 5627
are eligible for approval under division ~~(E)(B)~~ of section 3317.05 5628
of the Revised Code is greater than the average daily membership 5629
for the preceding October, the superintendent shall certify the 5630
average daily membership for the first full school week in 5631
February for such units to the state board of education. If the 5632
state board determines that additional classes or units can be 5633
approved for the fiscal year within any limitations set forth in 5634
the acts appropriating moneys for the funding of such classes and 5635
units ~~under division (N)(1) of section 3317.024 of the Revised~~ 5636
~~Code,~~ the board shall approve and fund additional units for the 5637
fiscal year on the basis of such average daily membership. For 5638
each unit so approved, the department of education shall pay an 5639
amount computed in the manner prescribed in ~~division (N)(2) of~~ 5640
section ~~3317.024~~ 3317.161 of the Revised Code. 5641

~~(F)(H)~~ Except as provided in division ~~(G)(I)~~ of this section, 5642
when any city, local, or exempted village school district provides 5643
instruction for a nonresident pupil whose attendance is 5644
unauthorized attendance as defined in section 3327.06 of the 5645
Revised Code, that pupil's membership shall not be included in 5646

that district's membership figure used in the calculation of 5647
~~approved classroom units as provided by section 3317.05 of the~~ 5648
~~Revised Code or in the calculation of that district's average~~ 5649
~~daily membership under this section~~ formula ADM or included in the 5650
determination of any unit approved for the district under section 5651
3317.05 Of the Revised Code. The reporting official shall report 5652
separately the average daily membership of all pupils whose 5653
attendance in the district is unauthorized attendance, and the 5654
membership of each such pupil shall be credited to the school 5655
district in which the pupil is entitled to attend school under 5656
division (B) of section 3313.64 or section 3313.65 of the Revised 5657
Code as determined by the department of education. 5658

~~(G)~~(I)(1) A school district admitting a scholarship student 5659
of a pilot project district pursuant to division (C) of section 5660
3313.976 of the Revised Code may count such student in its average 5661
daily membership. 5662

(2) In any year for which funds are appropriated for pilot 5663
project scholarship programs, a school district implementing a 5664
state-sponsored pilot project scholarship program that year 5665
pursuant to sections 3313.974 through 3313.979 of the Revised Code 5666
may count in average daily membership: 5667

(a) All children residing in the district and utilizing a 5668
scholarship to attend kindergarten in any alternative school, as 5669
defined in division (A)(9) of section 3313.974 of the Revised 5670
Code; 5671

(b) All children who were enrolled in the district in the 5672
preceding year who are utilizing a scholarship to attend any such 5673
alternative school. 5674

Sec. 3317.031. A membership record shall be kept by grade 5675
level in each city, local, exempted village, joint vocational, and 5676
cooperative education school district and such a record shall be 5677

kept by grade level in each educational service center that 5678
provides academic instruction to pupils, classes for handicapped 5679
pupils, or any other direct instructional services to pupils. Such 5680
membership record shall show the following information for each 5681
pupil enrolled: Name, date of birth, name of parent, date entered 5682
school, date withdrawn from school, days present, days absent, and 5683
the number of days school was open for instruction while the pupil 5684
was enrolled. At the end of the school year this membership record 5685
shall show the total days present, the total days absent, and the 5686
total days due for all pupils in each grade. Such membership 5687
record shall show the pupils that are transported to and from 5688
school and it shall also show the pupils that are transported 5689
living within one mile of the school attended. This membership 5690
record shall also show any other information prescribed by the 5691
state board of education. 5692

This membership record shall be kept intact for at least five 5693
years and shall be made available to the state board of education 5694
or its representative in making an audit of the average daily 5695
membership or the transportation of the district or educational 5696
service center. The membership records of local school districts 5697
shall be filed at the close of each school year in the office of 5698
the educational service center superintendent. 5699

The state board of education may withhold any money due any 5700
school district or educational service center under sections 5701
3317.022 to ~~3317.0211~~ 3317.0212, 3317.11, 3317.16, 3317.17, or 5702
3317.19 of the Revised Code until it has satisfactory evidence 5703
that the board of education or educational service center 5704
governing board has fully complied with all of the provisions of 5705
this section. 5706

Nothing in this section shall require any person to release, 5707
or to permit access to, public school records in violation of 5708

section 3319.321 of the Revised Code. 5709

Sec. 3317.032. (A) Each city, local, exempted village, and 5710
cooperative education school district ~~and~~, each educational 5711
service center, each county MR/DD board, and each institution 5712
operating a special education program pursuant to section 3323.091 5713
of the Revised Code shall, in accordance with procedures adopted 5714
by the state board of education, maintain a record of district 5715
membership of both of the following: 5716

(1) All handicapped preschool children in units approved 5717
under division ~~(E)~~(B) of section 3317.05 of the Revised Code; 5718

(2) All handicapped preschool children who are not in units 5719
approved by the state board under division ~~(E)~~(B) of section 5720
3317.05 of the Revised Code but who are otherwise served by a 5721
special education program. 5722

(B) The superintendent of each district, board, or 5723
institution subject to division (A) of this section shall certify 5724
to the state board of education, in accordance with procedures 5725
adopted by that board, membership figures of all handicapped 5726
preschool children whose membership is maintained under division 5727
(A)(2) of this section. The figures certified under this division 5728
shall be used in the determination of ~~both of the following:~~ 5729

~~(1) The number of units annually approved under divisions (C)~~ 5730
~~and (D) of section 3317.05 of the Revised Code for the purpose of~~ 5731
~~calculating funding under division (O)(1) of section 3317.024 of~~ 5732
~~the Revised Code;~~ 5733

~~(2) The~~ The ADM used to compute funds for educational service 5734
center governing boards under division (B) of section 3317.11 of 5735
the Revised Code. 5736

Sec. 3317.033. In accordance with rules which the state board 5737

of education shall adopt, each ~~city, local, exempted village,~~ 5738
joint vocational, ~~and cooperative education~~ school district and 5739
~~each educational service center~~ shall do both of the following: 5740

5741

(A) Maintain a record of district ~~or educational service~~ 5742
~~center~~ membership of any persons who are not eligible to be 5743
included in the average daily membership determined under division 5744
(D) of section 3317.03 of the Revised Code and who are 5745
participating in a program funded with a secondary vocational 5746
education job-training unit approved under division (A) of section 5747
3317.05 of the Revised Code; 5748

(B) Annually certify to the state board of education the 5749
number of persons for whom a record is maintained under division 5750
(A) of this section. These numbers shall be reported for each unit 5751
and on a full-time equivalent basis. 5752

Sec. 3317.05. (A) For the purpose of calculating payments 5753
under sections 3317.16 and 3317.161 of the Revised Code, the state 5754
board of education shall determine for each joint vocational 5755
school district and institution, by the last day of January of 5756
each year and based on information certified under section 3317.03 5757
of the Revised Code, the number of vocational education units or 5758
fractions of units approved by the state board on the basis of 5759
standards and rules adopted by the state board. As used in this 5760
division, "institution" means an institution operated by a 5761
department specified in section 3323.091 of the Revised Code and 5762
that provides vocational education programs under the supervision 5763
of the division of vocational education of the department of 5764
education that meet the standards and rules for these programs, 5765
including licensure of professional staff involved in the 5766
programs, as established by the state board of education. 5767

(B) For the purpose of calculating payments under sections 5768
3317.024, 3317.11, ~~3317.16~~ 3317.161, and 3317.19 of the Revised 5769
Code, the state board ~~of education~~ shall determine, based on 5770
information certified under section 3317.03 of the Revised Code, 5771
the following by the last day of January of each year for each 5772
educational service center ~~and,~~ for each school district, 5773
including each ~~joint vocational and~~ cooperative education school 5774
district, ~~based upon the information certified under division (A)~~ 5775
~~of section 3317.03 and division (B) of section 3317.032 of the~~ 5776
~~Revised Code, except as provided in section 3317.053 of the~~ 5777
~~Revised Code, and, with respect to divisions (B) to (E) of this~~ 5778
~~section,~~ for each institution eligible for payment under section 5779
3323.091 of the Revised Code, and for each county MR/DD board: 5780

~~(A) The number of vocational education units or fraction 5781
thereof approved annually by the state board of education on the 5782
basis of standards and rules adopted by the board; 5783~~

~~(B) The number of classes operated by a school district, 5784
service center, institution, or county MR/DD board for handicapped 5785
children other than handicapped preschool children, or fraction 5786
thereof, including in the case of a district or service center 5787
that is a funding agent, classes taught by a licensed teacher 5788
employed by that district or service center under section 3313.841 5789
of the Revised Code, approved annually by the state board of 5790
education on the basis of standards and rules adopted by the 5791
board; 5792~~

~~(C) The number of units for gifted children, child study, and 5793
occupational, physical, and speech and hearing therapy or fraction 5794
thereof approved annually by the state board of education on the 5795
basis of standards and rules adopted by the board; 5796~~

~~(D) The number of units for special education supervisors and 5797
special education coordinators approved annually by the state 5798~~

~~board of education on the basis of standards and rules adopted by~~ 5799
~~the board;~~ 5800

~~(E) The~~ The number of classes operated by a the school 5801
district, service center, institution, or county MR/DD board for 5802
handicapped preschool children, or fraction thereof, including in 5803
the case of a district or service center that is a funding agent, 5804
classes taught by a licensed teacher employed by that district or 5805
service center under section 3313.841 of the Revised Code, 5806
approved annually by the state board ~~of education~~ on the basis of 5807
standards and rules adopted by the state board. 5808

~~For any year for which the number of units for special~~ 5809
~~education supervisors and special education coordinators approved~~ 5810
~~for school districts or service centers by the state board of~~ 5811
~~education under division (D) of this section is equal to or less~~ 5812
~~than the number approved for 1988, the state board of education~~ 5813
~~shall approve not more than ninety units for county MR/DD boards~~ 5814
~~under that division. Except as otherwise provided in this section,~~ 5815
~~units approved for county MR/DD boards shall be allocated in~~ 5816
~~accordance with the following formula: one unit for the first~~ 5817
~~thirty to forty five children in average daily membership~~ 5818
~~determined pursuant to division (E)(2) of section 3317.03 of the~~ 5819
~~Revised Code and an additional unit for every additional one~~ 5820
~~hundred eighty pupils in average daily membership so determined.~~ 5821
~~Fractional units shall be allocated in accordance with rules that~~ 5822
~~the state board of education shall adopt. If the number of units~~ 5823
~~required by the formula would exceed ninety, the number of units~~ 5824
~~to be allocated to each county MR/DD board shall be reduced by a~~ 5825
~~percentage equal to the percentage that the difference between~~ 5826
~~ninety units and the number of units required by the formula is of~~ 5827
~~ninety. If the number of units approved for school districts or~~ 5828
~~service centers for a year under division (D) of this section is~~ 5829
~~greater than the number approved for 1988, the state board of~~ 5830

~~education may approve for county MR/DD boards more than ninety 5831
units, which shall be allocated in accordance with rules adopted 5832
by the state board. 5833~~

(C) For the purpose of calculating payments under sections 5834
3317.024, 3317.11, 3317.161, and 3317.19 of the Revised Code, the 5835
state board shall determine, based on information certified under 5836
section 3317.03 of the Revised Code, the following by the last day 5837
of January of each year for each school district, including each 5838
cooperative education school district, for each institution 5839
eligible for payment under section 3323.091 of the Revised Code, 5840
and for each county MR/DD board: the number of preschool 5841
handicapped related services units for child study, occupational, 5842
physical, or speech and hearing therapy, special education 5843
supervisors, and special education coordinators approved annually 5844
by the state board on the basis of standards and rules adopted by 5845
the state board. 5846

(D) For the purpose of calculating payments under sections 5847
3317.16 and 3317.161 of the Revised Code, the state board shall 5848
determine, based on information certified under section 3317.03 of 5849
the Revised Code, the following by the last day of January of each 5850
year for each joint vocational school district, for each 5851
institution eligible for payment under section 3323.091 of the 5852
Revised Code, and for each county MR/DD board: 5853

(1) The number of classes operated by a joint vocational 5854
school district, institution, or county MR/DD board for 5855
handicapped children other than handicapped preschool children, or 5856
fraction thereof, approved annually by the state board on the 5857
basis of standards and rules adopted by the state board; 5858

(2) The number of related services units for children other 5859
than handicapped preschool children for child study, occupational, 5860
physical, or speech and hearing therapy, special education 5861
supervisors, and special education coordinators approved annually 5862

by the state board on the basis of standards and rules adopted by 5863
the state board. 5864

(E) All of the arithmetical calculations made under this 5865
section shall be carried to the second decimal place. The total 5866
number of ~~classroom~~ units for school districts, service centers, 5867
and institutions approved annually by the state board ~~of education~~ 5868
~~for vocational and special education under this section~~ shall not 5869
exceed the number of ~~classroom~~ units included in the state board 5870
~~of education's~~ board's estimate of ~~school foundation program~~ cost 5871
for these units and ~~with~~ appropriations ~~thereto~~ made for them by 5872
the general assembly. 5873

In the case of ~~classes and~~ units described in division 5874
~~(B)~~(D)(1) of this section operated by county MR/DD boards and 5875
institutions eligible for payment under section 3323.091 of the 5876
Revised Code, the state board shall approve only ~~classes and~~ units 5877
for persons who are under age twenty-two on the first day of the 5878
academic year, but not less than six years of age on the thirtieth 5879
day of September of that year, except that such a ~~class or~~ unit 5880
may include one or more children who are under six years of age on 5881
the thirtieth day of September if such children have been admitted 5882
to the ~~class or~~ unit pursuant to rules of the state board ~~of~~ 5883
~~education~~. In the case of handicapped preschool units described in 5884
division ~~(E)~~(B) of this section operated by county MR/DD boards 5885
and institutions eligible for payment under section 3323.091 of 5886
the Revised Code, the state board shall approve only preschool 5887
units for children who are under age six but not less than age 5888
three on the thirtieth day of September of the academic year, 5889
except that such a unit may include one or more children who are 5890
under age three or are age six or over on the thirtieth day of 5891
September if such children have been admitted to the unit pursuant 5892
to rules of the state board of education. The number of ~~classroom~~ 5893
~~and preschool~~ units for county MR/DD boards and institutions 5894

eligible for payment under section 3323.091 of the Revised Code 5895
approved by the state board under this section shall not exceed 5896
the number that can be funded with appropriations made for such 5897
purposes by the general assembly. 5898

No unit shall be approved under divisions (B) to ~~(E)~~(D) of 5899
this section unless a plan has been submitted and approved under 5900
Chapter 3323. of the Revised Code. 5901

(F) For fiscal year 1999 only, the department shall approve 5902
units or fractions thereof for gifted children on the basis of 5903
standards and rules adopted by the board. 5904

Sec. 3317.051. (A)(1) Notwithstanding sections 3317.05 and 5905
3317.11 of the Revised Code, a unit funded pursuant to division 5906
~~(O)~~(1) of section 3317.024 or division (A)(2) of section 5907
3317.161 of the Revised Code shall not be approved for state 5908
funding in one school district, including any joint vocational or 5909
cooperative education school district or any educational service 5910
center, to the extent that such unit provides programs in or 5911
services to another district which receives payment pursuant to 5912
section 3317.04 of the Revised Code. 5913

~~(B)~~(2) Any city, local, exempted village, or cooperative 5914
education, ~~or joint vocational~~ school district or any educational 5915
service center may combine partial unit eligibility for ~~special~~ 5916
education handicapped preschool programs pursuant to section 5917
3317.05 of the Revised Code ~~and divisions (N) and (O) of section~~ 5918
~~3317.024 of the Revised Code~~, and such combined partial units may 5919
be approved for state funding in one school district or service 5920
center. 5921

~~(C)~~(B) After units have been initially approved for any 5922
fiscal year under section 3317.05 of the Revised Code, no unit 5923
shall be subsequently transferred from a school district or 5924
educational service center to another city, exempted village, 5925

local, joint vocational, or cooperative education school district 5926
or educational service center or to an institution or county MR/DD 5927
board solely for the purpose of reducing the financial obligations 5928
of the school district in a fiscal year it receives payment 5929
pursuant to section 3317.04 of the Revised Code. 5930

Sec. 3317.053. This section applies only to the approving of 5931
secondary vocational education job-training units under division 5932
(A) of section 3317.05 of the Revised Code, as these units are 5933
defined for purposes of section 3317.033 of the Revised Code. 5934

If the state board of education determines that a joint 5935
vocational school district does not have a sufficient number of 5936
students reported under ~~division (A)~~ of section 3317.03 of the 5937
Revised Code to approve a full secondary vocational education 5938
job-training unit for the ~~school~~ district, the state board shall 5939
also count persons reported for that unit under division (B) of 5940
section 3317.033 of the Revised Code in making its calculations 5941
for purposes of approving the unit under division (A) of section 5942
3317.05 of the Revised Code. However, the number of persons 5943
reported for any such unit under section 3317.033 of the Revised 5944
Code and counted for that unit under this section shall not exceed 5945
fifty per cent of the minimum number of full-time students 5946
required for approval of the unit as a full unit. 5947

Sec. 3317.06. Moneys paid to school districts under division 5948
~~(P)~~(L) of section 3317.024 of the Revised Code shall be used for 5949
the following independent and fully severable purposes: 5950

(A) To purchase such secular textbooks as have been approved 5951
by the superintendent of public instruction for use in public 5952
schools in the state and to loan such textbooks to pupils 5953
attending nonpublic schools within the district or to their 5954
parents and to hire clerical personnel to administer such lending 5955

program. Such loans shall be based upon individual requests 5956
submitted by such nonpublic school pupils or parents. Such 5957
requests shall be submitted to the school district in which the 5958
nonpublic school is located. Such individual requests for the loan 5959
of textbooks shall, for administrative convenience, be submitted 5960
by the nonpublic school pupil or the pupil's parent to the 5961
nonpublic school which shall prepare and submit collective 5962
summaries of the individual requests to the school district. As 5963
used in this section, "textbook" means any book or book substitute 5964
which a pupil uses as a text or text substitute in a particular 5965
class or program in the school the pupil regularly attends. 5966

(B) To provide speech and hearing diagnostic services to 5967
pupils attending nonpublic schools within the district. Such 5968
service shall be provided in the nonpublic school attended by the 5969
pupil receiving the service. 5970

(C) To provide physician, nursing, dental, and optometric 5971
services to pupils attending nonpublic schools within the 5972
district. Such services shall be provided in the school attended 5973
by the nonpublic school pupil receiving the service. 5974

(D) To provide diagnostic psychological services to pupils 5975
attending nonpublic schools within the district. Such services 5976
shall be provided in the school attended by the pupil receiving 5977
the service. 5978

(E) To provide therapeutic psychological and speech and 5979
hearing services to pupils attending nonpublic schools within the 5980
district. Such services shall be provided in the public school, in 5981
nonpublic schools, in public centers, or in mobile units located 5982
on or off of the nonpublic premises. If such services are provided 5983
in the public school or in public centers, transportation to and 5984
from such facilities shall be provided by the school district in 5985
which the nonpublic school is located. 5986

(F) To provide guidance and counseling services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools within the district such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic schools within the district and are handicapped children as defined in division (A) of section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such programs are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(J) To hire clerical personnel to assist in the administration of programs pursuant to divisions (B), (C), (D), (E), (F), (G), and (I) of this section and to hire supervisory

personnel to supervise the providing of services and textbooks 6018
pursuant to this section. 6019

(K) To purchase any secular, neutral, and nonideological 6020
computer software, prerecorded video laserdiscs, compact discs, 6021
and video cassette cartridges and mathematics or science equipment 6022
and materials that are in general use in the public schools of the 6023
state and loan such computer software, prerecorded video 6024
laserdiscs, compact discs, and video cassette cartridges, 6025
equipment, and materials to pupils attending nonpublic schools 6026
within the district or to their parents, and to hire clerical 6027
personnel to administer the lending program. Only computer 6028
software, prerecorded video laserdiscs, compact discs, and video 6029
cassette cartridges, equipment, and materials that are incapable 6030
of diversion to religious use and that are susceptible of loan to 6031
individual pupils and are furnished for the use of individual 6032
pupils shall be purchased and loaned under this division. 6033

(L) To purchase instructional equipment, including computer 6034
hardware, for use by pupils attending nonpublic schools within the 6035
district, if such usage only occurs when these pupils are being 6036
provided the secular remedial, diagnostic, or therapeutic services 6037
pursuant to division (B), (D), (E), (F), (G), or (I) of this 6038
section. 6039

(M) To purchase mobile units to be used for the provision of 6040
services pursuant to divisions (E), (F), (G), and (I) of this 6041
section and to pay for necessary repairs and operating costs 6042
associated with these units. 6043

Clerical and supervisory personnel hired pursuant to division 6044
(J) of this section shall perform their services in the public 6045
schools, in nonpublic schools, public centers, or mobile units 6046
where the services are provided to the nonpublic school pupil, 6047
except that such personnel may accompany pupils to and from the 6048

service sites when necessary to ensure the safety of the children 6049
receiving the services. 6050

Health services provided pursuant to divisions (B), (C), (D), 6051
and (E) of this section may be provided under contract with the 6052
department of health, city or general health districts, or private 6053
agencies whose personnel are properly licensed by an appropriate 6054
state board or agency. 6055

Transportation of pupils provided pursuant to divisions (E), 6056
(F), (G), and (I) of this section shall be provided by the school 6057
district from its general funds and not from moneys paid to it 6058
under division ~~(P)~~(J) of section 3317.024 of the Revised Code 6059
unless a special transportation request is submitted by the parent 6060
of the child receiving service pursuant to such divisions. If such 6061
an application is presented to the school district, it may pay for 6062
the transportation from moneys paid to it under division ~~(P)~~(J) of 6063
section 3317.024 of the Revised Code. 6064

No school district shall provide health or remedial services 6065
to nonpublic school pupils as authorized by this section unless 6066
such services are available to pupils attending the public schools 6067
within the district. 6068

Materials, equipment, computer software, textbooks, and 6069
health and remedial services provided for the benefit of nonpublic 6070
school pupils pursuant to this section and the admission of pupils 6071
to such nonpublic schools shall be provided without distinction as 6072
to race, creed, color, or national origin of such pupils or of 6073
their teachers. 6074

No school district shall provide services for use in 6075
religious courses, devotional exercises, religious training, or 6076
any other religious activity. 6077

As used in this section, "parent" includes a person standing 6078
in loco parentis to a child. 6079

Notwithstanding section 3317.01 of the Revised Code, payments 6080
shall be made under this section to any city, local, or exempted 6081
village school district within which is located one or more 6082
nonpublic elementary or high schools. 6083

The allocation of payments for materials, equipment, 6084
textbooks, health services, and remedial services to city, local, 6085
and exempted village school districts shall be on the basis of the 6086
state board of education's estimated annual average daily 6087
membership in nonpublic elementary and high schools located in the 6088
district. 6089

Payments made to city, local, and exempted village school 6090
districts under this section shall be equal to specific 6091
appropriations made for the purpose. All interest earned by a 6092
school district on such payments shall be used by the district for 6093
the same purposes and in the same manner as the payments may be 6094
used. 6095

The department of education shall adopt guidelines and 6096
procedures under which such programs and services shall be 6097
provided, under which districts shall be reimbursed for 6098
administrative costs incurred in providing such programs and 6099
services, and under which any unexpended balance of the amounts 6100
appropriated by the general assembly to implement this section may 6101
be transferred to the auxiliary services personnel unemployment 6102
compensation fund established pursuant to section 4141.47 of the 6103
Revised Code. The department shall also adopt guidelines and 6104
procedures limiting the purchase and loan of computer software, 6105
equipment, and materials under division (K) of this section to 6106
items that are in general use in the public schools of the state, 6107
that are incapable of diversion to religious use, and that are 6108
susceptible to individual use rather than classroom use. Within 6109
thirty days after the end of each biennium, each board of 6110
education shall remit to the department all moneys paid to it 6111

under division ~~(P)~~(J) of section 3317.024 of the Revised Code and 6112
any interest earned on those moneys that are not required to pay 6113
expenses incurred under this section during the biennium for which 6114
the money was appropriated and during which the interest was 6115
earned. If a board of education subsequently determines that the 6116
remittal of moneys leaves the board with insufficient money to pay 6117
all valid expenses incurred under this section during the biennium 6118
for which the remitted money was appropriated, the board may apply 6119
to the department of education for a refund of money, not to 6120
exceed the amount of the insufficiency. If the department 6121
determines the expenses were lawfully incurred and would have been 6122
lawful expenditures of the refunded money, it shall certify its 6123
determination and the amount of the refund to be made to the 6124
administrator of the bureau of employment services who shall make 6125
a refund as provided in section 4141.47 of the Revised Code. 6126

Sec. 3317.064. (A) There is hereby established in the state 6127
treasury the auxiliary services mobile unit replacement and repair 6128
fund. By the thirtieth day of January of each odd-numbered year, 6129
the administrator of the bureau of employment services and the 6130
superintendent of public instruction shall determine the amount of 6131
any excess moneys in the auxiliary services personnel unemployment 6132
compensation fund not reasonably necessary for the purposes of 6133
section 4141.47 of the Revised Code, and shall certify such amount 6134
to the director of budget and management for transfer to the 6135
auxiliary services mobile unit replacement and repair fund. If the 6136
administrator and the superintendent disagree on such amount, the 6137
director shall determine the amount to be transferred. 6138

(B) Moneys in the auxiliary services mobile unit replacement 6139
and repair fund shall be used for the relocation or for the 6140
replacement and repair of mobile units used to provide the 6141
services specified in division (E), (F), (G), or (I) of section 6142

3317.06 of the Revised Code and for no other ~~purpose~~ purposes. The 6143
state board of education shall adopt guidelines and procedures for 6144
replacement ~~and~~, repair, and relocation of mobile units and the 6145
procedures under which a school district may apply to receive 6146
moneys with which to repair or replace or relocate such units. 6147

~~Sec. 3317.08. As used in this section, "urban district," "big 6148
eight district," "all-day kindergarten," "extended kindergarten," 6149
and "traditional kindergarten" have the same meanings as in 6150
section 3317.02 of the Revised Code. 6151~~

A board of education may admit to its schools a child it is 6152
not required by section 3313.64 or 3313.65 of the Revised Code to 6153
admit, if tuition is paid for the child. 6154

Unless otherwise provided by law, tuition shall be computed 6155
in accordance with this section. A district's tuition charge for a 6156
school year shall be one of the following: 6157

(A) For any child, except a handicapped preschool child 6158
described in division (B) of this section, the quotient obtained 6159
by dividing the sum of the amounts described in divisions (A)(1) 6160
and (2) of this section by the ~~amount described in division (A)(3)~~ 6161
~~of this section~~ district's formula ADM. 6162

(1) The district's total taxes charged and payable for 6163
current expenses for the tax year preceding the tax year in which 6164
the school year begins as certified under division (A)(3) of 6165
section 3317.021 of the Revised Code. 6166

(2) The district's total taxes collected for current expenses 6167
under a school district income tax adopted pursuant to section 6168
5748.03 or 5748.08 of the Revised Code that are disbursed to the 6169
district during the fiscal year. On or before the first day of 6170
June of each year, the tax commissioner shall certify the amount 6171
to be used in the calculation under this division for the next 6172

fiscal year to the department of education for each city, local,
and exempted village school district that levies a school district
income tax.

~~(3) The district's average daily membership:~~ 6176

~~(a) Minus, in the case of a school district other than an
urban district or big eight district, one half the kindergarten
average daily membership certified pursuant to section 3317.03 of
the Revised Code for the preceding school year;~~ 6177
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6179
6180

~~(b) Minus, in the case of a big eight district, one fourth of
the extended kindergarten average daily membership and one half of
the traditional kindergarten average daily membership certified
pursuant to section 3317.03 of the Revised Code;~~ 6181
6182
6183
6184

~~(c) Minus, in the case of an urban district, one fourth of
the all day kindergarten average daily membership, one fourth of
the extended kindergarten average daily membership, and one half
of the traditional kindergarten average daily membership certified
pursuant to section 3317.03 of the Revised Code.~~ 6185
6186
6187
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6189

(B) For any handicapped preschool child not included in a
unit approved under division ~~(E)~~(B) of section 3317.05 of the
Revised Code, an amount computed for the school year as follows: 6190
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6192

(1) For each type of special education service provided to
the child for whom tuition is being calculated, determine the
amount of the district's operating expenses in providing that type
of service to all handicapped preschool children not included in
units approved under division ~~(E)~~(B) of section 3317.05 of the
Revised Code; 6193
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(2) For each type of special education service for which
operating expenses are determined under division (B)(1) of this
section, determine the amount of such operating expenses that was
paid from any state funds received under this chapter; 6199
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(3) For each type of special education service for which 6203
operating expenses are determined under division (B)(1) of this 6204
section, divide the difference between the amount determined under 6205
division (B)(1) of this section and the amount determined under 6206
division (B)(2) of this section by the total number of handicapped 6207
preschool children not included in units approved under division 6208
~~(E)~~(B) of section 3317.05 of the Revised Code who received that 6209
type of service; 6210

(4) Determine the sum of the quotients obtained under 6211
division (B)(3) of this section for all types of special education 6212
services provided to the child for whom tuition is being 6213
calculated. 6214

The state board of education shall adopt rules defining the 6215
types of special education services and specifying the operating 6216
expenses to be used in the computation under this section. 6217

If any child for whom a tuition charge is computed under this 6218
section for any school year is enrolled in a district for only 6219
part of that school year, the amount of the district's tuition 6220
charge for the child for the school year shall be computed in 6221
proportion to the number of school days the child is enrolled in 6222
the district during the school year. 6223

Except as otherwise provided in division (I) of section 6224
3313.64 of the Revised Code, whenever a district admits a child to 6225
its schools for whom tuition computed in accordance with this 6226
section is an obligation of another school district, the amount of 6227
the tuition shall be certified by the treasurer of the board of 6228
education of the district of attendance, to the board of education 6229
of the district required to pay tuition for its approval and 6230
payment. If agreement as to the amount payable or the district 6231
required to pay the tuition cannot be reached, or the board of 6232
education of the district required to pay the tuition refuses to 6233

pay that amount, the board of education of the district of 6234
attendance shall notify the superintendent of public instruction. 6235
The superintendent shall determine the correct amount and the 6236
district required to pay the tuition and shall deduct that amount, 6237
if any, under division (G) of section 3317.023 of the Revised 6238
Code, from the district required to pay the tuition and add that 6239
amount to the amount allocated to the district attended under such 6240
division. The superintendent of public instruction shall send to 6241
the district required to pay the tuition an itemized statement 6242
showing such deductions at the time of such deduction. 6243

When a political subdivision owns and operates an airport, 6244
welfare, or correctional institution or other project or facility 6245
outside its corporate limits, the territory within which the 6246
facility is located is exempt from taxation by the school district 6247
within which such territory is located, and there are school age 6248
children residing within such territory, the political subdivision 6249
owning such tax exempt territory shall pay tuition to the district 6250
in which such children attend school. The tuition for these 6251
children shall be computed as provided for in this section. 6252

Sec. 3317.081. (A) Tuition shall be computed in accordance 6253
with this section if: 6254

(1) The tuition is required by division (C)(3)(b) of section 6255
3313.64 of the Revised Code; or 6256

(2) Neither the child nor ~~his~~ the child's parent resides in 6257
this state and tuition is required by section 3327.06 of the 6258
Revised Code. 6259

(B) Tuition computed in accordance with this section shall 6260
equal the attendance district's tuition rate computed under 6261
section 3317.08 of the Revised Code plus the ~~per pupil~~ amount 6262
~~received by~~ that district would have received for the child 6263

pursuant to sections 3317.022, 3317.023, and 3317.025 to ~~3317.028~~ 6264
3317.0213 of the Revised Code during the ~~preceeding~~ school year had 6265
the attendance district been authorized to count the child in its 6266
formula ADM for that school year under section 3317.03 Of the 6267
Revised Code. 6268

Sec. 3317.082. As used in this section, "institution" means a 6269
residential facility that receives and cares for children 6270
maintained by the department of youth services and that operates a 6271
school chartered by the state board of education under section 6272
3301.16 of the Revised Code. 6273

(A) On or before the thirty-first day of each January and 6274
July, the superintendent of each institution that during the 6275
six-month period immediately preceding each January or July 6276
provided an elementary or secondary education for any child, other 6277
than a child receiving special education under section 3323.091 of 6278
the Revised Code, shall prepare and submit to the department of 6279
education, a statement for each such child indicating the child's 6280
name, any school district responsible to pay tuition for the child 6281
as determined by the superintendent in accordance with division 6282
(C)(2) or (3) of section 3313.64 of the Revised Code, and the 6283
period of time during that six-month period that the child 6284
received an elementary or secondary education. If any school 6285
district is responsible to pay tuition for any such child, the 6286
department of education, no later than the immediately succeeding 6287
last day of February or August, as applicable, shall calculate the 6288
amount of the tuition of the district under section 3317.08 of the 6289
Revised Code for the period of time indicated on the statement and 6290
do one of the following: 6291

(1) If the tuition amount is equal to or less than the amount 6292
of state basic aid funds payable to the district under sections 6293
3317.022 and 3317.023 of the Revised Code, pay to the institution 6294

submitting the statement an amount equal to the tuition amount, as 6295
provided under division ~~(U)~~(R) of section 3317.024 of the Revised 6296
Code, and deduct the tuition amount from the state basic aid funds 6297
payable to the district, as provided under division ~~(G)~~(F)(2) of 6298
section 3317.023 of the Revised Code; 6299

(2) If the tuition amount is greater than the amount of state 6300
basic aid funds payable to the district under sections 3317.022 6301
and 3317.023 of the Revised Code, require the district to pay to 6302
the institution submitting the statement an amount equal to the 6303
tuition amount. 6304

(B) In the case of any disagreement about the school district 6305
responsible to pay tuition for a child pursuant to this section, 6306
the superintendent of public instruction shall make the 6307
determination in any such case in accordance with division (C)(2) 6308
or (3) of section 3313.64 of the Revised Code. 6309

Sec. 3317.09. All moneys distributed to a school district, 6310
including any cooperative education or joint vocational school 6311
district and all moneys distributed to any educational service 6312
center, by the state whether from a state or federal source, shall 6313
be accounted for by the division of school finance of the 6314
department of education. All moneys distributed shall be coded as 6315
to county, school district or educational service center, source, 6316
and other pertinent information, and at the end of each month, a 6317
report of such distribution shall be made by such division of 6318
school finance to the clerk of the senate and the executive 6319
secretary of the house of representatives, to the Ohio legislative 6320
service commission to be available for examination by any member 6321
of either house, to each school district and educational service 6322
center, and to the governor. 6323

On or before the first day of September in each year, a copy 6324
of the annual statistical report required in sections 3319.33 and 6325

3319.34 of the Revised Code shall be filed by the state board of
education with the clerk of the senate and the executive secretary
of the house of representatives, the Ohio legislative service
commission, the governor, and the auditor of state. The report
shall contain an analysis for the prior fiscal year on an accrual
basis of revenue receipts from all sources and expenditures for
all purposes for each school district and each educational service
center, including each joint vocational and cooperative education
school district, in the state. If any board of education or any
educational service center governing board fails to make the
report required in sections 3319.33 and 3319.34 of the Revised
Code, the superintendent of public instruction shall be without
authority to distribute funds to that school district or
educational service center pursuant to sections 3317.022 to
~~3317.0211~~ 3317.0212, 3317.11, 3317.16, 3317.17, or 3317.19 of the
Revised Code until such time as the required reports are filed
with all specified officers, boards, or agencies.

~~The state school foundation program shall consist of all
payments of state funds made pursuant to sections 3317.022 to
3317.0211 of the Revised Code.~~

Sec. 3317.10. (A) ~~As used in this section, "aid to dependent
children" means:~~

~~(1) Aid provided under Chapter 5107. of the Revised Code
prior to October 1, 1996;~~

~~(2) Cash assistance provided on or after October 1, 1996,
under a state program operated pursuant to Title IV A of the
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as
amended, regardless of the name used to designate that assistance.~~

~~(B) On or before the first day of March of each year, the
department of human services shall certify to the state board of~~

education the number of children ages five through seventeen 6356
residing in each school district and living in a family that 6357
participated in Ohio works first under Chapter 5107. of the 6358
Revised Code during the preceding October according to the school 6359
district of residence for each child. Except as provided under 6360
division ~~(C)~~(B) of this section, the number of children so 6361
certified in any year shall be used by the department of education 6362
in determining ~~at risk school districts under section 3301.0719 of~~ 6363
~~the Revised Code and~~ the DPIA ADM for purposes of calculating the 6364
distribution of moneys for the ensuing fiscal year provided in 6365
~~division (B) of section 3317.023~~ 3317.029 of the Revised Code. 6366

~~(C)~~(B) Upon the transfer of part of the territory of one 6367
school district to the territory of one or more other school 6368
districts, the department of education may adjust the number 6369
certified under division ~~(B)~~(A) of this section for any district 6370
gaining or losing territory in such a transfer in order to take 6371
into account the effect of the transfer on the number of children 6372
ages five through seventeen who reside in the district and live in 6373
a family that participates in Ohio works first. Within sixty days 6374
of receipt of a request for information from the department of 6375
education, the department of human services shall provide any 6376
information the department of education determines is necessary to 6377
make such adjustments. The department of education may use the 6378
adjusted number for any district for the applicable fiscal year, 6379
in lieu of the number certified for the district for that fiscal 6380
year under division ~~(B)~~(A) of this section, in the calculation of 6381
the distribution of moneys provided in ~~division (B) of section~~ 6382
~~3317.023~~ 3317.029 of the Revised Code. 6383

Sec. 3317.11. ~~Except as otherwise specified, as used in this~~ 6384
~~section, "ADM" means the total number of pupils under an~~ 6385
~~educational service center governing board's supervision certified~~ 6386
~~under section 3317.03 and division (B) of section 3317.032 of the~~ 6387

~~Revised Code for all local school districts within the limits of~~ 6388
~~the service center's territory.~~ 6389

(A) Annually, on or before a date designated by the state 6390
board of education, each educational service center governing 6391
board shall prepare a budget of operating expenses for the ensuing 6392
year for the service center on forms prepared and furnished by the 6393
state board of education and shall certify the budget to the state 6394
board of education, together with such other information as the 6395
board may require. Such budget shall consist of two parts. Part 6396
(A) shall include the cost of the salaries, employers retirement 6397
contributions, and travel expenses of supervisory teachers 6398
approved by the state board of education. The amount derived from 6399
the calculation for such units in part (A) of the governing board 6400
budget shall be the sum of: 6401

(1) The sum of the minimum salaries calculated, pursuant to 6402
section 3317.13 of the Revised Code, for each approved licensed 6403
employee of the governing board; 6404

(2) An additional salary allowance proportional to the length 6405
of the extended term of service not to exceed three months for 6406
each supervisory and child study teacher whose term of service in 6407
any year is extended beyond the terms of service of regular 6408
classroom teachers; 6409

(3) An allowance equal to fifteen per cent of the amount 6410
computed under division (A)(1) of this section; 6411

(4) An allowance for necessary travel expenses, for each of 6412
the personnel approved in part (A) of the budget, limited to two 6413
hundred twenty-three dollars and sixteen cents per month, or two 6414
thousand six hundred seventy-eight dollars per year per person 6415
employed, whichever is the lesser. Part (B) shall include the cost 6416
of all other lawful expenditures of the governing board. The state 6417
board of education shall review such budget and may approve, 6418

increase, or decrease such budget.

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The governing board shall be reimbursed by the state board of education from state funds for the cost of part (A) of the budget. The governing board shall be reimbursed by the state board of education, from state funds for the cost of part (B) of the approved budget that is in excess of six dollars and fifty cents times the service center ADM. If the governing board provides services to city or exempted village school districts pursuant to section 3313.843 of the Revised Code, the governing board shall be reimbursed from state funds for the cost of part (B) of the budget that is in excess of six dollars and fifty cents times the sum of the service center ADM ~~of the local districts under the governing board's supervision~~ and the ~~ADM~~ formula ADMs of the city or exempted village districts to which such services are provided. The cost of part (B) not in excess of six dollars and fifty cents times the number of such ADM shall be apportioned by the state board of education among the local school districts in the territory of the service center, or among all districts to which the governing board provides services, on the basis of the total number of pupils in each school district.

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If part (B) of the budget is in excess of that approved by the state board of education, the excess cost shall be apportioned by the state board of education among the local school districts in the territory of the service center on the basis of the total number of such pupils in each such school district, provided that a majority of the boards of education of such local school districts approve such apportionment. The state board of education shall initiate and supervise the procedure by which the local boards shall approve or disapprove such apportionment.

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The amounts so apportioned shall be certified to the treasurers of the various school districts. In the case of each district such amount shall be deducted by the state board of

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education from funds allocated to the district pursuant to 6451
division ~~(F)~~(E) of section 3317.023 of the Revised Code. 6452

The state board of education shall certify to the director of 6453
budget and management for payment the total of the deductions, 6454
whereupon the amount shall be paid to the governing board of each 6455
service center, to be deposited to the credit of a separate fund, 6456
hereby created, to be known as the educational service center 6457
governing board fund. 6458

~~Special~~ An educational service center may provide special 6459
~~education units for handicapped children approved pursuant to~~ 6460
~~division (B) or (E) of section 3317.05 of the Revised Code may be~~ 6461
~~operated by a governing board, which shall be~~ to students in its 6462
local districts or in client districts. A service center is 6463
eligible for funding under ~~divisions (A),~~ division (J), ~~and (N)~~ of 6464
section 3317.024 of the Revised Code and eligible for state 6465
subsidies for the purchase of school buses under section 3317.07 6466
of the Revised Code. Special education units for gifted children, 6467
~~child study, and occupational, physical, and speech and hearing~~ 6468
~~therapy, special education supervisors, and special education~~ 6469
~~coordinators approved pursuant to divisions (C) and (D) of section~~ 6470
~~3317.05 of the Revised Code may be operated by a governing board,~~ 6471
~~which shall be eligible for funding under division (O) of section~~ 6472
~~3317.024 of the Revised Code. Vocational education units approved~~ 6473
~~pursuant to division (A) of section 3317.05 of the Revised Code~~ 6474
may be ~~operated~~ provided by a governing board, ~~which shall be~~ 6475
~~eligible for funding under division (M) of section 3317.024 of the~~ 6476
~~Revised Code. A governing board may conduct driver education for~~ 6477
pupils enrolled in a high school for which the state board of 6478
education prescribes minimum standards and which is eligible for 6479
funding under division (I) of section 3317.024 of the Revised 6480
Code. 6481

Every local school district shall be provided supervisory 6482

services by its governing board as approved by the state board of 6483
education. A city or exempted village school district shall be 6484
considered to be provided supervisory services by a governing 6485
board if it has entered into an agreement for the governing board 6486
to provide any services under section 3313.843 of the Revised 6487
Code. Supervisory services shall not exceed one supervisory 6488
teacher for the first fifty classroom teachers employed in all 6489
districts that are provided supervisory services calculated under 6490
section 3317.023 of the Revised Code and one supervisory teacher 6491
for every additional one hundred such classroom teachers so 6492
calculated. Reimbursement for such supervisory services shall be a 6493
deduction by the state board of education from the payment to the 6494
school district pursuant to division ~~(F)~~(E) of section 3317.023 of 6495
the Revised Code. Deductions for all supervisory services and 6496
extended services for supervisory and child study ~~in excess of~~ 6497
~~that paid by the state pursuant to section 3317.024 of the Revised~~ 6498
~~Code~~ shall be apportioned among local school districts within the 6499
territory of the service center and any city or exempted village 6500
districts that have entered into agreements with a service center 6501
pursuant to section 3313.843 of the Revised Code by the state 6502
board of education on the basis of the total number of pupils in 6503
each school district, except that where such services are provided 6504
to districts other than local school districts within the service 6505
center territory and city or exempted village districts having 6506
agreements with the service center, such charges shall be 6507
apportioned among all participating districts on the basis of the 6508
total number of pupils in each school district. All deductions 6509
from state funding to school districts required for reimbursement 6510
of governing boards by division ~~(F)~~(E) of section 3317.023 of the 6511
Revised Code shall be made from the total of the payment computed 6512
under sections 3317.022 and 3317.023 of the Revised Code, after 6513
making any other adjustments in that payment required by law. 6514
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(B) In addition to the payments made under division (A) of 6516
this section, except as otherwise provided in division (C) of this 6517
section, the department of education shall pay each governing 6518
board, each fiscal year, an amount equal to thirty-four dollars 6519
times the sum of the service center ADM and thirty-four dollars 6520
times the sum of the ADM client ADMs of ~~any city or exempted~~ 6521
~~village school~~ all its client districts ~~with which the governing~~ 6522
~~board has entered into agreements to provide services pursuant to~~ 6523
~~section 3313.843 of the Revised Code.~~ 6524

~~(C)(1) As used in this section:~~ 6525

~~(a) "Client district" means a city or exempted village school~~ 6526
~~district that has entered into an agreement to receive services~~ 6527
~~from a service center pursuant to section 3313.843 of the Revised~~ 6528
~~Code.~~ 6529

~~(b) "Multicounty service center" means a service center that~~ 6530
~~includes territory that formerly was included in the territory of~~ 6531
~~at least three former service centers or county school districts,~~ 6532
~~which former centers or districts engaged in one or more mergers~~ 6533
~~pursuant to section 3311.053 of the Revised Code to form the~~ 6534
~~present center.~~ 6535

~~(2) Beginning with the fiscal year that starts July 1, 1997,~~ 6536
~~in lieu of the payment specified under division (B) of this~~ 6537
~~section, each multicounty service center shall receive a payment~~ 6538
~~each fiscal year equal to one per cent times the formula amount~~ 6539
~~specified in division (A) of section 3317.022 of the Revised Code~~ 6540
~~times the sum of the service center ADM ~~of the service center~~ and~~ 6541
~~the client ADMs of all its client districts.~~ 6542

(D) Each city, exempted village, local, joint vocational, or 6543
cooperative education school district shall pay to the governing 6544
board of an educational service center any amounts agreed to for 6545
each child enrolled in the district who receives special education 6546

and related services or vocational education from the educational 6547
service center. 6548

(E) As used in this section: 6549

(1) "Service center ADM" means the total of each of the 6550
following for all local school districts within the limits of an 6551
educational service center's territory: 6552

(a) The formula ADM; 6553

(b) One-half of the kindergarten average daily membership 6554
included in the formula ADM; 6555

(c) Three-quarters of the number of students reported under 6556
division (B)(4) of section 3317.03 of the Revised Code; 6557

(d) The average daily membership of handicapped preschool 6558
children reported under division (B)(2) of section 3317.03 of the 6559
Revised Code; 6560

(e) The number of preschool students certified under division 6561
(B) of section 3317.032 of the Revised Code. 6562

(2) "Client ADM" means the total of each number described 6563
under divisions (E)(1)(a) to (e) of this section for a client 6564
district. 6565

(3) "Client district" means a city or exempted village school 6566
district that has entered into an agreement to receive services 6567
from a service center pursuant to section 3313.843 of the Revised 6568
Code. 6569

(4) "Multicounty service center" means a service center that 6570
includes territory that formerly was included in the territory of 6571
at least three former service centers or county school districts, 6572
which former centers or districts engaged in one or more mergers 6573
pursuant to section 3311.053 of the Revised Code to form the 6574
present center. 6575

Sec. 3317.16. (A) As used in this section: 6576

(1) ~~"Approved approved unit"~~ means a unit approved for the 6577
district for the year under section 3317.05 of the Revised Code. 6578

(2) ~~"Total unit allowance" means the sum of the amounts~~ 6579
~~computed under divisions (B)(1), (2), and (3) of this section.~~ 6580

(B) Payments to each joint vocational school district for a 6581
fiscal year shall be the sum of all of the following: 6582

(1) The total of the salary allowance allowances for the 6583
teachers employed in the district for all approved units, such. 6584
The salary allowance to be computed in the manner prescribed in 6585
for each unit shall equal the minimum salary for the teacher of 6586
the unit calculated on the basis of the teacher's training level 6587
and years of experience pursuant to section 3317.024 3317.13 of 6588
the Revised Code for school districts;. 6589

(2) Fifteen per cent of ~~such salary allowance~~ the total 6590
amount under division (B)(1) of this section; 6591

(3) ~~A~~ The total of the unit operating allowances for all 6592
approved units. The amount of each allowance shall equal to one of 6593
the following: 6594

(a) Nine thousand five hundred ten dollars times the number 6595
~~of teachers~~ of approved vocational education units ~~and eight;~~ 6596

(b) Eight thousand twenty-three dollars times the number ~~of~~ 6597
~~teachers~~ of approved special education units ~~for pupils with the~~ 6598
~~type of handicaps enumerated in~~ approved under division ~~(N)~~ (D)(1) 6599
of section ~~3317.024~~ 3317.05 of the Revised Code; ~~and~~ 6600

~~(b)(c)~~ (c) Two thousand one hundred thirty-two dollars times the 6601
number ~~of teachers~~ of approved related services units ~~of the type~~ 6602
~~described in~~ approved under division ~~(O)(1)~~ (D)(2) of ~~such~~ section 6603
3317.05 Of the Revised Code. 6604

(4) An amount for adult technical and vocational education 6605
and specialized consultants; 6606

(5) An amount for driver education pursuant to division (I) 6607
of section 3317.024 of the Revised Code; 6608

(6) An equalization amount computed in accordance with the 6609
following formula: 6610

(Number of vocational approved units X 23,000) - (.001 X total 6611
taxable value) 6612

If the difference obtained is a negative number, the 6613
computation under division (B)(6) of this section shall be zero. 6614

(C) In addition to the payments made under division (B) of 6615
this section, a payment from any moneys appropriated for such 6616
purpose shall be made to each joint vocational school district for 6617
education courses other than vocational education courses 6618
necessary to meet the requirements for graduation from a joint 6619
vocational school. 6620

(D) If a joint vocational school district has had additional 6621
special education units approved for the year under division 6622
(F)(3) of section 3317.03 of the Revised Code, the district shall 6623
receive an additional amount during the last half of the fiscal 6624
year. For each unit, the additional amount shall equal fifty per 6625
cent of the amount computed under division (B) of this section for 6626
a unit approved under division (D)(1) of section 3317.05 of the 6627
Revised Code. 6628

Sec. 3317.161. As used in this section, "institution" means 6629
an institution operated by a department specified in section 6630
3323.091 Of the Revised Code. 6631

(A)(1) The department of education shall pay each school 6632
district, educational service center, institution eligible for 6633
payment under section 3323.091 Of the Revised Code, or county 6634

MR/DD board an amount for the total of all classroom units for 6635
handicapped preschool children approved under division (B) of 6636
section 3317.05 Of the Revised Code. For each unit, the amount 6637
shall be the sum of the minimum salary for the teacher of the 6638
unit, calculated on the basis of the teacher's training level and 6639
years of experience pursuant to section 3317.13 of the Revised 6640
Code, plus fifteen per cent of that minimum salary amount, and 6641
eight thousand twenty-three dollars. 6642

(2) The department shall pay each school district, 6643
educational service center, institution eligible for payment under 6644
section 3323.091 Of the Revised Code, or county MR/DD board an 6645
amount for the total of all related services units for handicapped 6646
preschool children approved under division (C) of section 3317.05 6647
Of the Revised Code. For each such unit, the amount shall be the 6648
sum of the minimum salary for the teacher of the unit calculated 6649
on the basis of the teacher's training level and years of 6650
experience pursuant to section 3317.13 Of the Revised Code, 6651
fifteen per cent of that minimum salary amount, and two thousand 6652
one hundred thirty-two dollars. 6653

(B) if a school district or educational service center has 6654
had additional handicapped preschool units approved for the year 6655
under division (F)(2) of section 3317.03 of the Revised Code, or 6656
if a county MR/DD board has had additional handicapped preschool 6657
units approved under division (G)(3) of section 3317.03 Of the 6658
Revised Code, the district, educational service center, or board 6659
shall receive an additional amount during the last half of the 6660
fiscal year. For each district, center, or board, the additional 6661
amount for each unit shall equal fifty per cent of the amount 6662
computed for the unit in the manner prescribed by division (A) of 6663
this section. 6664

(C)(1) The department shall pay each institution eligible for 6665
payment under section 3323.091 Of the Revised Code or county MR/DD 6666

board an amount for the total of all special education units 6667
approved under division (D)(1) of section 3317.05 of the Revised 6668
Code. The amount for each unit shall be the sum of the minimum 6669
salary for the teacher of the unit, calculated on the basis of the 6670
teacher's training level and years of experience pursuant to 6671
section 3317.13 of the Revised Code, plus fifteen per cent of that 6672
minimum salary amount, and eight thousand twenty-three dollars. 6673

(2) The department shall pay each institution eligible for 6674
payment under section 3323.091 Of the Revised Code or county MR/DD 6675
board an amount for the total of all related services units 6676
approved under division (D)(2) of section 3317.05 of the Revised 6677
Code. The amount for each unit shall be the sum of the minimum 6678
salary for the teacher of the unit, calculated on the basis of the 6679
teacher's training level and years of experience pursuant to 6680
section 3317.13 of the Revised Code, plus fifteen per cent of that 6681
minimum salary amount, and two thousand one hundred thirty-two 6682
dollars. 6683

(3) If a county MR/DD board has had additional handicapped 6684
preschool units approved under division (G)(3) of section 3317.03 6685
of the Revised Code, the board shall receive an additional amount 6686
during the last half of the fiscal year. For each board, the 6687
additional amount for each unit shall equal fifty per cent of the 6688
amount computed for the unit in the manner prescribed by division 6689
(C)(1) of this section. 6690

(D) The department shall pay each institution approved for 6691
vocational education units under division (A) of section 3317.05 6692
of the Revised Code an amount for the total of all the units 6693
approved under that division. The amount for each unit shall be 6694
the sum of the minimum salary for the teacher of the unit, 6695
calculated on the basis of the teacher's training level and years 6696
of experience pursuant to section 3317.13 of the Revised Code, 6697
plus fifteen per cent of that minimum salary amount, and nine 6698

thousand five hundred ten dollars. 6699

Sec. 3317.17. (A) The board of education of any school 6700
district to which all of the following apply may apply to the 6701
department of education for funds under this section: 6702

(1) The district has applied for and received a loan from a 6703
commercial lending institution under division (E)(3) of section 6704
3313.483 of the Revised Code on or before March 1, 1998, and has 6705
outstanding debt from such loan, the district has outstanding debt 6706
from borrowing against its spending reserve balance under section 6707
133.301 of the Revised Code prior to March 1, 1998, and the 6708
district has outstanding debt from the issuance of tax 6709
anticipation notes pursuant to section 5705.194 of the Revised 6710
Code. 6711

(2) After incurring such debt described under division (A)(1) 6712
of this section the district has implemented a change in the 6713
manner of providing vocational education to the students of the 6714
district and such change has resulted in a savings of money to the 6715
state on its expenditures for vocational education. 6716

(3) Within two years prior to the application for funds under 6717
this section, the district has passed a tax levy for operating 6718
expenses of at least five mills or its equivalent of property tax, 6719
income tax, or a combination of property and income tax. 6720
6721

(B) When any school district applies for a payment under this 6722
section, the department of education shall determine if the 6723
district meets the requirements of division (A) of this section 6724
and, if so, shall calculate the savings to the state in the 6725
expenditure of funds for vocational education as a result of the 6726
change described under division (A)(2) of this section for the 6727
school year in which the change is implemented and shall estimate 6728
the savings to the state during the period that includes the year 6729

of such implementation and the next fourteen years, assuming such
change remains in effect.

(C) If the estimate of division (B) of this section results
in a positive amount, except as otherwise provided in division (D)
or (E) of this section, the state board shall pay to the district
from moneys appropriated for this purpose from the lottery profits
education reserve fund the least of the following amounts:

(1) The amount for the fifteen-year period estimated under
division (B) of this section;

(2) The amount of all outstanding debt described under
division (A)(1) of this section;

(3) Five million dollars.

(D) Applications for funds shall be processed and the full
amount of any entitlement to funds shall be distributed to
eligible school districts in the order in which complete
applications from school districts meeting all requirements of
division (A) of this section are received by the state board of
education. If insufficient funds are available to distribute the
full amount of its entitlement to an eligible district, the state
board shall distribute whatever remaining funds are available to
that district.

(E) A school district shall only be eligible to file one
valid application under this section. No school district shall
receive a payment under this section without the prior approval of
the controlling board. Districts shall expend a payment received
under this section only for the repayment of outstanding debt
described under division (A)(1) of this section.

(F) During the fifteen-year period following the
implementation of a change in the provision of vocational
education for the purposes of this section, no district board of

education that receives a payment under this section shall 6760
implement any change in the provision of vocational education 6761
without the prior written approval of the department of education. 6762
Any board of education implementing such a change without the 6763
prior written approval of the department shall, pursuant to the 6764
rules of the state board, repay a pro rata portion of the payment 6765
received under this section based upon the length of time it 6766
failed to maintain such change and the resultant increased cost to 6767
the state. Any repayment shall be deposited in the lottery profits 6768
education reserve fund. 6769

Sec. 3317.19. (A) As used in this section, "total unit 6770
allowance" means an amount equal to the sum of the following: 6771

(1) The total of the salary allowance allowances for the 6772
teachers employed in the cooperative education school district for 6773
all units approved under division (B) or (C) of section 3317.05 of 6774
the Revised Code, such. The salary allowance to be computed in the 6775
manner prescribed in for each unit shall equal the minimum salary 6776
for the teacher of the unit calculated on the basis of the 6777
teacher's training level and years of experience pursuant to 6778
section 3317.024 3317.13 of the Revised Code for school 6779
districts;. 6780

(2) Fifteen per cent of the total ~~salary allowance~~ computed 6781
under division (A)(1) of this section; 6782

(3) A The total of the unit operating allowances for all 6783
approved units. The amount of each allowance shall equal to one of 6784
the following: 6785

(a) ~~Nine thousand five hundred ten dollars times the number~~ 6786
~~of vocational education units or fraction thereof approved for the~~ 6787
~~year under division (A) of section 3317.05 of the Revised Code;~~ 6788

~~(b) Eight thousand twenty-three dollars times the number of~~ 6789

preschool handicapped units for special education or fraction 6790
thereof approved for the year under division (B) of section 6791
3317.05 of the Revised Code; 6792

~~(c) Two thousand six hundred seventy-eight dollars times the~~ 6793
~~number of units for the gifted or fraction thereof approved for~~ 6794
~~the year under division (C) of section 3317.05 of the Revised~~ 6795
~~Code;~~ 6796

~~(d)(b)~~ Two thousand one hundred thirty-two dollars times the 6797
number of units or fraction thereof approved for the year under 6798
division (C) ~~or (D)~~ of section 3317.05 of the Revised Code ~~of the~~ 6799
~~type described in division (O)(1) of section 3317.024 of the~~ 6800
~~Revised Code.~~ 6801

(B) The state board of education shall compute and distribute 6802
to each cooperative education school district for each fiscal year 6803
an amount equal to the sum of the following: 6804

(1) An amount equal to the total of the amounts credited to 6805
the cooperative education school district pursuant to division (K) 6806
of section 3317.023 of the Revised Code; 6807

(2) The total unit allowance; 6808

(3) An amount for driver education pursuant to division 6809
~~(I)(H)~~ of section 3317.024 of the Revised Code; 6810

(4) An amount for assisting in providing free lunches to 6811
needy children and an amount for assisting needy school districts 6812
in purchasing necessary equipment for food preparation pursuant to 6813
division ~~(L)(K)~~ of section 3317.024 of the Revised Code. 6814

(C) If a cooperative education school district has had 6815
additional special education units approved for the year under 6816
division (F)(2) of section 3317.03 of the Revised Code, the 6817
district shall receive an additional amount during the last half 6818
of the fiscal year. For each unit, the additional amount shall 6819

equal fifty per cent of the amount computed under division (A) of 6820
this section for a unit approved under division (B) of section 6821
3317.05 of the Revised Code. 6822

Sec. 3318.04. If the Ohio school facilities commission makes 6823
a determination under section 3318.03 of the Revised Code in favor 6824
of constructing, acquiring, reconstructing, or making additions to 6825
a classroom facility, the project shall be conditionally approved 6826
~~and the commission thereupon shall reserve and encumber from the~~ 6827
~~total funds appropriated for the purpose of sections 3318.01 to~~ 6828
~~3318.20 of the Revised Code, the amount of the state's portion of~~ 6829
~~the basic project cost.~~ Such conditional approval shall be 6830
submitted to the controlling board for approval thereof. The 6831
controlling board shall forthwith approve or reject the 6832
commission's determination, conditional approval, and the amount 6833
of the state's portion of the basic project cost. In the event of 6834
approval thereof by the controlling board, the commission shall 6835
certify such conditional approval to the school district board and 6836
shall encumber from the total funds appropriated for the purpose 6837
of sections 3318.01 to 3318.20 Of the Revised Code the amount of 6838
the state's portion of the basic project cost. 6839

The basic project cost for a project approved under this 6840
section shall not exceed the cost that would otherwise have to be 6841
incurred if the classroom facilities to be constructed, acquired, 6842
or reconstructed, or the additions to be made to classroom 6843
facilities, under such project meet, but do not exceed, the 6844
specifications for plans and materials for classroom facilities 6845
~~that shall be adopted by the commission.~~ 6846

~~From and after the date of any certification of conditional~~ 6847
~~approval, no bonds or notes shall be issued by a school district~~ 6848
~~board without the approval of the commission for the purpose of~~ 6849
~~acquiring classroom facilities so long as the commission's~~ 6850

~~conditional approval of such school district's project remains in effect.~~ 6851
6852

No school district shall have a project conditionally 6853
approved pursuant to this section if the project includes the 6854
reconstruction of, or the making of additions to, any classroom 6855
facilities that were constructed, acquired, reconstructed, or 6856
added to as part of a project funded under any version of sections 6857
3318.01 to 3318.20 of the Revised Code, and the prior project was 6858
one for which the electors of such district approved a levy within 6859
the last ten years pursuant to any version of section 3318.06 of 6860
the Revised Code for purposes of qualifying for the funding of 6861
that project. 6862

Sec. 3318.05. The conditional approval of the Ohio school 6863
facilities commission for a project shall lapse and the amount 6864
reserved and encumbered for such project shall be released unless 6865
the school district board accepts such conditional approval within 6866
one hundred twenty days following the date of certification of the 6867
conditional approval to the school district board and the electors 6868
of the school district vote favorably on both of the propositions 6869
described in divisions (A) and (B) of this section within one year 6870
of the date of such certification. The propositions described in 6871
divisions (A) and (B) of this section shall be combined in a 6872
single proposal. If the district board or the district's electors 6873
fail to meet such requirements and the amount reserved and 6874
encumbered for the district's project is released, the district 6875
shall be given first priority for project funding as such funds 6876
become available. 6877

(A) On the question of issuing bonds of the school district 6878
board, for the school district's portion of the basic project 6879
cost, in either whatever amount may be necessary to raise the net 6880
bonded indebtedness of the school district to within five thousand 6881

dollars of the required level of indebtedness calculated for the 6882
year preceding the year in which the resolution declaring the 6883
necessity of the election is adopted, or an amount equal to the 6884
required percentage of the basic project costs, whichever is 6885
greater; ~~provided, that such question need not be submitted if at~~ 6886
~~the time of the passage of such resolution the net bonded~~ 6887
~~indebtedness of the school district (1) aggregates ninety five per~~ 6888
~~cent or more of the required level of indebtedness, or (2) is~~ 6889
~~within twenty thousand dollars of such level and the required~~ 6890
~~percentage of the basic project costs is not greater than either~~ 6891
~~the amount necessary to raise the net bonded indebtedness of the~~ 6892
~~school district to within five thousand dollars of the required~~ 6893
~~level of indebtedness or twenty thousand dollars; and~~ 6894

(B) On the question of levying a tax the proceeds of which 6895
shall be used to pay the cost of maintaining the classroom 6896
facilities included in the project, except that in any year the 6897
district's adjusted valuation per pupil is greater than the 6898
state-wide median adjusted valuation per pupil one-half of the 6899
proceeds of the tax shall be used for such maintenance and 6900
one-half of such proceeds shall be used to pay the cost of the 6901
purchase of the classroom facilities from the state under the 6902
provisions of sections 3318.01 to 3318.20 of the Revised Code. 6903
Such tax shall be at the rate of one-half mill for each dollar of 6904
valuation ~~except that in those years in which the Ohio school~~ 6905
~~facilities commission, pursuant to section 3318.051 of the Revised~~ 6906
~~Code, requires the district to increase the tax rate to an amount~~ 6907
~~greater than one half mill, but not in excess of four mills, until~~ 6908
~~the purchase price is paid but in no case longer than twenty-three~~ 6909
years. Proceeds of the tax to be used for maintenance of the 6910
classroom facilities shall be deposited into a separate fund 6911
established by the school district for such purpose. 6912

Sec. 3318.06. After receipt of the conditional approval of 6913
the Ohio school facilities commission, the school district board 6914
by a majority of all of its members shall, if it desires to 6915
proceed with the project, declare all of the following by 6916
resolution: 6917

(A) That with a net bonded indebtedness of within five 6918
thousand dollars of the required level of indebtedness or by 6919
issuing bonds in an amount equal to the required percentage of the 6920
project costs, the district is unable to provide adequate 6921
classroom facilities without assistance from the state; 6922

(B) That to qualify for such state assistance it is necessary 6923
to levy a tax outside the ten-mill limitation the proceeds of 6924
which shall be used to pay the cost of maintaining the classroom 6925
facilities included in the project, except that in any year the 6926
district's adjusted valuation per pupil is greater than the 6927
state-wide median adjusted valuation per pupil one-half of the 6928
proceeds of the tax shall be used for such maintenance and 6929
one-half of such proceeds shall be used to pay the cost of the 6930
purchase of the classroom facilities from the state; 6931

(C) That the question of such tax levy shall be submitted to 6932
the electors of the school district at the next general or primary 6933
election, if there be a general or primary election not less than 6934
seventy-five and not more than ninety-five days after the day of 6935
the adoption of such resolution or, if not, at a special election 6936
to be held at a time specified in the resolution which shall be 6937
not less than seventy-five days after the day of the adoption of 6938
the resolution and which shall be in accordance with the 6939
requirements of section 3501.01 of the Revised Code. 6940

Such resolution shall also state, if such be the case, that 6941
the question of issuing bonds of the board shall be combined in a 6942
single proposal with the question of such tax levy. More than one 6943

election under this section may be held in any one calendar year. 6944
Such resolution shall specify both of the following: 6945

(1) That the rate which it is necessary to levy shall be at 6946
the rate of one-half mill for each one dollar of valuation ~~except~~ 6947
~~that in those years in which the commission, pursuant to section~~ 6948
~~3318.051 of the Revised Code, requires the district to increase~~ 6949
~~the tax rate to an amount greater than one-half mill, but not in~~ 6950
~~excess of four mills,~~ and that such tax shall be levied until the 6951
purchase price is paid but in no case longer than twenty-three 6952
years; 6953

(2) That the proceeds of the tax shall be used to pay the 6954
cost of maintaining the classroom facilities included in the 6955
project, except in any year the district's adjusted valuation per 6956
pupil is greater than the statewide median adjusted valuation per 6957
pupil one-half of the proceeds of the tax shall be used for such 6958
maintenance and one-half of the proceeds of the tax shall be used 6959
to pay the cost of the purchase of the classroom facilities from 6960
the state under sections 3318.01 to 3318.20 of the Revised Code. 6961

A copy of such resolution shall after its passage and not 6962
less than seventy-five days prior to the date set therein for the 6963
election be certified to the county board of elections. 6964

If the question of issuing bonds of the board is to be 6965
combined with the question of levying the tax, the resolution of 6966
the school district board, in addition to meeting other applicable 6967
requirements of section 133.18 of the Revised Code, shall state 6968
that the amount of bonds to be issued will be either whatever 6969
amount may be necessary to raise the net bonded indebtedness of 6970
the school district to within five thousand dollars of the 6971
required level of indebtedness calculated for the year preceding 6972
the year in which such resolution is adopted or an amount equal to 6973
the required percentage of the basic project costs, whichever is 6974

greater and state that the maximum maturity of the bonds which, 6975
notwithstanding section 133.20 of the Revised Code, may be any 6976
number of years not exceeding twenty-three as determined by the 6977
board. In estimating the amount of bonds to be issued, the board 6978
shall take into consideration the amount of moneys then in the 6979
bond retirement fund and the amount of moneys to be collected for 6980
and disbursed from the bond retirement fund during the remainder 6981
of the year in which the resolution of necessity is adopted. 6982

Notice of the election shall include the fact that the tax 6983
levy shall be at the rate of one-half mill for each one dollar of 6984
valuation ~~except that in those years in which the commission,~~ 6985
~~pursuant to section 3318.051 of the Revised Code, requires the~~ 6986
~~district to increase the tax rate to an amount greater than~~ 6987
~~one half mill, but not in excess of four mills,~~ that the levy 6988
shall be made until the purchase price is paid but in no case 6989
longer than twenty-three years, and that the proceeds of the tax 6990
shall be used to pay the cost of maintaining the classroom 6991
facilities included in the project, except in any year the 6992
district's adjusted valuation per pupil is greater than the 6993
statewide median adjusted valuation per pupil one-half of the 6994
proceeds of the tax shall be used for such maintenance and 6995
one-half of the proceeds of the tax shall be used to pay the cost 6996
of the purchase of the classroom facilities from the state under 6997
sections 3318.01 to 3318.20 of the Revised Code. 6998

The form of the ballot to be used at such election shall be: 6999

"A majority affirmative vote is necessary for passage. 7000

Shall bonds be issued by the Board of Education of the 7001
..... (here insert name of school district) for the purpose 7002
of (here insert purpose of bond issue) in either an 7003
amount sufficient to raise the net indebtedness of the school 7004
district to within five thousand dollars of (here 7005

insert five, six, or seven per cent depending on the district's
required level of indebtedness) of the total value of all property
in the school district as listed and assessed for taxation on the
tax duplicate for the year (here insert the year
preceding the year in which the resolution declaring the necessity
of the election was adopted) or an amount equal to
(here insert the required percentage of the basic project costs),
whichever is greater, and a levy of taxes be made outside of the
ten-mill limitation for a maximum period of (here
insert longest maturity) years to pay the principal and interest
of such bonds, the amount of such bonds being estimated to be
..... (here insert estimated amount of bond issue) for
which the levy of taxes is estimated by the county auditor to
average (here insert number of mills) mills for each
one dollar of valuation, which amounts to (here
insert rate expressed in dollars and cents) for each one hundred
dollars of valuation?"

and

"Shall an additional levy of taxes be made for the benefit of
the (name of school district), the proceeds of which
shall be used to pay the cost of maintaining the classroom
facilities included in the project, except that in any year the
district's adjusted valuation per pupil is greater than the
state-wide median adjusted valuation per pupil one-half of the
proceeds of the tax shall be used for such maintenance and
one-half of such proceeds shall be used to pay the cost of the
purchase of classroom facilities from the state, at the rate of
one-half mill for each one dollar of valuation ~~except that in~~
~~those years in which the Ohio school facilities commission,~~
~~pursuant to section 3318.051 of the Revised Code, requires the~~
~~district to increase the tax rate to an amount greater than~~
~~one-half mill, but not in excess of four mills,~~ until the purchase

price is paid but in no case longer than twenty-three years?	7038	
<hr/>		7039
FOR THE BOND ISSUE AND TAX LEVY		7040
<hr/>		7041
AGAINST THE BOND ISSUE AND TAX LEVY		7042
<hr/>		7043
		"
Where it is not necessary to include the question of issuing	7044	
bonds of the school district board with the question of levying	7045	
the tax, the first paragraph of the foregoing ballot form shall be	7046	
omitted and the question to be voted on shall be "For the Tax	7047	
Levy" and "Against the Tax Levy."	7048	
(D) If it is necessary for the school district to acquire a	7049	
site for the classroom facilities to be acquired pursuant to	7050	
sections 3318.01 to 3318.20 of the Revised Code, the district	7051	
board may propose either to issue bonds of the board or to levy a	7052	
tax to pay for the acquisition of such site, and may combine the	7053	
question of doing so with the questions specified in division (C)	7054	
of this section. Bonds issued under this division for the purpose	7055	
of acquiring a site are a general obligation of the school	7056	
district and are Chapter 133. securities.	7057	
The form of that portion of the ballot to include the	7058	
question of either issuing bonds or levying a tax for site	7059	
acquisition purposes shall be one of the following:	7060	
(1) "Shall bonds be issued by the board of education of the	7061	
..... (name of the school district) for the purpose of	7062	
..... (purpose of the bond issue, which shall be for the	7063	
purpose of acquiring a site for classroom facilities) in the	7064	
principal amount of (principal amount of the bond issue),	7065	
to be repaid annually over a maximum period of (maximum	7066	
number of years over which the principal of the bonds may be paid)	7067	
years, and an annual levy of property taxes be made outside the	7068	
ten-mill limitation, estimated by the county auditor to average	7069	

over the repayment period of the bond issue (number of 7070
mills) mills for each one dollar of tax valuation, which amount to 7071
..... (rate expressed in dollars and cents) for each one hundred 7072
dollars of valuation?" 7073

(2) "Shall an additional levy of taxes be made for the 7074
benefit of the (name of the school district) 7075
for the purpose (purpose of the levy, which shall be for 7076
the purpose of acquiring a site for classroom facilities) in the 7077
sum of (annual amount the levy is to produce) and a levy 7078
of taxes to be made outside of the ten-mill limitation estimated 7079
by the county auditor to average (number of mills) mills 7080
for each one hundred dollars of valuation, for a period of 7081
..... (number of years the millage is to be imposed) years?" 7082

Where it is necessary to combine the question of issuing 7083
bonds of the school district and levying a tax as described in 7084
division (C) of this section with the question of issuing bonds of 7085
the school district for acquisition of a site, the question 7086
specified in division (C) of this section to be voted on shall be 7087
"For the Bond Issues and the Tax Levy" and "Against the Bond 7088
Issues and the Tax Levy." In the event it is not necessary to 7089
include the question of issuing bonds as described in division (C) 7090
of this section, the question specified in that division to be 7091
voted on shall be "For the Bond Issue and the Tax Levy" and 7092
"Against the Bond Issue and the Tax Levy." 7093

Where it is necessary to combine the question of issuing 7094
bonds of the school district and levying a tax as described in 7095
division (C) of this section with the question of levying a tax 7096
for the acquisition of a site, the question specified in division 7097
(C) of this section to be voted on shall be "For the Bond Issue 7098
and the Tax Levies" and "Against the Bond Issue and the Tax 7099
Levies." In the event it is not necessary to include the question 7100
of issuing bonds as described in division (C) of this section, the 7101

question specified in that division to be voted on shall be "For
the Tax Levies" and "Against the Tax Levies." 7102
7103

If a majority of those voting upon a proposition hereunder 7104
which includes the question of issuing bonds vote in favor 7105
thereof, and if the agreement provided for by section 3318.08 of 7106
the Revised Code has been entered into, the school district board 7107
may proceed under Chapter 133. of the Revised Code, with the 7108
issuance of bonds or bond anticipation notes in accordance with 7109
the terms of the agreement. 7110

Sec. 3318.08. If the requisite favorable vote on the election 7111
is obtained, the Ohio school facilities commission, upon 7112
certification of the results of the election to it, shall enter 7113
into a written agreement with the school district board for the 7114
construction and sale of the project, which agreement shall 7115
include, but need not be limited to, the following provisions: 7116

(A) The sale and issuance of bonds or notes in anticipation 7117
thereof, as soon as practicable after the execution of the 7118
agreement, in either an amount which will raise the net bonded 7119
indebtedness of the school district, as of the date of the 7120
resolution authorizing the issuance of such bonds or notes, to 7121
within five thousand dollars of the required level of indebtedness 7122
calculated for the year preceding the year in which the resolution 7123
declaring the necessity of the election was adopted or an amount 7124
equal to the required percentage of the basic project costs, 7125
whichever is greater; provided, that if at that time the county 7126
treasurer of each county in which the school district is located 7127
has not commenced the collection of taxes on the general duplicate 7128
of real and public utility property for such year, the school 7129
district board shall authorize the issuance of a first installment 7130
of bond anticipation notes in an amount specified by the 7131
agreement, which amount shall not exceed an amount necessary to 7132

raise the net bonded indebtedness of the school district as to the 7133
date of such authorizing resolution to within five thousand 7134
dollars of the required level of indebtedness for the preceding 7135
year. In the event that a first installment of bond anticipation 7136
notes is issued, the school district board shall, as soon as 7137
practicable after the county treasurer of each county in which the 7138
school district is located has commenced the collection of taxes 7139
on the general duplicate of real and public utility property for 7140
the year in which the resolution declaring the necessity of the 7141
election was adopted, authorize the issuance of a second and final 7142
installment of bond anticipation notes or a first and final issue 7143
of bonds. The combined value of the first and second installment 7144
of bond anticipation notes or the value of the first and final 7145
issue of bonds shall be equal to either an amount which will raise 7146
the net indebtedness of the school district as of the date of such 7147
authorizing resolution to within five thousand dollars of the 7148
required level of indebtedness, or an amount equal to the required 7149
percentage of the project costs, whichever is greater. The 7150
proceeds of any such bonds shall be used first to retire any bond 7151
anticipation notes. Otherwise, the proceeds of such bonds and of 7152
any bond anticipation notes, except the premium and accrued 7153
interest thereon, shall be deposited in the school district's 7154
project construction fund. In determining the amount of net 7155
indebtedness for the purpose of fixing the amount of an issue of 7156
either bonds or bond anticipation notes, gross indebtedness shall 7157
be reduced by moneys in the bond retirement fund only to the 7158
extent of the moneys therein on the first day of the year 7159
preceding the year in which the resolution authorizing such bonds 7160
or notes is adopted. Should there be a decrease in the tax 7161
valuation of the school district so that the amount of 7162
indebtedness which can be incurred on the tax duplicates for the 7163
year in which the resolution declaring the necessity of the 7164
election was adopted is less than the amount of the first 7165

installment of bond anticipation notes, there shall be paid from 7166
the school district's project construction ~~account~~ fund to the 7167
school district's bond retirement fund to be applied against such 7168
notes an amount sufficient to cause the net indebtedness of the 7169
school district, as of the first day of the year following the 7170
year in which the resolution declaring the necessity of the 7171
election was adopted, to be within five thousand dollars of the 7172
required level of indebtedness for the year in which that 7173
resolution was adopted. The maximum amount of indebtedness to be 7174
incurred by any school district board as its share of the cost of 7175
the project is either an amount which will cause its net 7176
indebtedness, as of the first day of the year following the year 7177
in which the resolution declaring the necessity of the bond issue 7178
was adopted, to be within five thousand dollars of the required 7179
level of indebtedness calculated for the year preceding the year 7180
in which that resolution was adopted or an amount equal to the 7181
required percentage of the basic project costs, whichever is 7182
greater. All bonds and bond anticipation notes shall be issued in 7183
accordance with Chapter 133. of the Revised Code, and notes may be 7184
renewed as provided in section 133.22 of the Revised Code. 7185

(B) The transfer of such funds of the school district board 7186
available for the project, together with the proceeds of the sale 7187
of the bonds or notes, except premium, accrued interest, and 7188
interest included in the amount of the issue, to the school 7189
district's project construction ~~account in the school district's~~ 7190
depository fund; 7191

(C) The levy of the tax authorized at the election for the 7192
payment of maintenance costs or the cost of purchasing the 7193
classroom facilities; 7194

(D) Ownership of the project during the period of 7195
construction, which shall be divided between the commission and 7196
the school district board in proportion to their respective 7197

contributions to the school district's project construction	7198
account <u>fund</u> ;	7199
(E) The transfer of the state's interest in the project to	7200
the school district upon completion of the project;	7201
(F) The insurance of the project by the school district from	7202
the time there is an insurable interest therein and so long as any	7203
part of the purchase price remains unpaid, in such amounts and	7204
against such risks as the commission shall require; provided, that	7205
the cost of any required insurance until the project is completed	7206
shall be a part of the basic project cost;	7207
(G) The certification by the director of budget and	7208
management that funds are available and have been set aside to	7209
meet the state's share of the basic project cost as approved by	7210
the controlling board pursuant to section 3318.04 of the Revised	7211
Code;	7212
(H) Authorization of the school district board to advertise	7213
for and receive construction bids for the project, for and on	7214
behalf of the commission, and to award contracts in the name of	7215
the state subject to approval by the commission;	7216
(I) Provisions for the disbursement of moneys from the school	7217
district's project account upon issuance by the commission <u>or the</u>	7218
<u>commission's designated representative</u> of vouchers for work done	7219
to be certified to the commission by the treasurer of the school	7220
district board;	7221
(J) Disposal of any balance left in the school district's	7222
project construction account <u>fund</u> upon completion of the project;	7223
(K) Prohibition against alienation of any interest in the	7224
project by the school district board or its successor in interest	7225
without the consent of the commission so long as any part of the	7226
purchase price of the project remains unpaid, but in no case	7227

longer than twenty-three years; 7228

(L) Limitations upon use of the project or any part of it so 7229
long as any part of the purchase price of the project remains 7230
unpaid, but in no case longer than twenty-three years; 7231

(M) Suspension of the power to issue bonds or notes by the 7232
school district board for permanent improvements without the prior 7233
consent of the commission for so long as any part of the purchase 7234
price of the project remains unpaid, but in no case longer than 7235
twenty-three years; 7236

(N) Provision for vesting absolute interest in the project in 7237
the school district board when the purchase price has been paid or 7238
at the expiration of the period of twenty-three years; 7239

(O) Provision for deposit of an executed copy of the 7240
agreement in the office of the commission and the office of the 7241
county recorder of the county or counties in which the project is 7242
situated; 7243

(P) Provision for termination of the contract and release of 7244
the funds encumbered at the time of the conditional approval, if 7245
the proceeds of the sale of the bonds of the school district board 7246
are not paid into the school district's project construction 7247
~~account~~ fund and if bids for the construction of the project have 7248
not been taken within such period after the execution of the 7249
agreement as may be fixed by the commission; 7250

(Q) Provision for the school district to maintain the project 7251
in accordance with a plan approved by the commission; 7252

(R) Provision that all state funds reserved and encumbered to 7253
pay the state share of the cost of the project pursuant to section 7254
3318.03 of the Revised Code be spent on the construction or 7255
acquisition of the project prior to the expenditure of any funds 7256
provided by the school district to pay for its share of the 7257

project cost, unless the school district certifies to the 7258
commission that expenditure by the school district is necessary to 7259
maintain the tax-exempt status of notes or bonds issued by the 7260
school district to pay for its share of the project cost in which 7261
case, the school district may commit to spend, or spend, a portion 7262
of the funds it provides. 7263

Sec. 3318.091. Promptly after the written agreement between 7264
the school district board and the Ohio school facilities 7265
commission has been entered into, the school district board shall 7266
proceed with the issuance of its bonds or notes in anticipation 7267
thereof pursuant to the provision of such agreement required by 7268
division (A) of section 3318.08 of the Revised Code and the 7269
deposit of the proceeds thereof in the school district's project 7270
construction ~~account~~ fund pursuant to the provision of such 7271
agreement required by division (B) of section 3318.08 of the 7272
Revised Code, and the school district board, with the approval of 7273
the commission shall employ a qualified professional person or 7274
firm to prepare preliminary plans, working drawings, 7275
specifications, estimates of cost, and such data as the school 7276
district board and the commission ~~deem~~ consider necessary for the 7277
project. When the preliminary plans and preliminary estimates of 7278
cost have been prepared, and approved by the school district 7279
board, they shall be submitted to the commission for approval, 7280
modification, or rejection. The commission shall ensure that the 7281
plans and materials proposed for use in the project comply with 7282
specifications for plans and materials that shall be established 7283
by the commission. When such preliminary plans and preliminary 7284
estimates of cost and any modifications thereof have been approved 7285
by the commission and the school district board, the school 7286
district board shall cause such qualified professional person or 7287
firm to prepare the working drawings, specifications, and 7288
estimates of cost. 7289

Sec. 3318.10. When such working drawings, specifications, and estimates of cost have been approved by the school district board and the Ohio school facilities commission, the treasurer of the school district board shall advertise for construction bids for the project once a week for four consecutive weeks in a newspaper published in and of general circulation in the county in which the project is located. Such notices shall state that plans and specifications for the project are on file in the office of the commission and such other place as may be designated in such notice, and the time and place when and where bids therefor will be received.

The form of proposal to be submitted by bidders shall be supplied by the commission. Bidders may be permitted to bid upon all the branches of work and materials to be furnished and supplied, upon any branch thereof, or upon all or any thereof.

A proposal shall be invalid and not considered unless it meets the requirements of section 153.54 of the Revised Code.

When the construction bids for all branches of work and materials have been tabulated, the commission shall cause to be prepared a revised estimate of the basic project cost based upon the lowest responsible bids received. If such revised estimate exceeds the estimated basic project cost as approved by the controlling board pursuant to section 3318.04 of the Revised Code ~~as adjusted for inflation from the time of such approval~~, no contracts may be entered into pursuant to this section unless such revised estimate is approved by the commission and by the controlling board referred to in section 3318.04 of the Revised Code. ~~The adjustment for inflation shall be calculated by the commission.~~ When such revised estimate has been prepared, and after such approvals are given, if necessary, and if the school district board has caused to be transferred to the project

construction ~~account~~ fund the proceeds from the sale of the first 7321
or first and final installment of its bonds or bond anticipation 7322
notes pursuant to the provision of written agreement required by 7323
division (B) of section 3318.08 of the Revised Code, and when the 7324
director of budget and management has certified that there is a 7325
balance in the appropriation, not otherwise obligated to pay 7326
precedent obligations, pursuant to which the state's share of such 7327
revised estimate is required to be paid, the contract for all 7328
branches of work and materials to be furnished and supplied, or 7329
for any branch thereof as determined by the school district board, 7330
shall be awarded by the school district board to the lowest 7331
responsible bidder subject to the approval of the commission. Such 7332
award shall be made within thirty days after the date on which the 7333
bids are opened, and the successful bidder shall enter into a 7334
contract within ten days after the successful bidder is notified 7335
of the award of the contract. 7336

Subject to the approval of the commission, the school 7337
district board may reject all bids and readvertise. Any contract 7338
made under this section shall be made in the name of the state and 7339
executed on its behalf by the president and treasurer of the 7340
school district board. 7341

The provisions of sections 153.50 to 153.99 of the Revised 7342
Code, which are applicable to construction contracts of boards of 7343
education and which permit bids to be made for two or more trades 7344
or kinds of work, shall apply to construction contracts for the 7345
project to the exclusion of sections 153.01 to 153.20 of the 7346
Revised Code applicable to state construction contracts. 7347

The remedies afforded to any subcontractor, materials 7348
supplier, laborer, mechanic, or persons furnishing material or 7349
machinery for the project under sections 1311.26 to 1311.32 of the 7350
Revised Code, shall apply to contracts entered into under this 7351
section and the itemized statement required by section 1311.26 of 7352

the Revised Code shall be filed with the school district board. 7353

Sec. 3318.12. The Ohio school facilities commission shall 7354
cause to be transferred to the school district's project 7355
construction ~~account~~ fund the necessary amounts from amounts 7356
appropriated by the general assembly and set aside for such 7357
purpose, from time to time as may be necessary to pay obligations 7358
chargeable to such ~~account~~ fund when due. The treasurer of the 7359
school district board shall disburse funds from the school 7360
district's project construction ~~account~~ fund only upon the 7361
approval of the commission or the commission's designated 7362
representative. The commission or the commission's designated 7363
representative shall issue vouchers against such ~~account~~ fund, in 7364
such amounts, and at such times as required by the contracts for 7365
construction of the project. 7366

Any surplus remaining in the school district's project 7367
construction ~~account~~ fund after the project has been completed 7368
shall be transferred to the commission for expenditure pursuant to 7369
sections 3318.01 to 3318.20 of the Revised Code; provided, that if 7370
the final cost of the project is less than the amount of moneys 7371
paid into the school district's project construction ~~account~~ fund 7372
by the school district board, the amount by which the school 7373
district's contribution exceeds the actual cost shall be returned 7374
to the school district board. 7375

Sec. 3318.16. Title to interests in real property purchased 7376
with moneys in the school district's project construction ~~account~~ 7377
fund shall be taken in the name of the state of Ohio. Upon 7378
completion of the project, the title to such interest in real 7379
property shall be conveyed to the school district board and the 7380
Ohio school facilities commission shall execute and deliver deeds 7381
to complete the transfer of such interests. 7382

Upon completion of the project, the interest of the state in 7383
the project shall be transferred to the school district board, 7384
which interest is equal to that portion of the final cost of the 7385
project represented by funds contributed by the state for the 7386
project. The purchase price to be paid by the school district 7387
board for the state's interest in the project shall be the total 7388
amount of funds contributed by the state for the project. 7389

Sec. 3318.17. A school district board may purchase classroom 7390
facilities from the state from time to time under the procedure 7391
set forth in sections 3318.01 to 3318.12 of the Revised Code. The 7392
levy of taxes required by section 3318.14 of the Revised Code 7393
shall be at the rate of one-half mill for each one dollar of 7394
valuation ~~except that in those years in which the Ohio school~~ 7395
~~facilities commission, pursuant to section 3318.051 of the Revised~~ 7396
~~Code, requires the district to increase the tax rate to an amount~~ 7397
~~greater than one half mill, but not in excess of four mills, and~~ 7398
shall be for a maximum period of twenty-three years after the last 7399
purchase ~~and~~, except that in those years in which a supplemental 7400
agreement authorized by section 3318.081 of the Revised Code is in 7401
effect, the rate shall be as prescribed for such section for the 7402
period during which such agreement is in effect. Where a school 7403
district has purchased classroom facilities from the state on 7404
which any portion of the purchase price remains unpaid and it 7405
desires to purchase additional classroom facilities, the notice of 7406
election and form of ballot set forth in section 3318.06 of the 7407
Revised Code shall provide that the levy is an extension of an 7408
existing levy for a maximum period of twenty-three years. Where 7409
there has been more than one purchase of classroom facilities from 7410
the state, any proceeds of the tax to be used to pay the purchase 7411
price of such facilities shall be applied to the unpaid purchase 7412
price of the projects in the order in which they were purchased. 7413

Sec. 3318.35. (A) As used in this section:

(1) "Adjusted valuation per pupil" has the same meaning as in section 3317.0213 Of the Revised Code.

(2) "Ohio school facilities commission" has the same meaning as in section 3318.01 of the Revised Code.

(B) The Ohio school facilities commission shall establish and administer the emergency school building repair program. Under the program, the commission shall distribute moneys appropriated by the general assembly for such purpose to school districts, beginning with those districts with an adjusted ~~per pupil~~ valuation per pupil less than the ~~threshold~~ adjusted valuation ~~defined in section 3317.0213 per pupil of the Revised Code~~ school district with the two hundred ninety-third lowest adjusted valuation per pupil in the state. The commission shall ~~determine and certify~~ submit to the controlling board for its approval ~~any determination the commission makes as to the necessity of emergency repairs based on an on-site inspection of the school buildings in a school district~~ or disapproval requests for allocations of lump sums of money from which the commission may disburse funds to school districts upon determining that the districts qualify for emergency building repair assistance. Any school district that receives moneys under this section shall expend them only to repair the following:

(1) Heating systems;

(2) Floors, roofs, and exterior doors;

(3) Air ducts and other air ventilation devices;

(4) Emergency exit or egress passageway lighting;

(5) Fire alarm systems;

(6) Handicapped access needs;

(7) Sewage systems; 7443

(8) Water supplies; 7444

(9) Asbestos removal; and 7445

(10) Any other repairs to a school building that meet the 7446
requirements of the life safety code, as interpreted by the 7447
commission. 7448

~~(C) No moneys for emergency school building repair under this 7449
section shall be distributed to a school district to repair a 7450
school building that the commission reasonably believes will not 7451
be needed by the district or will be substantially replaced within 7452
the next seven fiscal years pursuant to sections 3318.01 to 7453
3318.33 of the Revised Code. 7454~~

~~(D) After receipt of moneys from the emergency school 7455
building repair program, no school district shall be eligible to 7456
receive additional moneys from the program for the following five 7457
fiscal years unless a school building in that district is damaged 7458
due to an act of God that could not have been prevented by 7459
reasonable maintenance of that building The Ohio school facilities 7460
commission shall adopt rules in accordance with Chapter 119. of 7461
the Revised Code necessary to carry out its duties and 7462
responsibilities under this section. 7463~~

Sec. 3319.02. (A) As used in this section, "other 7464
administrator" means any employee in a position for which a board 7465
of education requires a license designated for being an 7466
administrator, other than a superintendent, assistant 7467
superintendent, principal, or assistant principal, issued under 7468
section 3319.22 of the Revised Code or any nonlicensed employee 7469
whose job duties enable such employee to be considered as either a 7470
"supervisor" or a "management level employee," as defined in 7471
section 4117.01 of the Revised Code. 7472

(B) The board of education of each school district and the governing board of an educational service center may appoint one or more assistant superintendents and such other administrators as are necessary. An assistant educational service center superintendent or service center supervisor employed on a part-time basis may also be employed by a local board as a teacher. The board of each city, exempted village, and local school district shall employ principals for all high schools and for such other schools as the board designates, and those boards may appoint assistant principals for any school that they designate.

(C) In educational service centers and in city and exempted village school districts, assistant superintendents, principals, assistant principals, and other administrators shall only be employed or reemployed in accordance with nominations of the superintendent except that a city or exempted village board of education or the governing board of a service center, by a three-fourths vote, may reemploy any assistant superintendent, principal, assistant principal, or other administrator whom the superintendent refuses to nominate after considering two nominees for the position. In local school districts, assistant superintendents, principals, assistant principals, and other administrators shall only be employed or reemployed in accordance with nominations of the superintendent of the service center of which the local district is a part except that a local board of education, by a majority vote, may reemploy any assistant superintendent, principal, assistant principal, or other administrator whom such superintendent refuses to nominate after considering two nominees for the position.

The board of education or governing board shall execute a written contract of employment with each assistant superintendent, principal, assistant principal, and other administrator it employs

or reemploys. The term of such contract shall not exceed three 7505
years except that in the case of a person who has been employed as 7506
an assistant superintendent, principal, assistant principal, or 7507
other administrator in the district or center for three years or 7508
more, the term of the contract shall be for not more than five 7509
years and, unless the superintendent of the district recommends 7510
otherwise, not less than two years. If the superintendent so 7511
recommends, the term of the contract of a person who has been 7512
employed by the district or service center as an assistant 7513
superintendent, principal, assistant principal, or other 7514
administrator for three years or more may be one year, but all 7515
subsequent contracts granted such person shall be for a term of 7516
not less than two years and not more than five years. When a 7517
teacher with continuing service status becomes an assistant 7518
superintendent, principal, assistant principal, or other 7519
administrator with the district or service center with which the 7520
teacher holds continuing service status, the teacher retains such 7521
status in the teacher's nonadministrative position as provided in 7522
sections 3319.08 and 3319.09 of the Revised Code. 7523

A board of education or governing board may reemploy an 7524
assistant superintendent, principal, assistant principal, or other 7525
administrator at any regular or special meeting held during the 7526
period beginning on the first day of January of the calendar year 7527
immediately preceding the year of expiration of the employment 7528
contract and ending on the last day of March of the year the 7529
employment contract expires. 7530

Except by mutual agreement of the parties thereto, no 7531
assistant superintendent, principal, assistant principal, or other 7532
administrator shall be transferred during the life of a contract 7533
to a position of lesser responsibility. No contract may be 7534
terminated or suspended by a board except pursuant to section 7535
3319.16 or 3319.17 of the Revised Code. The salaries and 7536

compensation prescribed by such contracts shall not be reduced by 7537
a board unless such reduction is a part of a uniform plan 7538
affecting the entire district or center. The contract shall 7539
specify the employee's administrative position and duties, the 7540
salary and other compensation to be paid for performance of 7541
duties, the number of days to be worked, the number of days of 7542
vacation leave, if any, and any paid holidays in the contractual 7543
year. 7544

An assistant superintendent, principal, assistant principal, 7545
or other administrator is, at the expiration of the current term 7546
of employment, deemed reemployed at the same salary plus any 7547
increments that may be authorized by the board, unless such 7548
employee notifies the board in writing to the contrary on or 7549
before the first day of June, or unless such board, on or before 7550
the last day of March of the year in which the contract of 7551
employment expires, either reemploys such employee for a 7552
succeeding term or gives written notice of its intention not to 7553
reemploy the employee. The term of reemployment of a person 7554
reemployed under this paragraph shall be one year, except that if 7555
such person has been employed by the school district or service 7556
center as an assistant superintendent, principal, assistant 7557
principal, or other administrator for three years or more, the 7558
term of reemployment shall be two years. 7559

(D) Each board shall adopt procedures for the evaluation of 7560
all assistant superintendents, principals, assistant principals, 7561
and other administrators and shall evaluate such employees in 7562
accordance with those procedures. The evaluation based upon such 7563
procedures shall be considered by the board in deciding whether to 7564
renew the contract of employment of an assistant superintendent, 7565
principal, assistant principal, or other administrator. The 7566
evaluation shall measure each assistant superintendent's, 7567
principal's, assistant principal's, and other administrator's 7568

effectiveness in performing the duties included in the job 7569
description and the evaluation procedures shall provide for, but 7570
not be limited to, the following: 7571

(1) Each assistant superintendent, principal, assistant 7572
principal, and other administrator shall be evaluated annually 7573
through a written evaluation process. 7574

(2) The evaluation shall be conducted by the superintendent 7575
or designee. 7576

(3) In order to provide time to show progress in correcting 7577
the deficiencies identified in the evaluation process the 7578
completed evaluation shall be received by the employee at least 7579
sixty days prior to any action by the board on the employee's 7580
contract of employment. 7581

Termination or suspension of an assistant superintendent, 7582
principal, assistant principal, or other administrator's contract 7583
shall be pursuant to section 3319.16 or 3319.17 of the Revised 7584
Code. 7585

The establishment of an evaluation procedure shall not create 7586
an expectancy of continued employment. Nothing in this section 7587
shall prevent a board from making the final determination 7588
regarding the renewal of or failure to renew the contract of any 7589
assistant superintendent, principal, assistant principal, or other 7590
administrator. 7591

Before taking action to renew or nonrenew the contract of an 7592
assistant superintendent, principal, assistant principal, or other 7593
administrator under this section and prior to the last day of 7594
March of the year in which such employee's contract expires, the 7595
board shall notify each such employee of the date that the 7596
contract expires and that the employee may request a meeting with 7597
the board. Upon request by such an employee, the board shall grant 7598
the employee a meeting in executive session to discuss the reasons 7599

for considering renewal or nonrenewal of the contract. 7600

(E) On nomination of the superintendent of a service center a 7601
governing board may employ supervisors who shall be employed under 7602
written contracts of employment for terms not to exceed five years 7603
each. Such contracts may be terminated by a governing board 7604
pursuant to section 3319.16 of the Revised Code. Any supervisor 7605
employed pursuant to this division may terminate the contract of 7606
employment at the end of any school year after giving the board at 7607
least thirty days' written notice prior to such termination. On 7608
the recommendation of the superintendent the contract or contracts 7609
of any supervisor employed pursuant to this division may be 7610
suspended for the remainder of the term of any such contract if 7611
there is a reduction of the number of approved supervisory ~~teacher~~ 7612
~~units~~ teachers allocated to the service center ~~pursuant to~~ 7613
~~division (D) of section 3317.05 of the Revised Code, or pursuant~~ 7614
to section 3317.11 or 3319.17 of the Revised Code. 7615

(F) A board may establish vacation leave for any individuals 7616
employed under this section. Upon such an individual's separation 7617
from employment, a board that has such leave may compensate such 7618
an individual at the individual's current rate of pay for all 7619
lawfully accrued and unused vacation leave credited at the time of 7620
separation, not to exceed the amount accrued within three years 7621
before the date of separation. In case of the death of an 7622
individual employed under this section, such unused vacation leave 7623
as the board would have paid to the individual upon separation 7624
under this section shall be paid in accordance with section 7625
2113.04 of the Revised Code, or to the estate. 7626

Sec. 3319.088. As used in this section, "educational 7627
assistant" means any nonteaching employee in a school district who 7628
directly assists a teacher as defined in section 3319.09 of the 7629
Revised Code, by performing duties for which a license issued 7630

pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required. 7631
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(A) The state board of education shall issue educational aide permits and educational paraprofessional licenses for educational assistants and shall adopt rules for the issuance and renewal of such permits and licenses which shall be consistent with the provisions of this section. Educational aide permits and educational paraprofessional licenses may be of several types and the rules shall prescribe the minimum qualifications of education, health, and character for the service to be authorized under each type. The prescribed minimum qualifications may require special training or educational courses designed to qualify a person to perform effectively the duties authorized under an educational aide permit or educational paraprofessional license. 7633
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(B)(1) Any application for a permit or license, or a renewal or duplicate of a permit or license, under this section shall be accompanied by the payment of a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education licensure fund established under division (B) of section 3319.51 of the Revised Code. 7645
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(2) Any person applying for or holding a permit or license pursuant to this section is subject to sections 2301.373, 3319.31, and 3319.311 of the Revised Code. 7653
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(C) Educational assistants shall at all times while in the performance of their duties be under the supervision and direction of a teacher as defined in section 3319.09 of the Revised Code. Educational assistants may assist a teacher to whom assigned in the supervision of pupils, in assisting with instructional tasks, and in the performance of duties which, in the judgment of the 7656
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teacher to whom the assistant is assigned, may be performed by a 7662
person not licensed pursuant to sections 3319.22 to 3319.30 of the 7663
Revised Code and for which a teaching license, issued pursuant to 7664
sections 3319.22 to 3319.30 of the Revised Code is not required. 7665
The duties of an educational assistant shall not include the 7666
assignment of grades to pupils. The duties of an educational 7667
assistants need not be performed in the physical presence of the 7668
teacher to whom assigned, but the activity of an educational 7669
assistant shall at all times be under the direction of the teacher 7670
to whom assigned. The assignment of an educational assistant need 7671
not be limited to assisting a single teacher. In the event an 7672
educational assistant is assigned to assist more than one teacher 7673
the assignments shall be clearly delineated and so arranged that 7674
the educational assistant shall never be subject to simultaneous 7675
supervision or direction by more than one teacher. 7676

Educational assistants assigned to supervise children shall, 7677
when the teacher to whom assigned is not physically present, 7678
maintain the degree of control and discipline which would be 7679
maintained by the teacher, but an educational assistant may not 7680
render corporal punishment. 7681

Except when expressly permitted solely for the 7682
purposes of section 3317.029 Of the Revised Code, educational 7683
assistants may not be used in place of classroom teachers or other 7684
employees and any payment of compensation by boards of education 7685
to educational assistants for such services is prohibited. The 7686
ratio between the number of licensed teachers and the pupils in a 7687
school district may not be decreased by utilization of educational 7688
assistants and no grouping, or other organization of pupils, for 7689
utilization of educational assistants shall be established which 7690
is inconsistent with sound educational practices and procedures. A 7691
school district may employ up to one full time equivalent 7692
educational assistant for each six full time equivalent licensed 7693

employees of the district. Educational assistants shall not be 7694
counted as licensed employees for purposes of state support in the 7695
school foundation program and no grouping or regrouping of pupils 7696
with educational assistants may be counted as a class or unit for 7697
school foundation program purposes. Neither special courses 7698
required by the regulations of the state board of education, 7699
prescribing minimum qualifications of education for an educational 7700
assistant, nor years of service as an educational assistant shall 7701
be counted in any way toward qualifying for a teacher license, for 7702
a teacher contract of any type, or for determining placement on a 7703
salary schedule in a school district as a teacher. 7704

(D) Educational assistants employed by a board of education 7705
shall have all rights, benefits, and legal protection available to 7706
other nonteaching employees in the school district, except that 7707
provisions of Chapter 124. of the Revised Code shall not apply to 7708
any person employed as an educational assistant, and shall be 7709
members of the school employees retirement system. Educational 7710
assistants shall be compensated according to a salary plan adopted 7711
annually by the board. 7712

Except as provided in this section nonteaching employees 7713
shall not serve as educational assistants without first obtaining 7714
an appropriate educational aide permit or educational 7715
paraprofessional license from the state board of education. A 7716
nonteaching employee who is the holder of a valid educational aide 7717
permit or educational paraprofessional license shall neither 7718
render nor be required to render services inconsistent with the 7719
type of services authorized by the permit or license held. No 7720
person shall receive compensation from a board of education for 7721
services rendered as an educational assistant in violation of this 7722
provision. 7723

Nonteaching employees whose functions are solely 7724
secretarial-clerical and who do not perform any other duties as 7725

educational assistants, even though they assist a teacher and work 7726
under the direction of a teacher shall not be required to hold a 7727
permit or license issued pursuant to this section. Students 7728
preparing to become licensed teachers or educational assistants 7729
shall not be required to hold an educational aide permit or 7730
paraprofessional license for such periods of time as such students 7731
are assigned, as part of their training program, to work with a 7732
teacher in a school district. Such students shall not be 7733
compensated for such services. 7734

Following the determination of the assignment and general job 7735
description of an educational assistant and subject to supervision 7736
by the teacher's immediate administrative officer, a teacher to 7737
whom an educational assistant is assigned shall make all final 7738
determinations of the duties to be assigned to such assistant. 7739
Teachers shall not be required to hold a license designated for 7740
being a supervisor or administrator in order to perform the 7741
necessary supervision of educational assistants. 7742

(E) No person who is, or who has been employed as an 7743
educational assistant shall divulge, except to the teacher to whom 7744
assigned, or the administrator of the school in the absence of the 7745
teacher to whom assigned, or when required to testify in a court 7746
or proceedings, any personal information concerning any pupil in 7747
the school district which was obtained or obtainable by the 7748
educational assistant while so employed. Violation of this 7749
provision is grounds for disciplinary action or dismissal, or 7750
both. 7751

Sec. 3319.17. (A) As used in this section, "interdistrict 7752
contract" means any contract or agreement entered into by an 7753
educational service center governing board and another board or 7754
other public entity pursuant to section 3313.17, 3313.841, 7755
3313.842, 3313.843, 3313.91, or 3323.08 of the Revised Code, 7756

including any such contract or agreement for the provision of 7757
services funded under division ~~(P)~~(L) of section 3317.024 of the 7758
Revised Code or provided in any unit approved under section 7759
3317.05 ~~or 3317.11~~ of the Revised Code. 7760

(B) When, for any of the following reasons that apply to any 7761
city, exempted village, local, or joint vocational school district 7762
or any educational service center, the board decides that it will 7763
be necessary to reduce the number of teachers it employs, it may 7764
make a reasonable reduction: 7765

(1) In the case of any district or service center, return to 7766
duty of regular teachers after leaves of absence including leaves 7767
provided pursuant to division (B) of section 3314.10 of the 7768
Revised Code, suspension of schools, or territorial changes 7769
affecting the district or center; 7770

(2) In the case of any city, exempted village, local, or 7771
joint vocational school district, decreased enrollment of pupils 7772
in the district; 7773

(3) In the case of any governing board of a service center 7774
providing any particular service directly to pupils pursuant to 7775
one or more interdistrict contracts requiring such service, 7776
reduction in the total number of pupils the governing board is 7777
required to provide with the service under all interdistrict 7778
contracts as a result of the termination or nonrenewal of one or 7779
more of these interdistrict contracts; 7780

(4) In the case of any governing board providing any 7781
particular service that it does not provide directly to pupils 7782
pursuant to one or more interdistrict contracts requiring such 7783
service, reduction in the total level of the service the governing 7784
board is required to provide under all interdistrict contracts as 7785
a result of the termination or nonrenewal of one or more of these 7786
interdistrict contracts. 7787

(C) In making any such reduction, any city, exempted village, local, or joint vocational school board shall proceed to suspend contracts in accordance with the recommendation of the superintendent of schools who shall, within each teaching field affected, give preference to teachers on continuing contracts and to teachers who have greater seniority. In making any such reduction, any governing board of a service center shall proceed to suspend contracts in accordance with the recommendation of the superintendent who shall, within each teaching field or service area affected, give preference to teachers on continuing contracts and to teachers who have greater seniority.

The teachers whose continuing contracts are suspended by any board pursuant to this section shall have the right of restoration to continuing service status by that board in the order of seniority of service in the district if and when teaching positions become vacant or are created for which any of such teachers are or become qualified.

Sec. 3319.19. (A) Upon request, the board of county commissioners shall provide and equip offices in the county for the use of the superintendent of an educational service center, and shall provide heat, light, water, and janitorial services for such offices. Such offices shall be the permanent headquarters of the superintendent and shall be used by the governing board of the service center when it is in session. Except as provided in division (B) of this section, such offices shall be located in the county seat or, upon the approval of the governing board, may be located outside of the county seat.

(B) In the case of a service center formed under section 3311.053 of the Revised Code, the governing board shall designate the site of its offices. The board of county commissioners of the county in which the designated site is located shall provide and

equip the offices as under division (A) of this section, but the
costs of such offices and equipment not covered by funds received
under section 307.031 of the Revised Code shall be apportioned
among the boards of county commissioners of all counties having
any territory in the area under the control of the governing
board, according to the proportion of pupils under the supervision
of such board residing in the respective counties. Where there is
a dispute as to the amount any board of county commissioners is
required to pay, the probate judge of the county in which the
greatest number of pupils under the supervision of the governing
board reside shall apportion such costs among the boards of county
commissioners and notify each such board of its share of the
costs.

(C) By the first day of March of each year, the
superintendent of public instruction shall certify to the tax
commissioner the ADM and the number of full-time licensed
employees of each educational service center for the purposes of
the distribution of funds to boards of county commissioners
required under division (B) of section 307.031 of the Revised
Code. As used in this section, "ADM" means the ~~average daily
membership~~ formula ADMs of all the local districts having
territory in the service center, as certified in October of the
previous year by the service center superintendent to the state
board of education under ~~division (A) of~~ section 3317.03 of the
Revised Code. As used in this division, "licensed employee" has
the same meaning as in section 307.031 of the Revised Code.

(D) The superintendent of a service center may annually
submit a proposal approved by the board of county commissioners to
the state superintendent of public instruction, in such manner and
by such date as specified by the state board of education, for a
grant for the board of county commissioners to do one of the
following:

(1) To improve or enhance the offices and equipment provided 7851
under division (A) or (B) of this section or section 3301.0712 of 7852
the Revised Code; 7853

(2) If funds received under division (B) of section 307.031 7854
of the Revised Code are insufficient to provide for the actual 7855
cost of meeting the requirements of division (A) or (B) of section 7856
3319.19 and division (A)(2) of section 3301.0712 of the Revised 7857
Code, to provide funds to meet such costs. 7858

Any service center superintendent intending to submit a 7859
proposal shall submit it to the board of county commissioners that 7860
provides and equips the office of the superintendent for approval 7861
at least twenty days before the date of submission to the 7862
superintendent of public instruction. The superintendent of public 7863
instruction shall evaluate the proposals and select those that 7864
will most benefit the local districts supervised by the governing 7865
boards under standards adopted by the state board. For each 7866
proposal selected for a grant, the superintendent of public 7867
instruction shall determine the grant amount and, with the 7868
approval of the superintendent and the board of county 7869
commissioners, may modify a grant proposal to reflect the amount 7870
of money available for the grant. The superintendent of public 7871
instruction shall notify the board of county commissioners and the 7872
tax commissioner of the selection of the proposal as submitted or 7873
modified and the amount of the grant. If, pursuant to division (C) 7874
of section 307.031 of the Revised Code, the board of county 7875
commissioners accepts the proposal and grant, it shall expend the 7876
funds as specified in the grant proposal. If the board of county 7877
commissioners rejects the proposal and grant, the superintendent 7878
of public instruction may select another proposal from among the 7879
district proposals that initially failed to be selected for a 7880
grant. 7881

The state board of education shall adopt rules to implement 7882

the requirements of this section. 7883

~~Sec. 3321.05. As used in this section, "all-day 7884
kindergarten," "extended kindergarten," and "traditional 7885
kindergarten" have the same meanings as in section 3317.02 of the 7886
Revised Code. 7887~~

Any school district may operate all-day kindergarten or 7888
extended kindergarten, but no district shall require any student 7889
to attend kindergarten for more than the number of clock hours 7890
required each day for traditional kindergarten by the minimum 7891
standards adopted under section 3301.07 of the Revised Code. Each 7892
school district that operates all-day or extended kindergarten 7893
shall accommodate students whose parents or guardians elect to 7894
enroll them for the minimum number of hours. 7895

~~Any student who attends kindergarten for the minimum number 7896
of hours shall be counted in average daily membership under 7897
sections 3317.02, 3317.023, 3317.03, and 3317.08 of the Revised 7898
Code, as traditional kindergarten students. 7899~~

Sec. 3323.08. (A) The special education program of each 7900
school district shall be operated in accordance with a plan 7901
submitted to and approved by the state board of education. Such 7902
plan shall: 7903

(1) Provide for an organizational structure and necessary 7904
staffing and supervision for the identification, placement, and 7905
provision of educational programs for handicapped children; 7906

(2) Provide for the identification, location, and evaluation 7907
of all handicapped children, and for the educational placement of 7908
all identified handicapped children three to twenty-one years of 7909
age, and may provide for the educational placement of handicapped 7910
children under three years of age, including: 7911

(a) Prior notice to assure that before any individual 7912
psychological evaluations are administered by a school district, 7913
the informed written consent of the parent of the child to be 7914
tested is obtained; 7915

(b) The use of criteria defined by the state board of 7916
education for placement of handicapped children into special 7917
programs. 7918

(3) Provide for an individualized education program for each 7919
handicapped child at the time of placement and by the first day of 7920
December of each subsequent school year, provide for annual review 7921
of the program, and, if an agency other than the school district 7922
fails to provide agreed upon services included in the transition 7923
services in the program, provide for the reconvening of the group 7924
responsible for the program to identify alternative strategies to 7925
meet the transition objectives; 7926

(4) Provide for the necessary educational programs and 7927
related services needed to meet the educational needs of every 7928
handicapped child three to twenty-one years of age in accordance 7929
with standards established by the state board of education; 7930

(5) Provide that, within thirty days after the identification 7931
of a handicapped child, the superintendent of schools of the 7932
school district in which the child resides shall make accessible, 7933
upon request and in the manner prescribed by standards adopted by 7934
the state board of education, to the child's parent, the standards 7935
of the state board of education on special education and the 7936
school district's comprehensive plan for special education; and 7937
shall provide the parent with a copy of the school district's 7938
written criteria for placement of children into special education 7939
programs, the procedures available under section 3323.05 of the 7940
Revised Code, policies on confidentiality, and the child's 7941
individual education program; 7942

(6) Outline the steps that have been or are being taken to 7943
comply with standards established by the state board of education 7944
under this chapter. 7945

(B)(1) A school district may arrange, by a cooperative 7946
agreement or contract with one or more school districts or with a 7947
cooperative education or joint vocational school district or an 7948
educational service center, to provide for the identification, 7949
location, and evaluation of handicapped children, and classes or 7950
other suitable education programs for such children that meet the 7951
standards established by the state board of education under this 7952
chapter. A school district may arrange, by a cooperative agreement 7953
or contract, for the provision of related services for handicapped 7954
children that meet the standards established by the state board of 7955
education under this chapter. 7956

(2) If, at the time an individualized education program is 7957
approved for a child, a school district is not providing an 7958
education program or any related service required by such 7959
individualized education program, the school district may arrange 7960
by contract with a nonpublic entity for the provision of the 7961
program or related service provided the program or service meets 7962
the standards for that program or service established by the state 7963
board of education under this chapter and is provided within the 7964
state. 7965

(3) Any cooperative agreement or contract under division 7966
(B)(1) or (2) of this section involving a local school district 7967
shall be approved by the governing board of the educational 7968
service center which serves such local school district. 7969

(C) No local school district plan shall be submitted to the 7970
state board of education until it has been approved by the 7971
superintendent of the educational service center which serves such 7972
local school district. 7973

Upon approval of a school district's plan, the district shall 7974
immediately ~~apply~~ certify students for state funds under ~~Chapter~~ 7975
~~3317-~~ section 3317.03 of the Revised Code to implement and 7976
maintain such plan. Such ~~application~~ district shall also request 7977
approval of classroom units under ~~divisions~~ division (B) ~~and (E)~~ 7978
of section 3317.05 or section 3317.11 of the Revised Code for 7979
which the district has adequately identified preschool handicapped 7980
children and shall, in accordance with procedures adopted by the 7981
state board, request approval of units under ~~divisions~~ division 7982
(C) ~~and (D)~~ of section 3317.05 ~~or section 3317.11~~ of the Revised 7983
Code. The ~~application~~ district shall, in accordance with 7984
guidelines adopted by the state board of education, identify 7985
problems relating to the provision of qualified personnel and 7986
adequate facilities, and indicate the extent to which the cost of 7987
programs required under the plan will exceed anticipated state 7988
reimbursement. Each school district shall immediately implement 7989
the identification, location, and evaluation of handicapped 7990
children in accordance with this chapter, and, ~~as state funding~~ 7991
~~under divisions (N) and (O) of section 3317.024 of the Revised~~ 7992
~~Code is approved, the district~~ shall implement those parts of the 7993
plan involving placement and provision of special education and 7994
related services. 7995

Sec. 3323.091. (A) The department of mental health, the 7996
department of mental retardation and developmental disabilities, 7997
the department of youth services, and the department of 7998
rehabilitation and correction shall establish and maintain special 7999
education programs for handicapped children in institutions under 8000
their jurisdiction according to standards adopted by the state 8001
board of education. The superintendent of each institution 8002
providing special education under this chapter may apply to the 8003
state department of education for unit funding, which shall be 8004
paid in accordance with ~~divisions (N) and (O)(1) of section~~ 8005

~~3317.024~~ 3317.161 of the Revised Code. 8006

(B) On or before the thirtieth day of June of each year, the 8007
superintendent of each institution that during the school year 8008
provided special education pursuant to this section shall prepare 8009
a statement for each handicapped child under twenty-two years of 8010
age who has received special education. The statement shall 8011
contain the child's name and the name of the child's school 8012
district of residence. Within sixty days after receipt of such 8013
statement, the department of education shall perform one of the 8014
following: 8015

(1) For any child except a handicapped preschool child 8016
described in division (B)(2) of this section, pay to the 8017
institution submitting the statement an amount equal to the 8018
tuition calculated under division (A) of section 3317.08 of the 8019
Revised Code for the period covered by the statement, and deduct 8020
the same from the amount of state funds, if any, payable under 8021
sections 3317.022 and 3317.023 of the Revised Code, to the child's 8022
school district of residence or, if the amount of such state funds 8023
is insufficient, require the child's school district of residence 8024
to pay the institution submitting the statement an amount equal to 8025
the amount determined under this division. 8026

(2) For any handicapped preschool child not included in a 8027
unit approved under division ~~(E)~~(B) of section 3317.05 of the 8028
Revised Code, perform the following: 8029

(a) Pay to the institution submitting the statement an amount 8030
equal to the tuition calculated under division (B) of section 8031
3317.08 of the Revised Code for the period covered by the 8032
statement, except that in calculating the tuition under that 8033
section the operating expenses of the institution submitting the 8034
statement under this section shall be used instead of the 8035
operating expenses of the school district of residence; 8036

(b) Deduct from the amount of state funds, if any, payable 8037
under sections 3317.022 and 3317.023 of the Revised Code to the 8038
child's school district of residence an amount equal to the amount 8039
paid under division (B)(2)(a) of this section. 8040

Sec. 3323.12. The board of education of a school district 8041
shall provide home instruction for handicapped children three to 8042
twenty-one years of age who are unable to attend school, even with 8043
the help of special transportation. The board may arrange for the 8044
provision of home instruction for a child by a cooperative 8045
agreement or contract with a county board of mental retardation 8046
and developmental disabilities or other educational agency. For 8047
the purposes of determining average ~~daily membership~~ formula ADM 8048
under section 3317.03 of the Revised Code, five hours of home 8049
instruction shall be equivalent to attendance for five school 8050
days. 8051

Sec. 3323.13. If a child who is a school resident of one 8052
school district receives special education from another district, 8053
the board of education of the district providing the education may 8054
require the payment by the board of education of the district of 8055
residence of a sum not to exceed one of the following, as 8056
applicable: 8057

(A) For any child except a handicapped preschool child 8058
described in division (B) of this section, the tuition of the 8059
district providing the education for a child of normal needs of 8060
the same school grade. The determination of the amount of such 8061
tuition shall be in the manner provided for by division (A) of 8062
section 3317.08 of the Revised Code. 8063

(B) For any handicapped preschool child not included in a 8064
unit approved under division ~~(E)~~(B) of section 3317.05 of the 8065
Revised Code, the tuition of the district providing the education 8066

for the child as calculated under division (B) of section 3317.08 8067
of the Revised Code. 8068

The board of the district of residence may contract with the 8069
board of another district for the transportation of such child 8070
into any school in such other district, on terms agreed upon by 8071
such boards. Upon direction of the state board of education, the 8072
board of the district of residence shall pay for ~~his~~ the child's 8073
transportation and the tuition. 8074

Sec. 3323.14. This section does not apply to any handicapped 8075
preschool child except if included in a unit approved under 8076
division ~~(E)~~(B) of section 3317.05 of the Revised Code. 8077

Where a child who is a school resident of one school district 8078
receives special education from another district and the per 8079
capita cost ~~thereof~~ to the educating district for that child 8080
exceeds the sum of the ~~per capita~~ amount received by the educating 8081
~~district of attendance~~ for that child under division (A) of 8082
section 3317.08 of the Revised Code and the ~~per capita~~ amount 8083
received by the district from the state board of education for 8084
that child, then the board of education of the district of 8085
residence shall pay directly to the board of the school district 8086
that is providing the special education such excess cost as is 8087
determined by using ~~the~~ a formula approved by the department of 8088
education and agreed upon in contracts entered into by the boards 8089
of the district concerned at the time the district providing such 8090
special education accepts the child for enrollment. The department 8091
of education shall certify the amount of the payments under 8092
Chapter 3317. of the Revised Code for such handicapped pupils for 8093
each school year ending on the thirtieth day of July. 8094

Sec. 3323.141. (A) When a child who is not in the legal or 8095
permanent custody of an Ohio resident or a government agency in 8096

this state and whose parents are not known to have been residents 8097
of this state subsequent to the child's birth is a resident of a 8098
home as defined in section 3313.64 of the Revised Code and 8099
receives special education and related services from a school 8100
district or county board of mental retardation and developmental 8101
disabilities, the home shall pay tuition to the board providing 8102
the special education. 8103

(B) In the case of a child described in division (A) of this 8104
section who receives special education and related services from a 8105
school district, tuition shall be the amount determined under 8106
division (B)(1) or (2) of this section. 8107

(1) For a child other than a child described in division 8108
(B)(2) of this section the tuition shall be an amount equal to a 8109
~~school district's per capita cost of providing such special~~ 8110
~~education and related services. For the purpose of calculating~~ 8111
~~such tuition, the amount shall be the sum of the following:~~ 8112

(a) Tuition as determined in the manner provided for by 8113
division ~~(A)~~(B) of section ~~3317.08~~ 3317.081 of the Revised Code 8114
for the district that provides the special education; 8115

~~(b) The per pupil amount received by such district pursuant~~ 8116
~~to divisions (N) and (O) of section 3317.024 of the Revised Code;~~ 8117

~~(c)~~ Such excess cost as is determined by using a formula 8118
established by rule of the department of education. The excess 8119
cost computed in this section shall not be used as excess cost 8120
computed under section 3323.14 of the Revised Code. 8121

(2) For a child who is a handicapped preschool child not 8122
included in a unit approved under division ~~(E)~~(B) of section 8123
3317.05 of the Revised Code, the tuition shall be computed as 8124
follows: 8125

(a) Determine the amount of the tuition of the district 8126

providing the education for the child as calculated under division 8127
(B) of section 3317.08 of the Revised Code; 8128

(b) For each type of special education service included in 8129
the computation of the amount of tuition under division (B)(2)(a) 8130
of this section, divide the amount determined for that computation 8131
under division (B)(2) of section 3317.08 of the Revised Code by 8132
the total number of handicapped preschool children used for that 8133
computation under division (B)(3) of section 3317.08 of the 8134
Revised Code; 8135

(c) Determine the sum of the quotients obtained under 8136
division (B)(2)(b) of this section; 8137

(d) Determine the sum of the amounts determined under 8138
divisions (B)(2)(a) and (c) of this section. 8139

(C) In the case of a child described in division (A) of this 8140
section who receives special education and related services from a 8141
county board of mental retardation and developmental disabilities, 8142
tuition shall be the amount determined under division (C)(1) or 8143
(2) of this section. 8144

(1) For a child other than a child described in division 8145
(C)(2) of this section, the tuition shall be an amount equal to 8146
such board's per capita cost of providing special education and 8147
related services for children at least three but less than 8148
twenty-two years of age as determined by using a formula 8149
established by rule of the department of mental retardation and 8150
developmental disabilities. 8151

(2) For a child who is a handicapped preschool child not 8152
included in a unit approved under division ~~(E)~~(B) of section 8153
3317.05 of the Revised Code, the tuition shall equal the sum of 8154
the amounts of each such board's per capita cost of providing each 8155
of the special education or related service that the child 8156
receives. The calculation of tuition shall be made by using a 8157

formula established by rule of the department of mental 8158
retardation and developmental disabilities. The formula for the 8159
calculation of per capita costs under division (C)(2) of this 8160
section shall be based only on each such MR/DD board's cost of 8161
providing each type of special education or related service to 8162
handicapped preschool children not included in a unit approved 8163
under division ~~(E)~~(B) of section 3317.05 of the Revised Code. 8164

(D) If a home fails to pay the tuition required under this 8165
section, the board of education or board of mental retardation and 8166
developmental disabilities providing the education may recover in 8167
a civil action the tuition and the expenses incurred in 8168
prosecuting the action, including court costs and reasonable 8169
attorney's fees. If the prosecuting attorney or city director of 8170
law represents the board in such action, costs and reasonable 8171
attorney's fees awarded by the court, based upon the ~~prosecuting~~ 8172
~~attorney's, director's, or his designee's~~ time spent preparing and 8173
presenting the case by the prosecuting attorney, director, or a 8174
designee of either, shall be deposited in the county or city 8175
general fund. 8176

Sec. 3323.142. This section does not apply to any handicapped 8177
preschool child except if included in a unit approved under 8178
division ~~(E)~~(B) of section 3317.05 of the Revised Code. 8179

As used in this section, "per pupil amount" means the amount 8180
determined by dividing the amount received for the classroom unit 8181
in which a child has been placed by the number of children in the 8182
unit. 8183

When a school district places or has placed a child with a 8184
county MR/DD board for special education, but another district is 8185
responsible for tuition under section 3313.64 or 3313.65 of the 8186
Revised Code and the child is not a resident of the territory 8187
served by the county MR/DD board, the board may charge the 8188

district responsible for tuition with the educational costs in 8189
excess of the per pupil amount received by the board under Chapter 8190
3317. of the Revised Code. The amount of the excess cost shall be 8191
determined by the formula established by rule of the department of 8192
education under section 3323.14 of the Revised Code, and the 8193
payment for such excess cost shall be made by the school district 8194
directly to the county MR/DD board. 8195

A school district board of education and the county MR/DD 8196
board that serves the school district may negotiate and contract, 8197
at or after the time of placement, for payments by the board of 8198
education to the county MR/DD board for additional services 8199
provided to a child placed with the county MR/DD board and whose 8200
individualized education program established pursuant to section 8201
3323.08 of the Revised Code requires additional services that are 8202
not routinely provided children in the county MR/DD board's 8203
program but are necessary to maintain the child's enrollment and 8204
participation in the program. Additional services may include, but 8205
are not limited to, specialized supplies and equipment for the 8206
benefit of the child and instruction, training, or assistance 8207
provided by staff members other than staff members for which 8208
funding is received under ~~division (N) or (O) of section 3317.024~~ 8209
Chapter 3317. of the Revised Code. 8210

Sec. 3323.16. No unit for deaf children shall be disapproved 8211
for funding under division ~~(N)~~(B) OR (D)(1) of section ~~3317.024~~ 8212
3317.05 of the Revised Code on the basis of the methods of 8213
instruction used in educational programs in the school district or 8214
institution to teach deaf children to communicate, and no 8215
preference in approving units for funding shall be given by the 8216
state board for teaching deaf children by the oral, manual, total 8217
communication, or other method of instruction. 8218

Sec. 3327.04. (A) The board of education of any city, 8219
exempted village, or local school district may contract with the 8220
board of another district for the admission or transportation, or 8221
both, of pupils into any school in such other district, on terms 8222
agreed upon by such boards. 8223

(B) The boards of two school districts may enter into a 8224
contract under this section to share the provision of 8225
transportation to a child who resides in one school district and 8226
attends school in the other district. Under such an agreement, one 8227
district may claim the total transportation subsidy available for 8228
such child under division ~~(K)~~(D) of section ~~3317.024~~ 3317.022 of 8229
the Revised Code and may agree to pay any portion of such subsidy 8230
to the other district sharing the provision of transportation to 8231
that child. The contract shall delineate the transportation 8232
responsibilities of each district. 8233

A school district that enters into a contract under this 8234
section is not liable for any injury, death, or loss to the person 8235
or property of a student that may occur while the student is being 8236
furnished transportation by the other school district that is a 8237
party to the contract. 8238

(C) Whenever a board not maintaining a high school enters 8239
into an agreement with one or more boards maintaining such school 8240
for the schooling of all its high school pupils, the board making 8241
such agreement is exempt from the payment of tuition at other high 8242
schools of pupils living within three miles of the school 8243
designated in the agreement. In case no such agreement is entered 8244
into, the high school to be attended can be selected by the pupil 8245
holding an eighth grade diploma, and the tuition shall be paid by 8246
the board of the district of school residence. 8247

Sec. 3327.05. (A) Except as provided in division (B) of this 8248

section, no board of education of any school district shall 8249
provide transportation for any pupil who is a school resident of 8250
another school district unless the pupil is enrolled pursuant to 8251
section 3313.98 of the Revised Code or the board of the other 8252
district has given its written consent thereto. If the board of 8253
any school district files with the state board of education a 8254
written complaint that transportation for resident pupils is being 8255
provided by the board of another school district contrary to this 8256
division, the state board of education shall make an investigation 8257
of such complaint. If the state board of education finds that 8258
transportation is being provided contrary to this section, it may 8259
withdraw from state funds due the offending district any part of 8260
the amount that has been approved for transportation pursuant to 8261
division ~~(K)~~(D) of section ~~3317.024~~ 3317.022 of the Revised Code. 8262

(B) Notwithstanding division (D) of section 3311.19 and 8263
division (D) of section 3311.52 of the Revised Code, this division 8264
does not apply to any joint vocational or cooperative education 8265
school district. 8266

A board of education may provide transportation to and from 8267
the nonpublic high school of attendance if both of the following 8268
apply: 8269

(1) The parent, guardian, or other person in charge of the 8270
pupil agrees to pay the board for all costs incurred in providing 8271
the transportation that are not reimbursed pursuant to Chapter 8272
3317. of the Revised Code; 8273

(2) The pupil's school district of residence does not provide 8274
transportation for public school pupils of the same grade as the 8275
pupil being transported under this division. 8276

Sec. 3365.01. As used in sections 3365.01 to 3365.10 of the 8277
Revised Code: 8278

(A) "College" means any state-assisted college or university 8279
described in section 3333.041 of the Revised Code, any nonprofit 8280
institution holding a certificate of authorization pursuant to 8281
Chapter 1713. of the Revised Code, and any institution holding a 8282
certificate of registration from the state board of proprietary 8283
school registration and program authorization for an associate or 8284
bachelor's degree program issued under section 3332.05 of the 8285
Revised Code. 8286

(B) "School district" means any school district to which a 8287
student is admitted under section 3313.64, 3313.65, 3313.98, or 8288
3317.08 of the Revised Code and does not include a joint 8289
vocational or cooperative education school district. 8290

(C) "Parent" has the same meaning as in section 3313.64 of 8291
the Revised Code. 8292

(D) "Participant" means a student enrolled in a college under 8293
the post-secondary enrollment options program established by this 8294
chapter. 8295

(E) "Secondary grade" means the ninth through twelfth grades. 8296
8297

(F) "School foundation payments" means the amount required to 8298
be paid to a school district for a fiscal year under Chapter 3317. 8299
of the Revised Code. 8300

(G) "Tuition base" means, with respect to a participant's 8301
school district, the formula amount ~~specified~~ defined in division 8302
(B) of section ~~3317.022~~ 3317.02 of the Revised Code multiplied by 8303
the district's cost-of-doing-business factor ~~specified~~ defined in 8304
division ~~(E)~~(N) of section 3317.02 of the Revised Code. 8305

(H) "Educational program" means enrollment in one or more 8306
school districts, in a nonpublic school, or in a college under 8307
division (B) of section 3365.04 of the Revised Code. 8308

(I) "Nonpublic school" means a chartered or nonchartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(J) "School year" means the year beginning on the first day of July and ending on the thirtieth day of June.

Sec. 3365.04. The rules adopted under section 3365.02 of the Revised Code shall provide for students to enroll in courses under either of the following options:

(A) The student may elect at the time of enrollment to receive only college credit for the course. The college shall notify the student about payment of tuition and fees in the customary manner followed by the college, and the student shall be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course. If the student successfully completes the course, the college shall award ~~him~~ the student full credit for the course, but the board of education or nonpublic participating school shall not award ~~him~~ the high school credit.

(B) The student may elect at the time of enrollment for each course to receive both college credit and high school credit. If the student successfully completes the course, the college shall award ~~him~~ the student full credit for the course, and the board of education or nonpublic school shall award ~~him~~ the student high school credit. If the student elects this option, the college shall be reimbursed in accordance with section 3365.07 of the Revised Code.

When determining a school district's ~~adm~~ formula ADM under section 3317.03 of the Revised Code, the time a participant is attending courses under division (A) of this section shall be

considered as time the participant is not attending or enrolled in 8339
school anywhere, and the time a participant is attending courses 8340
under division (B) of this section shall be considered as time the 8341
participant is attending or enrolled in the district's schools. 8342

Sec. 3365.08. (A) A college that expects to receive or 8343
receives reimbursement under section 3365.07 of the Revised Code 8344
shall furnish to a participant all textbooks and materials 8345
directly related to a course taken by the participant under 8346
division (B) of section 3365.04 of the Revised Code. No college 8347
shall charge such participant for tuition, textbooks, materials, 8348
or other fees directly related to any such course. 8349

(B) No student enrolled under this chapter in a course for 8350
which credit toward high school graduation is awarded is eligible 8351
for any financial aid under Chapter 3351. of the Revised Code. 8352

(C) If a school district provides transportation for resident 8353
school students in grades eleven and twelve under section 3327.01 8354
of the Revised Code, a parent of a pupil enrolled in a course 8355
under division (B) of section 3365.04 of the Revised Code may 8356
apply to the board of education for full or partial reimbursement 8357
for the necessary costs of transporting the student between the 8358
secondary school ~~he~~ the student attends and the college in which 8359
~~he~~ the student is enrolled. Reimbursement may be paid solely from 8360
funds received by the district under division ~~(K)~~(D) of section 8361
~~3317.024~~ 3317.022 of the Revised Code. The state board of 8362
education shall establish guidelines, based on financial need, 8363
under which a district may provide such reimbursement. 8364

8365

Sec. 5705.02. The aggregate amount of taxes that may be 8366
levied on any taxable property in any subdivision or other taxing 8367
unit shall not in any one year exceed ten mills on each dollar of 8368

tax valuation of such subdivision or other taxing unit, except for 8369
taxes specifically authorized to be levied in excess thereof. The 8370
limitation provided by this section shall be known as the 8371
"ten-mill limitation," ~~and~~ "and." Except when used in reference to 8372
taxes authorized pursuant to section 5705.219 of the Revised Code, 8373
wherever said term is used in the Revised Code, it refers to and 8374
includes both the limitation imposed by this section and the 8375
limitation imposed by Section 2 of Article XII, Ohio Constitution. 8376

Sec. 5705.214. Not more than three elections during any 8377
calendar year shall include the questions by a school district of 8378
tax levies proposed under any one or any combination of the 8379
following sections: sections 5705.194, 5705.21, 5705.212, 8380
5705.213, 5705.217, ~~and~~ 5705.218, and 5705.219 of the Revised 8381
Code. 8382

Sec. 5705.219. (A) The board of education of a city, local, 8383
or exempted village school district may adopt a resolution, by a 8384
vote of two-thirds of all of the members of the board, proposing 8385
to levy an additional tax within the one per cent limitation for 8386
one of the purposes specified under division (A) or (F) of section 8387
5705.19 of the Revised Code. A board of education shall not 8388
propose to levy a tax pursuant to this section at a rate that, 8389
when added to the rates of any other taxes levied pursuant to this 8390
section, would cause the aggregate rate of such taxes to exceed 8391
five mills per dollar of the taxable value of taxable property in 8392
the school district. A resolution adopted under this section may 8393
propose to renew an existing tax imposed pursuant to this section, 8394
or may propose, as a single question, to authorize a tax under 8395
this paragraph to replace one or more existing taxes levied in 8396
excess of the ten-mill limitation pursuant to section 5705.21 of 8397
the Revised Code. For purposes of sections 133.01, 319.301, 8398
5705.02, 5705.04, 5705.06, 5705.07, 5705.29, 5705.31, 5705.34, 8399

5705.51, and any other section of the Revised Code respecting the 8400
classification of tax levies according to limitations on the rate, 8401
a tax authorized pursuant to this section is in excess of the 8402
ten-mill limitation but is not in excess of the one per cent 8403
limitation imposed by Section 2 of Article XII, Ohio Constitution. 8404

The resolution shall be confined to a single purpose and 8405
shall specify the amount of the increase in rate, the purpose of 8406
the increase, and the number of years during which the increase 8407
shall be in effect. The number of years may be any number not 8408
exceeding five or, if the levy is for current expenses of the 8409
district, for a continuing period of time. If the resolution 8410
proposes to levy a tax to replace one or more existing taxes, the 8411
resolution also shall specify the rate of each existing tax 8412
proposed to be replaced. A tax levied to replace one or more 8413
existing taxes shall not be levied on the current tax lists and 8414
duplicates, but shall first be levied on the tax lists and 8415
duplicates for the tax year succeeding the date of the election at 8416
which the tax is approved. The existing taxes proposed to be 8417
replaced shall be repealed effective on the first day of January 8418
next succeeding the date of the election. The resolution shall 8419
specify the date for holding the election, which shall not be 8420
earlier than seventy-five days after the adoption and 8421
certification of such resolution and which shall be consistent 8422
with the requirements of section 3501.01 of the Revised Code. 8423

The resolution shall go into immediate effect upon its 8424
passage, and no publication of the resolution shall be necessary 8425
other than that provided for in the notice of election. 8426
Publication of notice of the election shall be made in one or more 8427
newspapers of general circulation in the county once a week for 8428
four consecutive weeks. 8429

(B) A copy of a resolution adopted under division (A) of this 8430
section shall be certified by the board of education to the board 8431

of elections of the proper county not less than seventy-five days 8432
before the election specified in the resolution, and the board of 8433
elections shall submit the proposal to the electors of the school 8434
district at that election. The board of elections shall make the 8435
necessary arrangements for the submission of the question to the 8436
electors of the school district, and the election shall be 8437
conducted, canvassed, and certified in the same manner as regular 8438
elections in the school district for the election of officers. 8439
Notice of the election shall be published in a newspaper of 8440
general circulation in the school district once a week for four 8441
consecutive weeks prior to the election, stating the purpose, the 8442
proposed increase in rate, expressed in dollars and cents for each 8443
one hundred dollars of valuation as well as in mills for each one 8444
dollar of valuation, the number of years during which such 8445
increase will be in effect, and the time and place of the 8446
election. 8447

The form of the ballots cast at an election held pursuant to 8448
this section shall be as follows: 8449

"A tax for the benefit of (name of school district) 8450
..... for the purpose of (purpose stated in the resolution) 8451
..... at a rate not exceeding mills for each one 8452
dollar of valuation, which amounts to (rate expressed in dollars 8453
and cents) for each one hundred dollars of valuation, 8454
for (number of years the levy is to run) 8455

For the tax levy

Against the tax levy

If the levy is to be in effect for a continuing period of 8461

time, the notice of election and the form of ballot shall so state 8462
instead of setting forth a specified number of years for the levy. 8463

If the question submitted is a proposal to renew an existing 8464
levy imposed pursuant to this section, the form of the ballot 8465
specified in this division shall be changed by substituting for 8466
the words "A tax" at the beginning of the form the words "A 8467
renewal of a tax." If the question submitted is a proposal to 8468
replace one or more existing taxes, the form of the ballot shall 8469
be changed by adding at the end of the form "to replace an 8470
existing tax currently authorized to be levied at a rate of 8471
mills for each one dollar of valuation." If more than one existing 8472
tax is proposed to be replaced, the form shall be modified 8473
accordingly, indicating the rate at which each existing tax is 8474
authorized to be levied. 8475

The question covered by the resolution shall be submitted as 8476
a separate proposition, but may be printed on the same ballot with 8477
any other proposition submitted at the same election, other than 8478
the election of officers. 8479

If a majority of electors voting on the question vote in 8480
favor of the tax, the result of the election shall be certified to 8481
the tax commissioner. In the first year of the levy, it shall be 8482
extended on the tax lists after the February settlement next 8483
succeeding the election. If the tax is to be placed upon the tax 8484
list of the current year, as specified in the resolution providing 8485
for its submission, the result of the election shall be certified 8486
immediately after the canvass by the board of elections to the 8487
board of education, which shall forthwith make the necessary levy 8488
and certify it to the county auditor, who shall extend it on the 8489
tax lists for collection. After the first year, the tax levy shall 8490
be included in the annual tax budget that is certified to the 8491
county budget commission. 8492

If a majority of the electors voting on the question vote in favor of the levy, the board of education may forthwith make the necessary levy within the school district at the additional rate, or at any lesser rate, for the purpose stated in the resolution. A levy for a continuing period of time may be reduced pursuant to section 5705.261 of the Revised Code. The levy shall be included in the next tax budget that is certified to the county budget commission.

(C) After the approval of a levy on the current tax list and duplicate for current expenses and prior to the time when the first tax collection from such levy can be made, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy to be collected during the first year of the levy. After the approval of a levy for permanent improvements, the board of education may anticipate a fraction of the proceeds of the levy and issue anticipation notes in a principal amount not exceeding fifty per cent of the total estimated proceeds of the levy remaining to be collected in each year over a period of five years after the issuance of such notes. The notes shall be issued as provided in section 133.24 of the Revised Code, shall have principal payments during each year after the year of their issuance over a period not to exceed five years, and may have a principal payment in the year of their issuance.

Sec. 5705.29. The tax budget shall present the following information in such detail as is prescribed by the auditor of state, unless an alternative form of the budget is permitted under section 5705.281 of the Revised Code:

(A)(1) A statement of the necessary current operating expenses for the ensuing fiscal year for each department and

division of the subdivision, classified as to personal services 8524
and other expenses, and the fund from which such expenditures are 8525
to be made. Except in the case of a school district, this estimate 8526
may include a contingent expense not designated for any particular 8527
purpose, and not to exceed three per cent of the total amount of 8528
appropriations for current expenses. In the case of a school 8529
district, this estimate may include a contingent expense not 8530
designated for any particular purpose and not to exceed thirteen 8531
per cent of the total amount of appropriations for current 8532
expenses. 8533

(2) A statement of the expenditures for the ensuing fiscal 8534
year necessary for permanent improvements, exclusive of any 8535
expense to be paid from bond issues, classified as to the 8536
improvements contemplated by the subdivision and the fund from 8537
which such expenditures are to be made; 8538

(3) The amounts required for the payment of final judgments; 8539

(4) A statement of expenditures for the ensuing fiscal year 8540
necessary for any purpose for which a special levy is authorized, 8541
and the fund from which such expenditures are to be made; 8542

(5) Comparative statements, so far as possible, in parallel 8543
columns of corresponding items of expenditures for the current 8544
fiscal year and the two preceding fiscal years. 8545

(B)(1) An estimate of receipts from other sources than the 8546
general property tax during the ensuing fiscal year, which shall 8547
include an estimate of unencumbered balances at the end of the 8548
current fiscal year, and the funds to which such estimated 8549
receipts are credited; 8550

(2) The amount each fund requires from the general property 8551
tax, which shall be the difference between the contemplated 8552
expenditure from the fund and the estimated receipts, as provided 8553
in this section. The section of the Revised Code under which the 8554

tax is authorized shall be set forth. 8555

(3) Comparative statements, so far as possible, in parallel 8556
columns of taxes and other revenues for the current fiscal year 8557
and the two preceding fiscal years. 8558

(C)(1) The amount required for debt charges; 8559

(2) The estimated receipts from sources other than the tax 8560
levy for payment of such debt charges, including the proceeds of 8561
refunding bonds to be issued to refund bonds maturing in the next 8562
succeeding fiscal year; 8563

(3) The net amount for which a tax levy shall be made, 8564
classified as to bonds authorized and issued prior to January 1, 8565
1922, and those authorized and issued subsequent to such date, and 8566
as to what portion of the levy will be within and what in excess 8567
of the ten-mill limitation. 8568

(D) An estimate of amounts from taxes authorized to be levied 8569
in excess of the ten-mill limitation on the tax rate, and the fund 8570
to which such amounts will be credited, together with the sections 8571
of the Revised Code under which each such tax is exempted from all 8572
limitations on the tax rate. 8573

(E)(1) A board of education may include in its budget for the 8574
fiscal year in which a levy proposed under section 5705.194, 8575
5705.21, or 5705.213, or the original levy under section 5705.212 8576
of the Revised Code is first extended on the tax list and 8577
duplicate an estimate of expenditures to be known as a voluntary 8578
contingency reserve balance, which shall not be greater than 8579
twenty-five per cent of the total amount of the levy estimated to 8580
be available for appropriation in such year. 8581

(2) A board of education may include in its budget for the 8582
fiscal year following the year in which a levy proposed under 8583
section 5705.194, 5705.21, or 5705.213, or the original levy under 8584

section 5705.212 of the Revised Code is first extended on the tax
list and duplicate an estimate of expenditures to be known as a
voluntary contingency reserve balance, which shall not be greater
than twenty per cent of the amount of the levy estimated to be
available for appropriation in such year.

(3) Except as provided in division (E)(4) of this section,
the full amount of any reserve balance the board includes in its
budget shall be retained by the county auditor and county
treasurer out of the first semiannual settlement of taxes until
the beginning of the next succeeding fiscal year, and thereupon,
with the depository interest apportioned thereto, it shall be
turned over to the board of education, to be used for the purposes
of such fiscal year.

(4) A board of education may, by a two-thirds vote of all
members of the board, appropriate any amount withheld as a
voluntary contingency reserve balance during the fiscal year for
any lawful purpose, provided that prior to such appropriation the
board of education has authorized the expenditure of all amounts
appropriated for contingencies under section 5705.40 of the
Revised Code. Upon request by the board of education, the county
auditor shall draw a warrant on the district's account in the
county treasury payable to the district in the amount requested.

(F)(1) As used in this division, "police or fire department
equipment expenditures" includes expenditures for equipment used
to provide ambulance or emergency medical services operated by a
police or fire department.

A board of township trustees may include in its budget an
estimate of expenditures to be known as a reserve balance for
police or fire department equipment or road maintenance equipment
expenditures. This reserve balance shall not exceed ten per cent
of the total estimated appropriations included in the township

budget estimate. If, in accordance with division (A) of section 8616
505.83 of the Revised Code, the board of township trustees has 8617
unanimously adopted a resolution establishing the reserve balance 8618
account and specifying the reason for its creation and has 8619
certified the resolution to the county auditor, the full amount of 8620
the reserve balance, as allowed by the budget commission, shall be 8621
turned over to the township each year by the county auditor and 8622
county treasurer out of the second semiannual settlement of taxes 8623
until the date specified in the resolution, which shall not be 8624
later than five years from the date of the first such deposit in 8625
the account, or until the reserve amount has been reached, 8626
whichever occurs first. 8627

(2) Upon receipt of a certified copy of a resolution to 8628
rescind the creation of a township reserve balance account 8629
pursuant to division (B) of section 505.83 of the Revised Code, 8630
the county auditor shall close the account and transfer the 8631
account moneys and depository interest apportioned to it to the 8632
township's general fund. 8633

(G)(1) A board of education may include a spending reserve in 8634
its budget for fiscal years ending on or before June 30, 2002. The 8635
spending reserve shall consist of an estimate of expenditures not 8636
to exceed the district's spending reserve balance. A district's 8637
spending reserve balance is the amount by which the designated 8638
percentage of the district's estimated personal property taxes to 8639
be settled during the calendar year in which the fiscal year ends 8640
exceeds the estimated amount of personal property taxes to be so 8641
settled and received by the district during that fiscal year. 8642
Moneys from a spending reserve shall be appropriated in accordance 8643
with section 133.301 of the Revised Code. 8644

(2) For the purposes of computing a school district's 8645
spending reserve balance for a fiscal year, the designated 8646
percentage shall be as follows: 8647

Fiscal year ending in:	Designated percentage
1998	50%
1999	40%
2000	30%
2001	20%
2002	10%

(H) As used in this division: 8654

(1) "Police or fire department equipment expenditures" 8655
includes expenditures for equipment used to provide ambulance or 8656
emergency medical services operated by a police or fire 8657
department. 8658

(2) "Detention facility" means any place used for the 8659
confinement of a person charged with or convicted of any crime or 8660
alleged or found to be a delinquent or unruly child. 8661

The legislative authority of a municipal corporation may 8662
include in its budget an estimate of expenditures to be known as a 8663
reserve balance for police or fire department equipment 8664
expenditures, for constructing, acquiring, equipping, or repairing 8665
a detention facility, or for road maintenance equipment 8666
expenditures by creating, by ordinance or resolution, a reserve 8667
balance account. Money credited to the account may be derived from 8668
any general fund sources or from the proceeds of a special levy 8669
that may be used for the purpose for which the account is 8670
established. The ordinance or resolution shall state that money in 8671
the account may be expended only for the purpose for which the 8672
account is established, that the account will be maintained until 8673
a specified date not to exceed five years from the date of the 8674
first deposit in the account, and that the total amount of money 8675
in all reserve balance accounts derived from general fund sources 8676
shall not exceed ten per cent of the current total estimated 8677
expenditures from the municipal corporation's general fund, and 8678
the total amount of money in all reserve balance accounts derived 8679

from a special levy shall not exceed ten per cent of the current 8680
total estimated expenditures from the special levy. The 8681
legislative authority shall certify a copy of the ordinance or 8682
resolution to the county auditor. Upon receiving the certified 8683
copy, the county auditor and county treasurer shall turn over to 8684
the municipal corporation, out of the second semiannual settlement 8685
of taxes, any amount of the reserve balance to be derived from 8686
property tax sources, but only until the date specified in the 8687
ordinance or resolution or until the reserve amount as indicated 8688
in the ordinance or resolution has been reached, whichever occurs 8689
first. 8690

A legislative authority may create a separate reserve balance 8691
account under this division for police department equipment 8692
expenditures, fire department equipment expenditures, or ambulance 8693
or emergency medical services equipment expenditures, or any 8694
combination thereof. Each such account is subject to the 8695
provisions of this section regarding a single account for all such 8696
purposes. 8697

Upon receiving a certified copy of an ordinance or resolution 8698
to rescind the creation of a municipal reserve balance account, 8699
the county auditor shall close the account and transfer all money 8700
in the account to the municipal general fund, if the account is 8701
derived from the general fund, or to the fund to which proceeds of 8702
the special levy are credited, if the account is derived from the 8703
proceeds of a special levy. 8704

(I) A board of county commissioners that has adopted a 8705
resolution establishing a reserve balance account under section 8706
305.23 of the Revised Code may include in its budget an estimate 8707
of expenditures to be known as a reserve balance for the purpose 8708
for which the account was established under that section. The 8709
reserve shall not exceed ten per cent of the total estimated 8710
appropriations included in the budget estimate of the general fund 8711

in the case of a reserve balance account established under 8712
division (A) of that section, or ten per cent of the total 8713
estimated appropriations included in the budget estimate of the 8714
special fund in which the account is established in the case of a 8715
reserve balance account established under division (B) of that 8716
section. If the board of county commissioners has certified a copy 8717
of a resolution to the county auditor pursuant to that section, 8718
the county auditor and county treasurer shall deposit the amount 8719
of the annual reserve balance into the reserve balance account out 8720
of the second semiannual settlement of taxes until the date 8721
specified in that resolution, or until the reserve amount 8722
specified in the resolution has been reached, whichever occurs 8723
first. 8724

Upon receiving a certified copy of a resolution rescinding a 8725
reserve balance account, the county auditor shall close the 8726
account and transfer all money in the account to a special fund 8727
created for the purpose of receiving that money. Money deposited 8728
into the fund from the reserve balance account shall be expended 8729
only for the purpose for which the account was established. 8730

(J) The county budget commission shall not reduce the taxing 8731
authority of a board of township trustees, a board of county 8732
commissioners, or the legislative authority of a municipal 8733
corporation as a result of the creation of a reserve balance 8734
account, and shall not consider the amount in a reserve balance 8735
account as an unencumbered balance or as revenue for the purposes 8736
of division (E)(3) or (4) of section 5747.51 or division (E)(3) or 8737
(4) of section 5747.62 of the Revised Code. 8738

(K)(1) Each board of education shall include in its tax 8739
budget a budget reserve fund. The budget reserve fund shall 8740
consist of money reserved for the fund from general fund revenues 8741
or from other sources that may lawfully be credited to the general 8742
fund. The balance in the budget reserve fund shall not at any time 8743

be less than five per cent of general fund revenues for the most
recently concluded fiscal year, except as provided in division
(K)(2) or (3) of this section, and except for deficiencies arising
from the appropriation of money from the fund for unanticipated
deficiencies in revenue or other emergencies pursuant to a
resolution adopted by two-thirds of the membership of the board of
education specifying the reason for the appropriation. The auditor
of state and the superintendent of public instruction jointly
shall adopt rules governing conditions that constitute
unanticipated deficiencies in revenue or emergencies for which
appropriations may be made from a budget reserve fund. The rules
also shall provide that a board of education that includes a
spending reserve in its tax budget for a fiscal year under
division (G) of this section is not subject to division (K)(2) of
this section for that fiscal year. A board of education shall not
appropriate money from a budget reserve fund without filing a
schedule for replenishing the fund with the superintendent of
public instruction and receiving approval of the schedule from the
superintendent of public instruction.

(2) Beginning with the fiscal year ending in 1999 and
continuing each fiscal year until the balance in the budget
reserve fund equals five per cent of the district's revenues
received for current expenses for the preceding fiscal year, if
the growth in a district's total revenues received for current
expenses from one fiscal year to the next is three per cent or
more, the board of education shall credit to its budget reserve
fund, from the general fund or from other sources that may
lawfully be credited to the general fund, an amount not less than
one per cent of the revenue received for current expenses for the
fiscal year, at which time the balance in the budget reserve fund
shall be maintained as otherwise required under division (K)(1) of
this section.

(3) The balance in the budget reserve fund of a school district may be less than five per cent of the general fund revenue for the most recently concluded fiscal year in any fiscal year in which the school district is in a state of fiscal watch or fiscal emergency pursuant to section 3316.03 of the Revised Code.

(4) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of division (K) of this section prevail over any conflicting provisions of agreements between employee organizations and public employers entered into after ~~the effective date of this section~~ November 21, 1997.

(5) Notwithstanding division (K)(2) of this section, a school district may, pursuant to rules adopted by the auditor of state, credit less than one per cent of its prior year's revenue received for current expenses into its budget reserve fund.

Sec. 5748.02. (A) The board of education of any city, local, or exempted village school district, ~~except a joint vocational school district,~~ may declare, by resolution, the necessity of raising annually a specified amount of money for school district purposes. A If the board intends to submit a proposal to levy an income tax at an election pursuant to division (B)(1) of this section, the board shall certify a copy of the resolution shall be certified to the tax commissioner no not later than eighty-five days prior to the date of the election at which; If the board intends to propose a levy an income tax under division (B)(2) of this section, the board shall certify a copy of the resolution to the tax commissioner not later than the thirtieth day of April preceding the day on which the tax will take effect. Upon receipt of the copy of the resolution, the tax commissioner shall estimate both of the following:

(1) The property tax rate that would have to be imposed in the current year by the district to produce an equivalent amount

of money;

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(2) The income tax rate that would have had to have been in effect for the current year to produce an equivalent amount of money from a school district income tax.

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Within ten days of receiving the copy of the board's resolution, the commissioner shall prepare these estimates and certify them to the board. Upon receipt of the certification, the board may adopt a resolution ~~proposing to impose~~ an income tax under division (B)(1) or (2) of this section at the estimated rate contained in the certification rounded to the nearest one-fourth of one per cent. The total rate of income taxes levied under division (B)(2) of this section shall not exceed one per cent. The commissioner's certification applies only to the ~~board's proposal to levy an income tax at the election~~ for which the board requested the certification. ~~If;~~ if the board intends to submit a proposal to levy an income tax under division (B)(1) of this section at any other election or levy an income tax under division (B)(2) of this section that takes effect on a later date than that specified in that resolution, it shall request another certification ~~for that election~~ in the manner prescribed in this division.

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(B)(1) Upon the receipt of a certification from the tax commissioner under division (A) of this section, a majority of the members of a the board of education may adopt a resolution proposing the levy of an annual tax for school district purposes on the school district income of individuals and of estates. The proposed levy may be for a continuing period of time or for a specified number of years. The resolution shall set forth the purpose for which the tax is to be imposed⁷ⁱ the rate of the tax, which shall be the rate set forth in the commissioner's certification rounded to the nearest one-fourth of one per cent⁷ⁱ the number of years the tax will be levied or that it will be

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levied for a continuing period of time; the date on which the tax shall take effect, which shall be the first day of January of any year following the year in which the question is submitted; and the date of the election at which the proposal shall be submitted to the electors of the district, which shall be on the date of a primary, general, or special election the date of which is consistent with section 3501.01 of the Revised Code. If the income tax would be imposed for a continuing period of time and is limited to the purpose of current expenses, the board may include in the resolution a proposal to reduce the rate of one or more of the school district's property taxes as prescribed in division (B)(3) of this section.

(2) A Upon receipt of a certification from the tax commissioner under division (A) of this section, a majority of the members of the board of education may adopt a resolution imposing an annual tax on the school district incomes of individuals and of estates. The resolution shall set forth the purpose of the tax, which shall be limited to current expenses of the district; that the tax will be levied for a continuing period of time; the date on which the tax shall take effect, which shall be the first day of January next succeeding the commissioner's certification; and the rate of the tax, which shall be the rate set forth in the commissioner's certification rounded to the nearest one-fourth of one per cent, and which shall not exceed one per cent when combined with the rate of any other school district income tax levied under division (B)(2) of this section. The board shall include in the resolution a proposal to reduce the rate of one or more property taxes as prescribed in division (B)(3) of this section. A tax levied under division (B)(2) of this section is subject to referendum under section 5748.07 Of the Revised Code.

Prior to adopting a resolution under division (B)(2) of this section, a board of education shall conduct two public hearings on

the resolution, the second hearing being held not less than three 8871
nor more than ten days after the first hearing. The board shall 8872
provide notice of the date, time, and place of the hearings by 8873
publication in a newspaper of general circulation in the school 8874
district once per week for two consecutive weeks, the second 8875
publication appearing not less than ten nor more than thirty days 8876
prior to the first hearing. 8877

(3) If a board of education adopting a resolution elects, 8878
under division (B)(1) of this section ~~proposing a school district~~ 8879
~~income tax for a continuing period of time and limited to the~~ 8880
~~purpose of current expenses may propose, or is required under~~ 8881
division (B)(2) of this section, to include in that its resolution 8882
~~to reduce a reduction in the rate or rates of one or more of the~~ 8883
school district's property taxes, the tax in which the reduction 8884
is made shall be a tax levied for a continuing period of time in 8885
excess of the ten-mill limitation for the purpose of current 8886
expenses. The reduction in the rate of a the property tax may be 8887
any amount, expressed in mills per one dollar in valuation, not 8888
exceeding the rate at which the tax is authorized to be levied. 8889
The reduction in the rate of a tax shall first take effect for the 8890
tax year that includes the day on which the school district income 8891
tax first takes effect, and shall continue for each tax year that 8892
both the school district income tax and the property tax levy are 8893
in effect. 8894

In addition to the matters required to be set forth in the 8895
resolution under division (B)(1) or (2) of this section, a 8896
resolution ~~containing a proposal to reduce~~ including a reduction 8897
in the rate of one or more property taxes shall state for each 8898
such tax the maximum rate at which it currently may be levied and 8899
the maximum rate at which the tax could be levied after the 8900
~~proposed~~ reduction, expressed in mills per one dollar in 8901
valuation, and that the tax is levied for a continuing period of 8902

time. 8903

If a board of education proposes to reduce the rate of one or 8904
more property taxes under division (B)~~(2)~~ (1) or (2) of this 8905
section, the board, when it makes the certification required under 8906
division (A) of this section, shall designate the specific levy or 8907
levies to be reduced, the maximum rate at which each levy 8908
currently is authorized to be levied, and the rate by which each 8909
levy ~~is proposed to~~ would be reduced. The tax commissioner, when 8910
making the certification to the board under division (A) of this 8911
section, also shall certify the reduction in the total effective 8912
tax rate for current expenses for each class of property that 8913
would have resulted if the ~~proposed~~ reduction in the rate or rates 8914
had been in effect the previous tax year. As used in this 8915
paragraph, "effective tax rate" has the same meaning as in section 8916
323.08 of the Revised Code. 8917

(4) Not later than FOURTEEN days prior to adopting a 8918
resolution under division (b)(1) or (2) of this SECTION, the board 8919
of education shall notify the chief executive officer and the 8920
clerk of the legislative authority of each municipal corporation 8921
having territory in the school district that the board intends to 8922
adopt a resolution to impose an income tax under this section. the 8923
notice shall include a copy of the resolution. if the chief 8924
executive officer or the legislative authority so requests, the 8925
board of education shall meet in person with the chief executive 8926
officer, one or more members of the legislative authority, or 8927
representatives thereof to discuss the resolution. 8928

(C) A resolution adopted under division (B)(1) of this 8929
section shall go into immediate effect upon its passage, and no 8930
publication of the resolution shall be necessary other than that 8931
provided for in the notice of election. Immediately after its 8932
adoption and at least seventy-five days prior to the election at 8933
which the question will appear on the ballot, a copy of the 8934

resolution shall be certified to the board of elections of the 8935
proper county, which shall submit the proposal to the electors on 8936
the date specified in the resolution. The form of the ballot shall 8937
be as provided in section 5748.03 of the Revised Code. Publication 8938
of notice of the election shall be made in one or more newspapers 8939
of general circulation in the county once a week for four 8940
consecutive weeks. The notice shall contain the time and place of 8941
the election and the question to be submitted to the electors. The 8942
question covered by the resolution shall be submitted as a 8943
separate proposition, but may be printed on the same ballot with 8944
any other proposition submitted at the same election, other than 8945
the election of officers. 8946

~~(D)~~ No board of education shall submit the question of a tax 8947
on school district income to the electors of the district more 8948
than twice in any calendar year. If a board submits the question 8949
twice in any calendar year, one of the elections on the question 8950
shall be held on the date of the general election. 8951

(D) Immediately upon adopting a resolution under division 8952
(B)(2) of this section, the board of education shall arrange for 8953
the publication of a notice, in a newspaper of general circulation 8954
in the school district, announcing the imposition of the tax, the 8955
date on which the tax takes effect, the rate of the tax, and the 8956
purpose for which the tax is to be imposed. The notice shall be 8957
published once per week for four consecutive weeks preceding the 8958
date the tax takes effect. The imposition of the income tax and 8959
the reduction in the rate of one or more property taxes provided 8960
for in the resolution shall take effect on the date specified in 8961
the resolution, subject to section 5748.07 Of the Revised Code, 8962
and the applicable provisions of Chapter 5747. of the Revised Code 8963
shall begin to apply on that date. Thereafter, the board of 8964
education shall not levy the property taxes subject to reduction 8965
at a rate greater than the rate to which the tax is reduced unless 8966

the school district income tax is repealed at an election under 8967
section 5748.04 of the Revised Code. 8968

(E) If the rate at which a property tax is levied and 8969
collected is reduced pursuant to a resolution adopted under 8970
division (B)(2) of this section or a question approved under 8971
section 5748.03 Of the Revised Code, the tax commissioner shall 8972
compute the percentage required to be computed for that tax under 8973
division (D) of section 319.301 Of the Revised Code each year the 8974
rate is reduced as if the tax had been levied in the preceding 8975
year at the rate at which it has been reduced. If the rate of a 8976
property tax increases due to the repeal of the school district 8977
income tax pursuant to section 5748.04 Of the Revised Code, the 8978
tax commissioner, for the first year for which the rate increases, 8979
shall compute the percentage as if the tax in the preceding year 8980
had been levied at the rate at which the tax was authorized to be 8981
levied prior to any rate reduction. 8982

Sec. 5748.03. The form of the ballot on a question submitted 8983
to the electors under division (C) of section 5748.02 of the 8984
Revised Code shall be as follows: 8985

"Shall an annual income tax of (state the proposed 8986
rate of tax) on the school district income of individuals and of 8987
estates be imposed by (state the name of the school 8988
district), for (state the number of years the tax would be 8989
levied, or that it would be levied for a continuing period of 8990
time), beginning (state the date the tax would first take 8991
effect), for the purpose of (state the purpose of the tax)? 8992

FOR THE TAX

AGAINST THE TAX

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If the question submitted to electors includes a proposal 8998
under division (B)~~(2)~~(3) of section 5748.02 of the Revised Code to 8999
reduce the rate of one or more school district property taxes, the 9000
ballot shall state that the purpose of the school district income 9001
tax is for current expenses, and the form of the ballot shall be 9002
modified by adding the following language immediately after the 9003
statement of the purpose of the proposed income tax: ", and shall 9004
the rate of an existing tax on property, currently levied for the 9005
purpose of current expenses at the rate of mills, be 9006
REDUCED to mills until any such time as the income tax is 9007
repealed." In lieu of "for the tax" and "against the tax," the 9008
phrases "for the issue" and "against the issue," respectively, 9009
shall be used. If a board of education proposes a reduction in the 9010
rates of more than one tax, the ballot language shall be modified 9011
accordingly to express the rates at which those taxes currently 9012
are levied and the rates to which the taxes will be reduced. 9013
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The board of elections shall certify the results of the 9015
election to the board of education and to the tax commissioner. If 9016
a majority of the electors voting on the question vote in favor of 9017
it, the income tax, the applicable provisions of Chapter 5747. of 9018
the Revised Code, and the reduction in the rate or rates of 9019
existing property taxes if the question included such a reduction 9020
shall take effect on the date specified in the resolution. If the 9021
question approved by the voters includes a reduction in the rate 9022
of a school district property tax, the board of education shall 9023
not levy the tax at a rate greater than the rate to which the tax 9024
is reduced, unless the school district income tax is repealed in 9025
an election under section 5748.04 of the Revised Code. 9026

~~If the rate at which a property tax is levied and collected~~ 9027

~~is reduced pursuant to a question approved under this section, the tax commissioner shall compute the percentage required to be computed for that tax under division (D) of section 319.301 of the Revised Code each year the rate is reduced as if the tax had been levied in the preceding year at the rate at which it has been reduced. If the rate of a property tax increases due to the repeal of the school district income tax pursuant to section 5748.04 of the Revised Code, the tax commissioner, for the first year for which the rate increases, shall compute the percentage as if the tax in the preceding year had been levied at the rate at which the tax was authorized to be levied prior to any rate reduction.~~

Sec. 5748.04. The question of the repeal of a school district income tax levied for more than five years may be initiated not more than once in any five-year period by filing with the board of elections of the appropriate counties not later than seventy-five days before the general election in any year after the year in which it is approved by the electors or adopted by a board of education a petition requesting that an election be held on the question. The petition shall be signed by qualified electors residing in the school district levying the income tax equal in number to ten per cent of those voting for governor at the most recent gubernatorial election.

The board of elections shall determine whether the petition is valid, and if it so determines, it shall submit the question to the electors of the district at the next general election. The election shall be conducted, canvassed, and certified in the same manner as regular elections for county offices in the county. Notice of the election shall be published in a newspaper of general circulation in the district once a week for four consecutive weeks prior to the election, stating the purpose, the time, and the place of the election. The form of the ballot cast

at the election shall be as follows:

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"Shall the annual income tax of per cent, currently
levied on the school district income of individuals and estates by
..... (state the name of the school district) for the purpose
of (state purpose of the tax), be repealed?

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For repeal of the income tax

Against repeal of the income tax

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If the rate of one or more property tax levies was reduced
for the duration of the income tax levy pursuant to division
(B)~~(2)~~(3) of section 5748.02 of the Revised Code, the form of the
ballot shall be modified by adding the following language
immediately after "repealed": ", and shall the rate of an existing
tax on property for the purpose of current expenses, which rate
was reduced for the duration of the income tax, be INCREASED from
..... mills to mills per one dollar of valuation beginning
in (state the first year for which the rate of the property
tax will increase)." In lieu of "for repeal of the income tax" and
"against repeal of the income tax," the phrases "for the issue"
and "against the issue," respectively, shall be substituted.

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If the rate of more than one property tax was reduced for the
duration of the income tax, the ballot language shall be modified
accordingly to express the rates at which those taxes currently
are levied and the rates to which the taxes would be increased.

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The question covered by the petition shall be submitted as a
separate proposition, but it may be printed on the same ballot
with any other proposition submitted at the same election other

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than the election of officers. If a majority of the qualified
electors voting on the question vote in favor of it, the result
shall be certified immediately after the canvass by the board of
elections to the board of education of the school district and the
tax commissioner, who shall thereupon, after the current year,
cease to levy the tax, except that if notes have been issued
pursuant to section 5748.05 of the Revised Code the tax
commissioner shall continue to levy and collect under authority of
the election authorizing the levy an annual amount, rounded upward
to the nearest one-fourth of one per cent, as will be sufficient
to pay the debt charges on the notes as they fall due.

If a school district income tax repealed pursuant to this
section was approved in conjunction with a reduction in the rate
of one or more school district property taxes as provided in
division (B)~~(2)~~(3) of section 5748.02 of the Revised Code, then
each such property tax may be levied after the current year at the
rate at which it could be levied prior to the reduction, subject
to any adjustments required by the county budget commission
pursuant to Chapter 5705. of the Revised Code. Upon the repeal of
a school district income tax under this section, the board of
education may resume levying a property tax, the rate of which has
been reduced pursuant to a resolution adopted under division
(B)(2) of section 5748.02 or a question approved under section
5748.02 5748.03 of the Revised Code, at the rate the board
originally was authorized to levy the tax. A reduction in the rate
of a property tax under section 5748.02 of the Revised Code is a
reduction in the rate at which a board of education may levy that
tax only for the period during which a school district income tax
is levied prior to any repeal pursuant to this section. The
resumption of the authority to levy the tax upon such a repeal
does not constitute a tax levied in excess of the one per cent
limitation prescribed by Section 2 of Article XII, Ohio

Constitution, or in excess of the ten-mill limitation. 9122

This section does not apply to school district income tax 9123

levies that are levied for five or fewer years. 9124

Sec. 5748.07. (A) The procedure for submitting to a 9125

referendum any resolution adopted by a board of education pursuant 9126

to division (B)(2) of section 5748.02 Of the Revised Code shall be 9127

as prescribed by this section. 9128

Except as otherwise provided in this paragraph, when a 9129

petition, signed by ten per cent of the number of electors who 9130

voted for governor at the most recent general election for the 9131

office of governor in the school district, is filed with the 9132

county auditor within thirty days after the date such resolution 9133

is adopted by the board of education requesting that such 9134

resolution be submitted to the electors of the school district for 9135

their approval or rejection, such county auditor shall, after ten 9136

days following the filing of the petition, and not later than four 9137

p.m. of the seventy-fifth day before the day of election, transmit 9138

a certified copy of the text of the resolution to the board of 9139

elections. The county auditor shall transmit the petition to the 9140

board of elections together with the certified copy of the 9141

resolution. The board shall examine all signatures on the petition 9142

to determine the number of electors of the school district who 9143

signed the petition. The board shall return the petition to the 9144

auditor within ten days after receiving it, together with a 9145

statement attesting to the number of such electors who signed the 9146

petition. The board shall submit the resolution to the electors of 9147

the school district, for their approval or rejection, at the 9148

succeeding general election held in the school district in any 9149

year, or on the day of the succeeding primary election held in the 9150

school district in even-numbered years, occurring subsequent to 9151

seventy-five days after the auditor certifies the sufficiency and 9152

validity of the petition to the board of elections. 9153

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The resolution shall take effect and remain in effect unless 9155
and until a majority of the electors voting on the question of 9156
repeal approve the repeal. This section does not prevent a board 9157
of education, after the adoption of any resolution, from 9158
proceeding at once to give any notice or make any publication 9159
required by the resolution. 9160

The board of education shall make available to any person, 9161
upon request, a certified copy of any resolution subject to the 9162
procedure for submitting a referendum under this section beginning 9163
on the date the resolution is adopted by the board. The board may 9164
charge a fee for the cost of copying the resolution. 9165

(B) Any referendum petition may be presented in separate 9166
petition papers, but each petition paper shall contain a full and 9167
correct copy of the title and text of the resolution sought to be 9168
referred. Referendum petitions shall be governed by the rules of 9169
section 3501.38 Of the Revised Code. In determining the validity 9170
of any such petition, all signatures which are found to be 9171
irregular shall be rejected, but no petition shall be declared 9172
invalid in its entirety when one or more signatures are found to 9173
be invalid except when the number of valid signatures is found to 9174
be less than the total number required by division (A) of this 9175
section. 9176

The petitions and signatures upon such petitions shall be 9177
prima-facie presumed to be in all respects sufficient. No 9178
resolution submitted to the electors of any school district, and 9179
receiving an affirmative majority of the votes cast thereon, shall 9180
be held ineffective or void on account of the insufficiency of the 9181
petitions by which such submission of the resolution was procured, 9182
nor shall the rejection, by a majority of the votes cast thereon, 9183
of any resolution submitted to the electors of such school 9184
district, be held invalid for such insufficiency. 9185

Resolutions receiving an affirmative majority of the votes cast thereon, shall become effective on the first day of the month following certification by the board of elections of the official vote on such question. 9186
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(C) Whoever files a referendum petition under this section against any resolution shall, before circulating such petition, file a certified copy of the resolution with the county auditor and with the county board of elections. 9190
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As used in this section, "certified copy" means a copy containing a written statement attesting that it is a true and exact reproduction of the original resolution. 9194
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At the top of each part of such a petition the following words shall be printed in red: 9197
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NOTICE 9199

Whoever knowingly signs this petition more than once, signs a name other than the person's own, or signs when not a legal voter is liable to prosecution. 9200
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(D) The petitioners may designate in any referendum petition a committee of not less than three of their number, who shall be regarded as filing the petition. After a petition has been filed with the county auditor it shall be kept open for public inspection for ten days. If, after a verified referendum petition has been filed against any resolution, the board of education repeals or rescinds the resolution, or it is held to be invalid, the board of elections shall not submit such resolution to a vote of the electors. 9203
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(E)(1) The circulator of a referendum petition, or the circulator's agent, shall, within five days after such petition is filed with the county auditor, file a statement, made under penalty of election falsification, showing in detail: 9212
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<u>(a) All moneys or things of value paid, given, or promised for circulating such petition;</u>	9216
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<u>(b) Full names and addresses of all persons to whom such payments or promises were made;</u>	9218
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<u>(c) Full names and addresses of all persons who contributed anything of value to be used in circulating such petitions;</u>	9220
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<u>(d) Time spent and salaries earned while circulating or soliciting signatures to petitions by persons who were regular salaried employees of some person who authorized them to solicit signatures for or circulate the petition as a part of their regular duties.</u>	9222
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<u>(2) The statement provided for in division (E)(1) of this section is not required from persons who take no other part in circulating a petition other than signing declarations to parts of the petition and soliciting signatures to them.</u>	9227
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<u>(3) Such statement shall be open to public inspection for a period of one year.</u>	9231
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<u>(F) No person shall knowingly sign a referendum petition more than once, sign a name other than the person's own, or sign when not a legal voter.</u>	9233
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<u>(G) No person shall accept anything of value for signing a referendum petition.</u>	9236
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<u>(H) No person shall, directly or indirectly, by intimidation or threats, influence or seek to influence any person to sign or abstain from signing, or to solicit signatures to or abstain from soliciting signatures to a referendum petition.</u>	9238
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<u>(I) Whoever violates division (F), (G), or (H) of this section is guilty of a minor misdemeanor.</u>	9242
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Section 2. That existing sections 102.02, 319.301, 3301.0714,	9244

3311.06, 3311.38, 3311.52, 3313.21, 3313.29, 3313.484, 3313.534, 9245
 3313.64, 3313.642, 3313.646, 3313.647, 3313.841, 3313.842, 9246
 3313.843, 3313.90, 3313.98, 3313.981, 3314.02, 3314.03, 3314.08, 9247
 3314.20, 3315.01, 3316.03, 3317.01, 3317.02, 3317.021, 3317.022, 9248
 3317.023, 3317.024, 3317.025, 3317.027, 3317.028, 3317.0210, 9249
 3317.0211, 3317.0213, 3317.0214, 3317.03, 3317.031, 3317.032, 9250
 3317.033, 3317.05, 3317.051, 3317.053, 3317.06, 3317.064, 3317.08, 9251
 3317.081, 3317.082, 3317.09, 3317.10, 3317.11, 3317.16, 3317.17, 9252
 3317.19, 3318.04, 3318.05, 3318.06, 3318.08, 3318.091, 3318.10, 9253
 3318.12, 3318.16, 3318.17, 3318.35, 3319.02, 3319.088, 3319.17, 9254
 3319.19, 3321.05, 3323.08, 3323.091, 3323.12, 3323.13, 3323.14, 9255
 3323.141, 3323.142, 3323.16, 3327.04, 3327.05, 3365.01, 3365.04, 9256
 3365.08, 5705.02, 5705.214, 5705.29, 5748.02, 5748.03, and 5748.04 9257
 and sections 3301.0719, 3317.012, 3317.029, 3317.0212, 3317.052, 9258
 3318.051, and 3318.111 of the Revised Code are hereby repealed. 9259
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Section 3. That Sections 50, 50.04, 50.07, 50.08, 50.09, 9261
 50.10, 50.12, 50.13, 50.14, 50.15, 50.20, 50.23, 50.24, 50.26, 9262
 50.32, 50.40, 50.43, 50.44, 69.03, 76, and 130.01 of Am. Sub. H.B. 9263
 215 of the 122nd General Assembly be amended to read as follows: 9264

"Sec. 50. EDU DEPARTMENT OF EDUCATION 9265

General Revenue Fund 9266

GRF 200-100 Personal Services	\$	10,744,925	\$	0	9267
				<u>10,756,210</u>	9268
GRF 200-200 Maintenance	\$	8,691,111	\$	0	9269
				<u>4,597,207</u>	9270
GRF 200-300 Equipment	\$	117,449	\$	0	9271
				<u>116,773</u>	9272
GRF 200-405 Primary and Secondary	\$	0	\$	4,470,135,592	9273
Education Funding				<u>0</u>	9274

GRF 200-406	Head Start	\$	83,739,058	\$	0	9275
					<u>92,562,977</u>	9276
GRF 200-408	Public Preschool	\$	17,468,094	\$	0	9277
					<u>17,904,796</u>	9278
<u>GRF 200-410</u>	<u>Professional</u>	\$	<u>0</u>	\$	<u>29,649,944</u>	9279
	<u>Development</u>					
GRF 200-411	Family and Children First	\$	8,500,500	\$	0	9280
					<u>10,642,188</u>	9281
GRF 200-412	Driver Education Administration	\$	143,429	\$	0	9282
					<u>142,605</u>	9283
GRF 200-415	Consumer Education	\$	500,000	\$	0	9284
					<u>500,000</u>	9285
GRF 200-416	Vocational Education Match	\$	2,245,026	\$	0	9286
					<u>2,248,664</u>	9287
GRF 200-417	Professional Development	\$	14,370,077	\$	0	9288
GRF 200-422	School Management Assistance	\$	550,596	\$	0	9289
			<u>800,596</u>		<u>841,563</u>	9290
GRF 200-423	Teacher Recruitment	\$	1,289,067	\$	0	9291
GRF 200-424	Simulation System	\$	449,796	\$	0	9292
					<u>447,210</u>	9293
GRF 200-426	Ohio Educational Computer Network	\$	21,698,858	\$	0	9294
					<u>22,228,079</u>	9295
GRF 200-429	Local Professional Development Block Grants	\$	9,259,713	\$	0	9296
GRF 200-431	School Improvement Models	\$	16,450,000	\$	0	9297

				<u>11,525,000</u>	9298
GRF 200-432	School Conflict Management	\$ 392,575	\$ 0		9299
				<u>402,390</u>	9300
GRF 200-437	Student Proficiency	\$ 10,555,476	\$ 0		9301
				<u>11,798,788</u>	9302
GRF 200-441	American Sign Language	\$ 226,245	\$ 0		9303
				<u>226,245</u>	9304
GRF 200-442	Child Care Licensing	\$ 1,359,171	\$ 0		9305
				<u>1,438,172</u>	9306
GRF 200-446	Education Management Information System	\$ 12,060,657	\$ 0		9307
				<u>10,299,674</u>	9308
GRF 200-447	GED Testing/Adult High School	\$ 1,939,001	\$ 0		9309
				<u>1,987,475</u>	9310
GRF 200-455	Charter Schools	\$ 1,200,000	\$ 0		9311
				<u>2,300,000</u>	9312
GRF 200-500	School Finance Equity	\$ 109,405,982	\$ 0		9313
				<u>66,957,250</u>	9314
GRF 200-501	School Foundation <u>Basic Allowance Base</u> <u>Cost Funding</u>	\$ 2,202,851,688	\$ 0		9315
				<u>2,986,915,811</u>	9316
GRF 200-502	Pupil Transportation	\$ 179,702,987	\$ 0		9317
				<u>231,595,463</u>	9318
GRF 200-503	Bus Purchase Allowance	\$ 36,365,821	\$ 0		9319
				<u>37,274,967</u>	9320
GRF 200-504	Special Education	\$ 556,029,126	\$ 0		9321
GRF 200-505	School Lunch Match	\$ 9,450,000	\$ 0		9322
				<u>9,450,000</u>	9323
GRF 200-507	Vocational Education	\$ 317,612,847	\$ 0		9324
GRF 200-509	Adult Literacy	\$ 8,928,273	\$ 0		9325

	Education			<u>9,151,480</u>	9326
GRF 200-511	Auxiliary Services	\$ 95,956,267	\$	0	9327
				<u>101,617,687</u>	9328
GRF 200-512	Driver Education	\$ 6,026,070	\$	0	9329
				<u>6,206,852</u>	9330
GRF 200-514	Post-Secondary/Adult	\$ 20,695,861	\$	0	9331
	Vocational Education			<u>20,695,861</u>	9332
GRF 200-520	Disadvantaged Pupil	\$ 277,205,650	\$	0	9333
	Impact Aid			<u>386,618,741</u>	9334
GRF 200-521	Gifted Pupil Program	\$ 34,383,349	\$	0	9335
				<u>36,326,043</u>	9336
GRF 200-524	Educational Excellence	\$ 9,528,000	\$	0	9337
	and Competency			<u>9,168,000</u>	9338
GRF 200-526	Vocational Education	\$ 4,941,622	\$	0	9339
	Equipment Replacement				
GRF 200-532	Nonpublic	\$ 41,829,125	\$	0	9340
	Administrative Cost				
	Reimbursement			<u>44,297,043</u>	9341
GRF 200-533	School-Age Child Care	\$ 1,046,647	\$	0	9342
				<u>1,046,647</u>	9343
GRF 200-534	Desegregation Costs	\$ 50,400,000	\$	0	9344
				<u>50,400,000</u>	9345
<u>GRF 200-540</u>	<u>Special Education</u>	\$ 0	\$	<u>136,286,490</u>	9346
	<u>Enhancements</u>				
GRF 200-541	Peer Review	\$ 1,840,000	\$	0	9347
GRF 200-542	National Board	\$ 1,600,000	\$	0	9348
	Certification				
GRF 200-543	Entry Year Program	\$ 2,396,205	\$	0	9349

GRF 200-544	Individual Career Plan & Passport	\$ 5,708,968	\$ 0	9350
<u>GRF 200-545</u>	<u>Vocational Education Enhancements</u>	<u>\$ 0</u>	<u>\$ 174,298,314</u>	9351
GRF 200-546	Charge-Off Supplement	\$ 0	\$ 11,000,000	9352
GRF 200-547	Power Equalization	\$ 0	\$ 12,500,000	9353
GRF 200-551	Reading Improvement	\$ 1,666,133	\$ 0	9354
			<u>1,666,133</u>	9355
GRF 200-552	County MR/DD Boards Vehicle Purchases	\$ 1,551,774	\$ 0	9356
			<u>1,590,569</u>	9357
GRF 200-553	County MR/DD Boards Transportation Operating	\$ 6,611,623	\$ 0	9358
			<u>6,876,088</u>	9359
<u>GRF 200-558</u>	<u>Emergency Loan Interest Subsidy</u>	<u>\$ 0</u>	<u>\$ 8,490,374</u>	9360
GRF 200-577	Preschool Special Education	\$ 62,268,535	\$ 0	9361
GRF 200-589	Special Education Aides	\$ 1,635,157	\$ 0	9362
GRF 200-901	Property Tax Allocation - Education	\$ 566,800,000	\$ 600,800,000	9363
GRF 200-906	Tangible Tax Exemption - Education	\$ 61,320,000	\$ 63,210,000	9364
TOTAL GRF	General Revenue Fund	\$ 4,899,708,534	\$ 5,134,145,592	9365
		<u>4,899,958,534</u>	<u>5,247,055,773</u>	9366
General Services Fund Group				9367
4D1 200-602	Ohio Prevention/Education Resource Center	\$ 277,560	\$ 285,332	9368
138 200-606	Computer Services	\$ 4,036,728	\$ 4,143,201	9369
452 200-638	Fees and Gifts	\$ 1,788,862	\$ 1,838,335	9370

596	200-656	Ohio Career Information System	\$	647,156	\$	660,812	9371
4P1	200-629	Adult Literacy Education	\$	2,364,400	\$	2,430,603	9372
4L2	200-681	Teacher Certification and Licensure	\$	3,580,741	\$	3,675,311	9373
TOTAL GSF General Services							9374
Fund Group			\$	12,695,447	\$	13,033,594	9375
Federal Special Revenue Fund Group							9376
309	200-601	Educationally Disadvantaged	\$	12,486,104	\$	12,904,245	9377
366	200-604	Adult Basic Education	\$	16,300,000	\$	18,000,000	9378
3H9	200-605	Head Start Collaboration Project	\$	200,000	\$	200,000	9379
367	200-607	School Food Services	\$	9,290,000	\$	10,160,000	9380
368	200-614	Veterans' Training	\$	565,232	\$	593,493	9381
369	200-616	Vocational Education	\$	10,556,971	\$	10,787,320	9382
3L6	200-617	Federal School Lunch	\$	159,570,000	\$	167,550,000	9383
3L7	200-618	Federal School Breakfast	\$	29,818,000	\$	31,607,000	9384
3L8	200-619	Child and Adult Care Programs	\$	58,600,000	\$	59,800,000	9385
3L9	200-621	Vocational Education Basic Grant	\$	54,122,121	\$	54,122,121	9386
3M0	200-623	ESEA Chapter One	\$	356,669,568	\$	374,503,047	9387
370	200-624	Education of All Handicapped Children	\$	12,902,838	\$	12,902,838	9388
3N7	200-627	School-to-Work	\$	18,000,000	\$	13,500,000	9389
371	200-631	EEO Title IV	\$	364,655	\$	377,850	9390
372	200-635	Federal Driver Education Projects	\$	84,500	\$	84,500	9391
373	200-642	Pupil Transportation Safety Project	\$	81,000	\$	81,000	9392

374	200-647	E.S.E.A. Consolidated Grants	\$	260,301	\$	265,624	9393
375	200-652	Technical Assistance for Educational Mobility	\$	216,720	\$	227,556	9394
376	200-653	J.T.P.A.	\$	5,000,000	\$	5,034,523	9395
3R3	200-654	Goals 2000	\$	19,789,214	\$	22,000,000	9396
377	200-657	Sex Equity	\$	125,685	\$	131,969	9397
378	200-660	Math/Science Technology Investments	\$	10,802,634	\$	12,000,000	9398
3D1	200-664	Drug Free Schools	\$	17,410,259	\$	19,500,000	9399
3D2	200-667	Honors Scholarship Program	\$	1,231,979	\$	1,231,979	9400
3E2	200-668	AIDS Education Project	\$	718,734	\$	620,775	9401
3M1	200-678	ESEA Chapter Two	\$	13,478,447	\$	14,152,369	9402
3M2	200-680	Ind W/Disab Education Act	\$	91,825,830	\$	91,825,830	9403
TOTAL FED Federal Special							9404
Revenue Fund Group			\$	900,470,792	\$	934,164,039	9405
State Special Revenue Fund Group							9406
454	200-610	Guidance and Testing	\$	490,662	\$	503,912	9407
455	200-608	Commodity Foods	\$	8,000,000	\$	8,000,000	9408
4V7	200-633	Interagency Vocational Support	\$	514,000	\$	528,392	9409
5F8	200-645	Textbooks/Instructional Materials	\$	25,000,000	\$	25,000,000	9410
598	200-659	Auxiliary Services Mobile Units	\$	1,224,444	\$	1,258,728	9411
<u>5H3</u>	<u>200-687</u>	<u>School District Solvency Assistance</u>	<u>\$</u>	<u>0</u>	<u>\$</u>	<u>30,000,000</u>	9412
4R7	200-695	Indirect Cost Recovery	\$	1,357,434	\$	1,393,146	9413
TOTAL SSR State Special Revenue							9414
Fund Group			\$	36,586,540	\$	36,684,178	9415

				<u>66,684,178</u>	9416
Lottery Profits Education Fund Group					9417
017	200-682	Lease Rental Payment	\$ 21,105,000	\$ 32,780,000	9418
		Reimbursement			
<u>017</u>	<u>200-610</u>	<u>Base Cost Funding</u>	<u>\$ 0</u>	<u>\$ 666,093,028</u>	9419
017	200-670	School Foundation -	\$ 584,137,200	\$ 0	9420
		Basic Allowance			
017	200-671	Special Education	\$ 44,000,000	\$ 0	9421
017	200-672	Vocational Education	\$ 30,000,000	\$ 0	9422
017	200-673	Primary and Secondary	\$ 0	\$ 666,093,028	9423
		Lottery Funding			
				<u>0</u>	9424
017	200-694	Bus Purchase One Time	\$ 10,000,000	\$ 0	9425
		Supplement			
018	200-649	Disability Access	\$ 5,000,000	\$ 0	9426
		Project			
018	200-669	Judgement <u>Judgment</u>	\$ 5,650,000	\$ 0	9427
		Loan			
Total 017 and 018					9428
LPE Lottery Profits Education					9429
Fund Group					9430
			\$ 699,892,200	\$ 698,873,028	
			<u>694,892,200</u>		9431
Education Improvement Fund					9432
006	200-689	Hazardous Waste	\$ 1,500,000	\$ 1,443,401	9433
		Removal			
TOTAL Education Improvement Fund					9434
TOTAL ALL BUDGET FUND GROUPS					9435
			\$ 6,550,853,513	\$ 6,818,343,832	
			<u>6,546,103,513</u>	<u>6,959,810,612</u>	9436
<u>Primary and Secondary Education Funding</u>					9437
By January 15, 1998, the General Assembly shall develop a					9438
plan to provide itemized appropriations for the Department of					9439
Education for fiscal year 1999.					9440

~~In anticipation of a new, improved school finance formula and
education reform plan, to be enacted before fiscal year 1999, the
foregoing appropriation item, 200-405, Primary and Secondary
Education Funding is hereby appropriated.~~

~~Payment of fiscal year 1999 earmarks in the Department of
Education's budget are subject to the passage of a new school
finance formula and education reform plan.~~

Professional Development

Of the foregoing appropriation item 200-410, Professional
Development, \$5,997,829 shall be used by the Department of
Education to develop a statewide comprehensive system of twelve
professional development centers that support local educators'
ability to foster academic achievement in the students they serve.
The centers shall include training teachers on site-based
management concepts to encourage teachers to become involved in
the management of their schools. Each fiscal year, up to \$450,000
of the appropriation item shall be used to continue Ohio
leadership academies to develop and train superintendents,
principals, other administrators, and board members in new
leadership and management practices to support high performance
schools. This training shall be coordinated with other locally
administered leadership programs.

Of the foregoing appropriation item 200-410, Professional
Development, \$50,000 each year shall be distributed to the Ohio
Geographical Alliance at such time as matching funds are provided
by the National Geographical Society. These moneys shall be used
by the Ohio Geographical Alliance to provide inservice geography
training to Ohio public school teachers.

Of the foregoing appropriation item 200-410, Professional
Development, \$75,000 in each fiscal year shall be distributed by
the Department of Education to the Ohio University Leadership

<u>Project.</u>	9472
<u>Of the foregoing appropriation item 200-410, Professional</u>	9473
<u>Development, up to \$500,000 each year shall be used by the</u>	9474
<u>Department of Education to work with school districts in</u>	9475
<u>coordinating and improving the training and performance of</u>	9476
<u>classroom teachers.</u>	9477
<u>Of the foregoing appropriation item 200-410, Professional</u>	9478
<u>Development, \$25,000 in each fiscal year shall be used by the Lake</u>	9479
<u>County Educational Service Center and \$25,000 in each fiscal year</u>	9480
<u>shall be used by the Geauga County Educational Service Center.</u>	9481
<u>Both projects shall be used for professional teacher development</u>	9482
<u>of innovative teaching practices in science and math.</u>	9483
<u>Of the foregoing appropriation item 200-410, Professional</u>	9484
<u>Development, \$500,000 in each fiscal year shall be used by the</u>	9485
<u>Rural Appalachian Initiative to create professional development</u>	9486
<u>academies for teachers, principals, and superintendents in the</u>	9487
<u>Appalachian region.</u>	9488
<u>Of the foregoing appropriation item 200-410, Professional</u>	9489
<u>Development, up to \$1,800,000 in fiscal year 1999 shall be used by</u>	9490
<u>the Department of Education in cooperation with the Regional</u>	9491
<u>Professional Development Centers to train mentor teachers and</u>	9492
<u>provide stipends of \$1,500 per year to each mentor teacher to</u>	9493
<u>assist in the professional development of beginning teachers.</u>	9494
<u>Of the foregoing appropriation item 200-410, Professional</u>	9495
<u>Development, up to \$1,000,000 in fiscal year 1999 shall be used by</u>	9496
<u>the Department of Education in cooperation with the Regional</u>	9497
<u>Professional Development Centers to train teacher assessors and</u>	9498
<u>provide stipends of \$2,500 per year to each teacher assessor to</u>	9499
<u>assist in the evaluation of the classroom performance of beginning</u>	9500
<u>teachers.</u>	9501
<u>Of the foregoing appropriation item 200-410, Professional</u>	9502

Development, \$1,321,292 shall be used by the Department of 9503
Education to establish programs targeted at recruiting 9504
under-represented populations into the teaching profession. In 9505
each year, the appropriation item shall be used by the department 9506
to include, but not be limited to, alternative teacher licensure 9507
or certification programs emphasizing the recruitment of highly 9508
qualified minority candidates into teaching, including emphasizing 9509
the recruitment of highly qualified minority candidates into 9510
teaching positions in schools which have a high percentage of 9511
minority students. The recruitment programs shall also target 9512
recruiting qualified candidates available as a result of 9513
downsizing of the military and business sectors. Funding shall 9514
also be targeted to statewide, regional, and local programs that 9515
are competitively selected as promising programs demonstrating the 9516
potential of significantly increasing Ohio's minority teaching 9517
force. 9518

Of the foregoing appropriation item 200-410, Professional 9519
Development, \$500,000 in each fiscal year shall be used to 9520
establish or enhance alternative disciplinary schools by providing 9521
grants of \$100,000 annually to each of the following programs: 9522
Wood County Alternative School Program, Interval Opportunity 9523
School in Summit County, Portage County Opportunity School in 9524
Ravenna, Auglaize County Alternative School Program, and Licking 9525
County Alternative School Program. Such pilot programs shall 9526
encourage collaborative relationships with juvenile courts and 9527
other agencies to develop effective teaching and learning 9528
programs. 9529

Of the foregoing appropriation item 200-410, Professional 9530
Development, \$200,000 in each fiscal year shall be provided to the 9531
Stark County Schools Teacher Technical Training Center. 9532

Of the foregoing appropriation item 200-410, Professional 9533
Development, \$9,659,713 shall be distributed on a per teacher 9534

basis to all school districts, joint vocational school districts, 9535
and chartered nonpublic schools for locally developed teacher 9536
training and professional development and for the establishment of 9537
local professional development committees. School districts and 9538
joint vocational school districts shall not be precluded from 9539
using these funds for cooperative activities on a county or 9540
regional basis. 9541

Of the foregoing appropriation item 200-410, Professional 9542
Development, \$2,875,000 shall be used by the Department of 9543
Education to develop a peer review program for teachers, to 9544
provide training, and to implement the peer review program in 9545
school districts on a pilot basis in fiscal year 1998. Funds for 9546
fiscal year 1999 shall be awarded on a competitive basis to school 9547
districts wishing to implement peer review programs. In each 9548
fiscal year, \$640,000 shall be distributed to the Regional 9549
Professional Development Centers to provide training for mentor 9550
teachers and for leadership teams from districts implementing peer 9551
review programs. 9552

Of the foregoing appropriation item 200-410, Professional 9553
Development, \$125,000 in each fiscal year shall be used by the 9554
Rural Appalachian Initiative to develop a peer review and coaching 9555
model whereby teachers coach one another. In addition, the funds 9556
shall be used to train and provide stipends for teacher coaches 9557
and mentors, and to develop training modules for professional 9558
improvement through establishing and attaining goals. 9559

Of the foregoing appropriation item 200-410, Professional 9560
Development, \$1,650,000 shall be used by the Department of 9561
Education to pay the application fee for teachers from public and 9562
chartered nonpublic schools applying to the National Board for 9563
Professional Teaching Standards for professional teaching 9564
certificates or licenses that the board offers, and to provide 9565
grants in each fiscal year to recognize and reward teachers who 9566

become certified by the board pursuant to section 3319.55 of the 9567
Revised Code. 9568

In each fiscal year, the appropriation item shall be used to 9569
pay for the first 400 applications received by the department. 9570
Each prospective applicant for certification or licensure shall 9571
submit an application to the Department of Education. When the 9572
department has collected a group of applications, but no later 9573
than 30 days after receipt of the first application in a group, it 9574
shall send the applications to the National Board for Professional 9575
Teaching Standards along with a check to cover the cost of the 9576
application fee for all applicants in that group. 9577

Of the foregoing appropriation item 200-410, Professional 9578
development, up to \$300,000 shall be used each fiscal year by the 9579
Department of Education to support the connection of teacher 9580
applicants to university programs that enhance applicant learning 9581
and professional development during the National Board 9582
Certification process. 9583

Of the foregoing appropriation item 200-410, Professional 9584
Development, \$2,456,110 shall be used by the Department of 9585
Education to expand the pilot residency programs established 9586
pursuant to provisions of Am. Sub. H.B. 152 of the 120th General 9587
Assembly. 9588

The Department of Education shall select eligible beginning 9589
teachers to participate in a year-long entry year program which 9590
provides for guidance and coaching by experienced school district 9591
and university faculty and regular teacher performance assessment. 9592
The program is designed to assess each beginning teacher with the 9593
Education Testing Service's Praxis III examination. These funds 9594
shall be used to support the supervisory, teaching, and assessment 9595
services associated with the pilot residency program in urban, 9596
suburban, and rural sites. 9597

Sec. 50.04. Family and Children First 9598

(A) Of the foregoing appropriation item 200-411, Family and 9599
Children First, the Department of Education shall transfer up to 9600
\$3,587,500 in fiscal year 1998 and \$3,677,188 in fiscal year 1999 9601
by intrastate transfer voucher to the Department of Mental 9602
Retardation and Developmental Disabilities. These funds shall be 9603
spent on direct grants to county family and children first 9604
councils and local intersystem services for children clusters 9605
created under section 121.37 of the Revised Code. The funds shall 9606
be used as partial support payment and reimbursement for the 9607
maintenance and treatment costs of multi-need children that come 9608
to the attention of the Family and Children First Cabinet Council 9609
pursuant to section 121.37 of the Revised Code. The Department of 9610
Mental Retardation and Developmental Disabilities shall administer 9611
the distribution of the direct grants to the county councils and 9612
local clusters. The Department of Mental Retardation and 9613
Developmental Disabilities may use up to five per cent of this 9614
amount for administrative expenses associated with the 9615
distribution of funds to the county councils and local clusters. 9616

(B) Of the funds appropriated in this item, up to \$1,643,000 9617
in fiscal year 1998 and \$1,775,000 in fiscal year 1999 shall be 9618
used as administrative grants to county family and children first 9619
councils to provide a portion of the salary and fringe benefits 9620
necessary to fund county council coordinators, administrative 9621
support, training, or parental involvement. The total initial 9622
grant under this provision to any county family and children first 9623
council shall not exceed \$18,500 in fiscal year 1998 and \$20,000 9624
in fiscal year 1999. In the event that not all counties in the 9625
state have established a county council, at the beginning of the 9626
fourth quarter of a fiscal year, any remaining funds to be used as 9627
administrative grants may be distributed among those counties that 9628
have established a county council. Of the funds appropriated in 9629

this item, up to \$15,000 shall be used by the Family and Children
First Cabinet Council for administrative costs including stipends
to family representatives participating in approved activities of
the initiative, educational and informational forums, and
technical assistance to local family and children first councils.

(C) Of the foregoing appropriation item 200-411, Family and
Children First, up to \$3,120,000 in fiscal year 1998 and
\$5,040,000 in fiscal year 1999 shall be used to fund school-based
or school-linked school readiness resource centers in school
districts where there is a concentration of risk factors to school
readiness and success, including indicators of poverty, health,
and family stability. The purpose of these centers is to assist in
providing services to families of school-age children who want and
need support.

School readiness resource centers shall be located in each of
the state's 21 urban school districts as defined in division
~~(H)~~(O) of section 3317.02 of the Revised Code, as that section
existed prior to July 1, 1998. The Ohio Family and Children First
Cabinet Council, in consultation with the Department of Education
and school districts, shall identify individual schools based on
quantitative and qualitative factors that reflect both the need
for school readiness resource centers and the local capacity for
redesigning, as necessary, a delivery system of family support
services. The council and the Department of Education shall
organize and provide technical assistance to the school districts
and communities in planning, developing, and implementing the
centers. The council shall also negotiate a performance agreement
that details required program characteristics, service options,
and expected results.

Each urban school district and community may receive up to
\$240,000 for three school readiness resource centers that may be
located in or linked to elementary, middle, and high school sites

that are connected by student assignment patterns within the 9662
school districts. Each school district shall work with a 9663
representative of the local family and children first council and 9664
a representative cross-section of families and community leaders 9665
in the district to design a unified and comprehensive service 9666
delivery plan that supports the development and implementation of 9667
the school readiness resource centers and the results and 9668
conditions agreed to in the performance agreement negotiated with 9669
the state council. 9670

Up to \$50,000 in each fiscal year may be used by the Ohio 9671
Family and Children First Cabinet Council for an evaluation of the 9672
effectiveness of the school readiness resource centers. Up to 9673
\$100,000 in each fiscal year may be used by the cabinet council to 9674
approve technical assistance and oversee the implementation of the 9675
centers. The administration and management of the school readiness 9676
resource centers may be contracted out through a competitive 9677
bidding process established by the cabinet council in consultation 9678
with the Department of Education. 9679

Driver Education Administration 9680

The foregoing appropriation item 200-412, Driver Education 9681
Administration, shall be used by the Department of Education for 9682
the administration of driver education programs. 9683

Consumer Education 9684

The foregoing appropriation item 200-415, Consumer and 9685
Economic Education, shall be used by the Department of Education 9686
to promote the teaching of consumer and economic education as an 9687
integral part of the entire elementary and secondary school 9688
curriculum, which shall include the development, dissemination, 9689
and implementation of comprehensive education curriculum materials 9690
designed to improve understanding of economic principles, family 9691
and public needs, and the methods by which our economic systems 9692

function. 9693

Vocational Education Match 9694

The foregoing appropriation item 200-416, Vocational 9695
Education Match, shall be used by the Department of Education to 9696
provide vocational administration matching funds pursuant to 20 9697
U.S.C. 2311. 9698

Professional Development 9699

~~The foregoing appropriation item 200-417, Professional 9700
Development, shall be used by the Department of Education to 9701
develop a statewide comprehensive system of twelve professional 9702
development centers that support local educators' ability to 9703
foster academic achievement in the students they serve. The 9704
centers shall include training teachers on site based management 9705
concepts to encourage teachers to become involved in the 9706
management of their schools. Each fiscal year, up to \$450,000 of 9707
the appropriation item shall be used to continue Ohio leadership 9708
academies to develop and train superintendents, principals, other 9709
administrators, and board members in new leadership and management 9710
practices to support high performance schools. This training shall 9711
be coordinated with other locally administered leadership 9712
programs. 9713~~

~~Of the foregoing appropriation item 200-417, Professional 9714
Development, up to \$6,000,000 in fiscal year 1998 shall be used 9715
for the creation or expansion of urban professional development 9716
academies in Akron, Cincinnati, Cleveland, Columbus, Dayton, and 9717
Toledo. Challenge grants in the amount of \$1,000,000 per academy 9718
shall be provided to support academies that have established an 9719
improvement plan that includes an overall professional development 9720
plan that align with and advances the district improvement plan, 9721
and that defines the contribution the academy is expected to make 9722
toward the achievement of the professional development plan. 9723~~

(A) These challenge grants are to support start up academies	9724
that include all of the following:	9725
(1) A contractual relationship for the operation of the	9726
academy between the school district, one or more public or private	9727
universities, and the teachers' union;	9728
(2) A self-supporting foundation for the operation of the	9729
academy;	9730
(3) A governing committee comprised of the superintendent of	9731
the public school; the president of the teachers' union; the dean	9732
of the college of education of each participating university; and	9733
at least two representatives of the business community to be	9734
determined by the governing committee;	9735
(4) Mandatory teacher participation in job embedded,	9736
team building activities that may include principals and other	9737
administrative staff;	9738
(5) Annual evaluation of the academy to be filed with the	9739
Ohio Department of Education, which shall determine the parameters	9740
of the annual evaluations, that include the school district's	9741
progress toward the achievement of its improvement plan.	9742
(B) Challenge grants of up to \$1,000,000 per academy will be	9743
provided to support existing academies that agree to implement one	9744
or more of the following:	9745
(1) Adoption of a policy of mandatory teacher participation	9746
in academy activities;	9747
(2) Creation of a leadership component in the academy;	9748
(3) The participation of personnel from other urban districts	9749
in the academy.	9750
Existing academies shall conduct annual evaluations of the academy	9751
to be filed with the Ohio Department of Education, which shall	9752
determine the parameters of the annual evaluations.	9753

~~School districts receiving a \$1,000,000 challenge grant for the creation of an urban professional development academy may select, but are not required to select, the New American Schools Program as the focus of their academy. The challenge grant for the Cincinnati City School District may be used for the expansion of either the Mayerson Academy or the New American Schools project, or both, at the discretion of the district.~~

~~Of the foregoing appropriation item 200 417, Professional Development, \$50,000 each year shall be distributed to the Ohio Geographical Alliance at such time as matching funds are provided by the National Geographical Society. These moneys shall be used by the Ohio Geographical Alliance to provide inservice geography training to Ohio public school teachers.~~

~~Of the foregoing appropriation ITEM 200 417 Professional Development, \$75,000 in each fiscal year shall be distributed by the Department of Education to the Ohio University Leadership Project.~~

~~Of the foregoing appropriation item 200 417, Professional Development, up to \$500,000 each year shall be used by the Department of Education to work with school districts in coordinating and improving the training and performance of classroom teachers.~~

~~Of the foregoing appropriation item 200 417, Professional Development, \$25,000 in each fiscal year shall be used by the Lake County Educational Service Center and \$25,000 in each fiscal year shall be used by the Geauga County Educational Service Center. Both projects shall be used for professional teacher development of innovative teaching practices in science and math.~~

~~Of the foregoing appropriation item 200 417, Professional Development, \$500,000 in each fiscal year shall be used by the Rural Appalachian Initiative to create professional development~~

~~academies for teachers, principals, and superintendents in the
Appalachian region.~~ 9785
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~~Of the foregoing appropriation item 200-417, Professional
Development, up to \$900,000 in fiscal year 1998 and up to
\$1,800,000 in fiscal year 1999 shall be used by the Department of
Education in cooperation with the Regional Professional
Development Centers to train mentor teachers and provide stipends
of \$1,500 per year to each mentor teacher to assist in the
professional development of beginning teachers.~~ 9787
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~~Of the foregoing appropriation item 200-417, Professional
Development, up to \$500,000 in fiscal year 1998 and up to
\$1,000,000 in fiscal year 1999 shall be used by the Department of
Education in cooperation with the Regional Professional
Development Centers to train teacher assessors and provide
stipends of \$2,500 per year to each teacher assessor to assist in
the evaluation of the classroom performance of beginning teachers.~~ 9794
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School Management Assistance 9801

The foregoing appropriation item 200-422, School Management
Assistance, shall be used by the Department of Education to
provide fiscal technical assistance and inservice education for
school district management personnel, ~~to coordinate school
district borrowing under the provisions of section 3313.483 of the
Revised Code, and to implement year end borrowing authority by
districts pursuant to section 133.303 of the Revised Code and to
administer, monitor, and implement the fiscal watch and fiscal
emergency provisions under Chapter 3316. Of the Revised Code.~~ 9802
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Teacher Recruitment 9811

~~The foregoing appropriation item 200-423, Teacher
Recruitment, shall be used by the Department of Education to
establish programs targeted at recruiting under represented
populations into the teaching profession. In each year, the~~ 9812
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~~appropriation item shall be used by the department to include, but
not be limited to, alternative teacher licensure or certification
programs emphasizing the recruitment of highly qualified minority
candidates into teaching, including emphasizing the recruitment of
highly qualified minority candidates into teaching positions in
schools which have a high percentage of minority students. The
recruitment programs shall also target recruiting qualified
candidates available as a result of downsizing of the military and
business sectors. Funding shall also be targeted to statewide,
regional, and local programs that are competitively selected as
promising programs demonstrating the potential of significantly
increasing Ohio's minority teaching force.~~

Simulation System

The foregoing appropriation item 200-424, Simulation System,
shall be used by the Department of Education to develop software
and other computer assistance to maintain and enhance a system of
administrative, statistical, and legislative education information
to be used for policy analysis. The data base shall be kept
current at all times. Such a system will be used to supply
information and analysis of data to the General Assembly and other
state policy makers, including the Office of Budget and Management
and the Legislative Budget Office of the Legislative Service
Commission.

The Department of Education may use funding from this line
item to purchase or contract for the development of software
systems or contract for policy studies that will assist in the
provision and analysis of policy-related information.

Ohio Education Computer Network

The foregoing appropriation item 200-426, Ohio Education
Computer Network, shall be used by the Department of Education to
maintain a system of information technology throughout Ohio and to

provide technical assistance for such a system in support of the 9847
State Education Technology Plan pursuant to section 3301.07 of the 9848
Revised Code. 9849

This system shall support the development, maintenance, and 9850
operation of a network of uniform and compatible computer-based 9851
information and instructional systems. The technical assistance 9852
shall include, but not be restricted to, the development and 9853
maintenance of adequate computer software systems to support 9854
network activities. Program funds may be used, through a formula 9855
and guidelines devised by the department, to subsidize the 9856
activities of not more than twenty-four designated data 9857
acquisition sites, as defined by State Board of Education rules, 9858
to provide to school districts and chartered nonpublic schools 9859
computer-based student and teacher instructional and 9860
administrative information services, including approved 9861
computerized financial accounting, and to provide adequate 9862
services to member districts to assure the effective operation of 9863
local automated administrative systems used for the management 9864
information system. 9865

In order to broaden the scope of the use of technology for 9866
education, the department may use up to \$250,000 each fiscal year 9867
of these funds to coordinate the activities of the computer 9868
network with other agencies funded by the department or the state 9869
of Ohio. In order to improve the efficiency of network activities, 9870
the department and data acquisition sites may jointly purchase 9871
equipment, materials, and services from funds provided under this 9872
appropriation for use by the network and, when considered 9873
practical by the department, may utilize the services of 9874
appropriate state purchasing agencies. 9875

Of the foregoing appropriation item 200-426, Ohio Educational 9876
Computer Network, up to \$5,637,000 in fiscal year 1998 and 9877
\$5,637,000 in fiscal year 1999 shall be used by the Department of 9878

Education to support connections of all public school buildings to 9879
the Ohio Educational Computer Network. In each fiscal year the 9880
Department of Education shall use these funds to help reimburse 9881
data acquisition sites or school districts for the operational 9882
costs associated with using the Ohio Educational Computer Network. 9883
The Department of Education shall develop a formula and guidelines 9884
for the distribution of these funds to the data acquisition sites 9885
or individual school districts. 9886

For each year of the biennium the Department of Education 9887
shall use up to \$250,000 to continue to manage and develop the 9888
statewide union catalog and InfOhio Network of library resources 9889
that will be accessible to all school districts through the Ohio 9890
Educational Computer Network, and up to \$180,000 each year to 9891
develop and implement software to interface with the InfOhio union 9892
catalog and other electronic library systems to provide access for 9893
public school library media centers to the union catalog. 9894

In each fiscal year the Department of Education shall use up 9895
to \$180,000 to defray the costs associated with leasing additional 9896
telecommunications capacity needed to connect non-public schools 9897
to the Ohio Educational Computer Network. 9898

~~In each fiscal year the~~ The Department of Education shall use 9899
up to \$1,809,665 in fiscal year 1998 and up to \$1,854,906 in 9900
fiscal year 1999 to assist designated data acquisition sites for 9901
operational costs associated with the increased use of the system 9902
by chartered non-public schools. The Department of Education shall 9903
develop a formula and guidelines for distribution of these funds 9904
to designated data acquisition sites. 9905

Of the foregoing appropriation item 200-426, Ohio Educational 9906
Computer Network, up to \$130,000 in fiscal year 1998 and up to 9907
\$120,000 in fiscal year 1999 shall be used by the Department of 9908
Education to contract through a competitive selection process with 9909

an independent for-profit or nonprofit entity to provide current 9910
and historical information on Ohio government to school libraries 9911
for the purposes of enhancing social studies course instruction 9912
and supporting student research projects. 9913

Local Professional Development Block Grants 9914

~~Of the foregoing appropriation line item 200-429, Local 9915
Professional Development Block Grants, \$500,000 in each fiscal 9916
year shall be used to establish or enhance alternative 9917
disciplinary schools by providing grants of \$100,000 annually to 9918
each of the following programs: Wood County Alternative School 9919
Program, Interval Opportunity School in Summit County, Portage 9920
County Opportunity School in Ravenna, Auglaize County Alternative 9921
School Program, Licking County Alternative School Program. Such 9922
pilot programs shall encourage collaborative relationships with 9923
juvenile courts and other agencies to develop effective teaching 9924
and learning programs. 9925~~

~~Of the foregoing appropriation item 200-429, Local 9926
Professional Development Block Grants, \$200,000 in each fiscal 9927
year shall be provided to the Stark County Schools Teacher 9928
Technical Training Center. 9929~~

~~The remainder of the appropriation shall be distributed on a 9930
per teacher basis to all school districts and joint vocational 9931
school districts for locally developed teacher training and 9932
professional development and for the establishment of local 9933
professional development committees. School districts and joint 9934
vocational school districts shall not be precluded from using 9935
these funds for cooperative activities on a county or regional 9936
basis. 9937~~

School Improvement Models 9938

The foregoing appropriation item 200-431, School Improvement 9939
Models, shall be used by the Department of Education to continue 9940

to support the creation of a statewide network of school 9941
improvement sites by providing competitive venture capital grants 9942
to schools that demonstrate the capacity to invent or adapt school 9943
improvement models. The department shall showcase projects of 9944
exceptional merit and shall promote the networking of venture 9945
schools with both venture and nonventure schools so that 9946
administrators and teachers outside the district can benefit from 9947
the knowledge gained at these sites. 9948

Up to \$250,000 in each fiscal year shall be used by the 9949
Department of Education for personal services and maintenance 9950
costs necessary to administer the grants. 9951

Of the foregoing appropriation item, 200-431, School 9952
Improvement Models, \$500,000 in fiscal year 1998 and \$500,000 in 9953
fiscal year 1999 shall be used to conduct performance audits of 9954
each of the 21 urban school districts, as defined by section 9955
3317.02 of the Revised Code, as that section existed prior to July 9956
1, 1998. The Auditor of State will conduct the performance audits 9957
to review any programs or areas of operation where the Auditor 9958
believes greater operational efficiencies or enhanced program 9959
results can be achieved. Of the appropriation for fiscal year 9960
1998, funds may be carried over to fiscal year 1999 as needed to 9961
coincide with audit billings. 9962

The State Superintendent of Public Instruction shall, at 9963
least annually, assess individual school district responses to 9964
such performance audits. These assessments shall be compiled into 9965
a report to the Speaker of the Ohio House of Representatives, the 9966
President of the Ohio Senate, and the chairs and ranking minority 9967
members of the House and Senate committees on Education and 9968
Finance. 9969

Of the foregoing appropriation item 200-431, School 9970
Improvement Models, \$200,000 in each fiscal year shall be 9971

distributed to the Toledo International Language Center.	9972
Of the foregoing appropriation item 200-431, School Improvement Models, \$250,000 in each fiscal year shall be used by the Rural Appalachian Initiative to provide one-time grants to establish benchmark data on current performance, to develop plans for achieving the benchmarks, and to improve the Appalachian school districts' performances against the benchmarks.	9973 9974 9975 9976 9977 9978
<u>Of the foregoing appropriation item 200-431, School Improvement Models, \$1,400,000 shall be used in each fiscal year for the development and distribution of school report cards pursuant to section 3302.03 Of the Revised Code and the development of core competencies for the proficiency tests.</u>	9979 9980 9981 9982 9983
<u>School Conflict Management</u>	9984
Of the foregoing appropriation item 200-432, School Conflict Management, the amounts shall be used by the Department of Education for the purpose of providing dispute resolution and conflict management training, consultation and materials for school districts, and for the purpose of providing competitive school conflict management grants to school districts.	9985 9986 9987 9988 9989 9990
The Department of Education shall assist the Commission on Dispute Resolution in the development and dissemination of the school conflict management program.	9991 9992 9993
<u>Student Proficiency</u>	9994
The foregoing appropriation item 200-437, Student Proficiency, shall be used to develop, field test, print, distribute, score, and report results from the tests required under sections 3301.0710 and 3301.0711 of the Revised Code and for similar purposes as required by section 3301.27 of the Revised Code.	9995 9996 9997 9998 9999 10000
<u>American Sign Language</u>	10001

Of the foregoing appropriation item 200-441, American Sign Language, up to \$150,000 in each fiscal year of the biennium shall be used to implement pilot projects in Manual English and to develop ways of including American Sign Language in the ninth-through twelfth-grade curriculum.

The remainder of the appropriation shall be used by the Department of Education to provide supervision and consultation to school districts in dealing with parents of handicapped children who are deaf or hard of hearing, in integrating American Sign Language as a foreign language, and in obtaining interpreters and improving their skills.

Child Care Licensing

The foregoing appropriation item 200-442, Child Care Licensing, shall be used by the Department of Education to license and to inspect preschool and school-age child care programs in accordance with sections 3301.52 to 3301.59 of the Revised Code.

Education Management Information System

The foregoing appropriation item 200-446, Education Management Information System, shall be used to provide school districts with the means to implement local automated information systems, and to implement, develop, and improve the Education Management Information System (EMIS).

Up to \$822,706 in fiscal year 1998 and \$843,274 in fiscal year 1999 shall be used by the Department of Education for hardware, personnel, equipment, staff development, software, and forms modification, as well as to support EMIS special report activities in the department that are designed to use the data collected by the system.

Up to \$2,714,234 in fiscal year 1998 and \$2,782,090 in fiscal year 1999 shall be distributed to designated data acquisition

sites for costs relating to the processing, storing, and transfer 10032
of data for the effective operation of the EMIS. These costs may 10033
include, but are not limited to, personnel, hardware, software 10034
development, communications connectivity, professional development 10035
and support services, and to provide services to participate in 10036
the State Education Technology Plan pursuant to section 3301.07 of 10037
the Revised Code. 10038

Up to \$6,023,718 in fiscal year 1998 and \$6,174,310 in fiscal 10039
year 1999 shall be distributed to school districts and joint 10040
vocational school districts on a per-pupil basis. From this money, 10041
each school district with enrollment greater than 100 students and 10042
each vocational school district shall receive a minimum of \$5,000 10043
for each year of the biennium. Each school district with 10044
enrollment between one and one hundred and each county office of 10045
education shall receive \$3,000 for each year of the biennium. This 10046
money shall be used for costs associated with the development and 10047
operation of local automated record based information systems that 10048
provide data as required by the management information system, and 10049
facilitate local district, school, and classroom management 10050
activities. 10051

Of the foregoing appropriation item 200-446, Education 10052
Management Information System, up to \$2,500,000 in fiscal year 10053
1998 and up to \$500,000 in fiscal year 1999 shall be used by the 10054
Department of Education to procure or develop a common EMIS 10055
software. School districts and data acquisition sites shall use 10056
the common EMIS software unless the department determines that in 10057
a particular case local legacy software is completely compatible, 10058
performs tasks required for EMIS, and does not contain year 2000 10059
problems. 10060

GED Testing/Adult High School 10061

The foregoing appropriation item 200-447, GED Testing/Adult 10062

High School, shall be used to provide General Educational
Development (GED) testing at no cost to first time applicants,
pursuant to rules adopted by the State Board of Education. Of the
foregoing appropriation item 200-477, GED/Adult High School, up to
\$250,000 in each fiscal year shall be used by the department to
reimburse local school districts for a portion of the costs
incurred in providing summer instructional or intervention
services to students who have not graduated due to their inability
to pass one or more parts of the state's ninth grade proficiency
test. School districts may provide these services to students
directly or contract with post-secondary or nonprofit
community-based institutions in providing instruction. The
remainder of the appropriation shall be used for state
reimbursement to school districts for adult high school continuing
education programs pursuant to section 3313.531 of the Revised
Code or for costs associated with awarding adult high school
diplomas under section 3313.611 of the Revised Code.

Sec. 50.07. Potential Value Recomputation

~~The recalculation described in division (B) of this section
shall be made prior to any expenditure by the superintendent for
the purpose of making payments for the vocational education pupil
recomputation pursuant to the section headed "Vocational Education
Pupil Recomputation" in Am. Sub. H.B. 117 of the 121st General
Assembly and for the special education pupil recomputation
pursuant to division (I) of section 3317.023 of the Revised Code.~~

(A) Notwithstanding division ~~(B)~~(A)(2) of section 3317.022 of
the Revised Code ~~as amended by this act~~, in each fiscal year ~~of~~
~~the biennium 1999~~ the Department of Education shall first
calculate all state basic aid payments to school districts
required under Chapter 3317. of the Revised Code and other
sections of ~~this act~~ Am. Sub. H.B. 215 and Am. Sub. H.B. 650 of
the 122nd General Assembly under which payments are made from

appropriation items 200-501, School Foundation Basic Allowance, 10095
and 200-670, School Foundation Basic Allowance, as if such 10096
division had not been enacted. Such calculated amounts shall be 10097
paid to school districts in accordance with section 3317.01 of the 10098
Revised Code and Am. Sub. H.B. 650 of the 122nd General Assembly. 10099

(B) After the calculation required by division (A) of this 10100
~~heading section~~, the department shall recalculate all state basic 10101
aid payments to school districts required under Chapter 3317. of 10102
the Revised Code and other sections of ~~this act~~ Am. Sub. H.B. 215 10103
and Am. Sub. H.B. 650 of the 122nd General Assembly, utilizing in 10104
such recalculation the provisions of division ~~(B)~~(A)(2) of section 10105
3317.022 of the Revised Code. From the additional available money, 10106
the department shall pay each district an amount equal to the 10107
difference between its calculated amount of basic aid under 10108
division (A) of this ~~heading section~~ and its recalculated amount 10109
under this division. If there is not enough additional money to 10110
pay such amounts to all school districts, the department shall pay 10111
each district a percentage of such amount equal to the percentage 10112
the total amount of additional available money represents of the 10113
total amount of money that would be necessary to make the payments 10114
prescribed under this division to all districts. 10115

Sec. 50.08. Pupil Transportation 10116

Of the foregoing appropriation item 200-502, Pupil 10117
Transportation, up to \$680,000 may be used by the Department of 10118
Education each year for training prospective and experienced 10119
school bus drivers in accordance with training programs prescribed 10120
by the department; up to \$63,500 of the item shall be used each 10121
fiscal year for school bus rider safety programs pursuant to 10122
sections 3327.16 and 5126.061 of the Revised Code; and up to 10123
\$25,725,000 in fiscal year 1998 and \$27,010,000 in fiscal year 10124
1999 shall be used for handicapped transportation; and the 10125
remainder shall be used for the state reimbursement of public 10126

school districts' costs in transporting pupils to and from the 10127
school to which they attend in accordance with the district's 10128
policy, State Board of Education standards, and the Revised Code. 10129

Bus Purchase Allowance 10130

The foregoing appropriation item 200-503, Bus Purchase 10131
Allowance, shall be distributed to school districts and 10132
educational service centers pursuant to rules adopted under 10133
section 3317.07 of the Revised Code. Up to 25 per cent of the 10134
amount appropriated may be used to reimburse school districts and 10135
educational service centers for the purchase of buses to transport 10136
handicapped and nonpublic school students. 10137

Special Education 10138

~~The foregoing appropriation item 200-504, Special Education,~~ 10139
~~shall be used for special education; up to \$22,000,000 in each~~ 10140
~~fiscal year shall be used for home instruction and special~~ 10141
~~instructional services for handicapped children; up to \$2,000,000~~ 10142
~~may be used in each fiscal year for occupational and physical~~ 10143
~~therapy contract services, including services provided by physical~~ 10144
~~therapy assistants and certified occupational therapy assistants;~~ 10145
~~up to \$1,000,000 in fiscal year 1998 and up to \$1,150,000 in~~ 10146
~~fiscal year 1999 shall be used for parent mentoring programs; and~~ 10147
~~the remaining portion of this appropriation item shall be used for~~ 10148
~~special education units not to exceed 13,934 in each fiscal year.~~ 10149
~~In approving new units, to the extent possible, priority shall be~~ 10150
~~given to school districts with low adjusted valuations per pupil~~ 10151
~~as that term is defined in section 3317.0213 of the Revised Code.~~ 10152
~~The number of special education units that are allocated to~~ 10153
~~institutions shall not exceed 320 units in each year of the~~ 10154
~~biennium. Of the foregoing appropriation item, \$100,000 shall be~~ 10155
~~expended each year of the biennium for teacher training. The~~ 10156
~~Controlling Board may approve the use of unallocated funds in line~~ 10157

~~item 200-504 to fully fund home instruction, special instructional services for handicapped children, and occupational and physical therapy services as defined by Rule 3301-51-06 of the Ohio Administrative Code.~~ 10158
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~~Notwithstanding the prohibition in section 3317.05 of the Revised Code that the State Board of Education annually approve for school districts, educational service centers, institutions, and countyMR/DD boards no more than the number of special education units for which it determines appropriations have been made and notwithstanding the amounts required to be annually paid to school districts, educational service centers, institutions, and county MR/DD boards for approved special education units under divisions (N) and (O)(1) of section 3317.024 and division (B) of section 3317.16 of the Revised Code, if the foregoing appropriation item is not sufficient to fund 13,934 special education units in each fiscal year in accordance with divisions (N) and (O)(1) of section 3317.024 and division (B) of section 3317.16 of the Revised Code, the State Board of Education may approve up to 13,934 special education units in each fiscal year, in lieu of the amounts required to be paid for approved units under divisions (N) and (O)(1) of section 3317.024 and division (B) of section 3317.16 of the Revised Code, shall proportionately reduce those amounts so that the total amount the State Board pays to school districts, educational service centers, institutions, and countyMR/DD boards for all approved units does not exceed the amount of funds available in the foregoing appropriation item for such units. During the course of each fiscal year, the State Board may alter its determination of any reduction under this section for that fiscal year.~~ 10162
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~~Notwithstanding section 3317.03 of the Revised Code, special education units may be funded on a pro rata basis for those students in average daily membership in approved special education~~ 10187
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~~classes for the first full school week during the month of~~ 10190
~~February.~~ 10191

School Lunch 10192

The foregoing appropriation item 200-505, School Lunch Match, 10193
shall be used to provide matching funds to obtain federal funds 10194
for the school lunch program. 10195

Sec. 50.09. Vocational Education 10196

~~The foregoing appropriation item 200 507, Vocational~~ 10197
~~Education, shall be used for vocational education units not to~~ 10198
~~exceed 7,141 in each fiscal year. Up to \$6,695,000 in fiscal year~~ 10199
~~1998 and \$7,500,000 in fiscal year 1999 may be used for~~ 10200
~~nonvocational units necessary for graduation pursuant to section~~ 10201
~~3317.16 of the Revised Code, up to \$6,210,000 in fiscal year 1998~~ 10202
~~and \$6,500,000 in fiscal year 1999 shall be used for joint~~ 10203
~~vocational school equalization pursuant to section 3317.16 of the~~ 10204
~~Revised Code, up to \$300,000 shall be distributed to the Toledo~~ 10205
~~Technology Academy each fiscal year, up to \$9,000,000 in fiscal~~ 10206
~~year 1998 and up to \$10,000,000 in fiscal year 1999 shall be used~~ 10207
~~to fund the Jobs for Ohio Graduates (JOG) program, up to~~ 10208
~~\$2,100,000 in fiscal year 1998 and \$2,205,000 in fiscal year 1999~~ 10209
~~may be used to support tech prep consortia, and up to \$7,031,208~~ 10210
~~in fiscal year 1998 and \$7,193,118 in fiscal year 1999 shall be~~ 10211
~~used to fund the Graduation, Reality, and Dual Role Skills (GRADS)~~ 10212
~~program.~~ 10213

~~Funds for nonvocational units necessary for graduation shall~~ 10214
~~be distributed according to rules adopted by the State Board of~~ 10215
~~Education. If federal funds for vocational education cannot be~~ 10216
~~used for local school district leadership in either year under~~ 10217
~~division (M) of section 3317.024 of the Revised Code or division~~ 10218
~~(B) of section 3317.16 of the Revised Code, without being matched~~ 10219
~~by state funds, then an amount as determined by the Superintendent~~ 10220

~~of Public Instruction shall be made available from state funds~~ 10221
~~appropriated for vocational education. If any state funds are used~~ 10222
~~for this purpose, federal funds in an equal amount shall be~~ 10223
~~distributed for vocational education units funded pursuant to~~ 10224
~~division (M) of section 3317.024 or division (B) of section~~ 10225
~~3317.16 of the Revised Code in accordance with authorization of~~ 10226
~~the state plan for vocational education for Ohio as approved by~~ 10227
~~the Secretary of the United States Department of Education.~~ 10228

~~Notwithstanding the prohibition in section 3317.05 of the~~ 10229
~~Revised Code that the State Board of Education annually approve~~ 10230
~~for school districts, educational service centers, and~~ 10231
~~institutions no more than the number of vocational education units~~ 10232
~~for which it determines appropriations have been made and~~ 10233
~~notwithstanding the amounts required to be annually paid to school~~ 10234
~~districts, educational service centers, and institutions for~~ 10235
~~approved vocational education units under division (M) of section~~ 10236
~~3317.024 and division (B) of section 3317.16 of the Revised Code,~~ 10237
~~if the foregoing appropriation item is not sufficient to fund~~ 10238
~~7,141 vocational education units in fiscal year 1998 and 7,141~~ 10239
~~vocational units in fiscal year 1999 in accordance with division~~ 10240
~~(M) of section 3317.024 and division (B) of section 3317.16 of the~~ 10241
~~Revised Code, the State Board of Education may approve up to 7,141~~ 10242
~~vocational education units in fiscal year 1998 and 7,141~~ 10243
~~vocational education units in fiscal year 1999 and, in lieu of the~~ 10244
~~amounts required to be paid for approved units under division (M)~~ 10245
~~of section 3317.024 and division (B) of section 3317.16 of the~~ 10246
~~Revised Code, shall proportionately reduce those amounts so that~~ 10247
~~the total amount the State Board pays to school districts,~~ 10248
~~educational service centers, and institutions for all approved~~ 10249
~~units does not exceed the amount of funds available in the~~ 10250
~~foregoing appropriation item for such units. During the course of~~ 10251
~~each fiscal year, the State Board may alter its determination of~~ 10252

~~any reduction under this section for that fiscal year.~~ 10253

~~Of the foregoing appropriation item 200-507, Vocational Education, up to \$500,000 in each fiscal year shall be used by the Department of Education to establish an employer student apprenticeship training program for high school students in grades 11 and 12. Rules, procedures, and regulations for the employer student apprenticeship program will be developed by the School to Work office in the Ohio Bureau of Employment Services.~~ 10254
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~~The Legislative Office of Education Oversight shall study the various programs designed to serve at risk high school students. Differences and possible overlaps of purposes, goals, objectives and strategies among such programs as Jobs for Ohio Graduates (JOGS), Graduation, Reality, and Dual Role Skills (GRADS), Occupational Work Experience (OWE), Occupational Work Adjustment (OWA) will be identified.~~ 10261
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~~Of the foregoing appropriation item 200-507, Vocational Education, \$100,000 in fiscal year 1998 shall be used for the Cuyahoga County Vocational Apprenticeship Program, which provides funding for training in the building trades of eligible residents of the City of Cleveland. The program utilizes new housing development and rehabilitation programs of four nonprofit neighborhood development corporations as the focus of the skills training apprenticeship program. The four neighborhood development corporations participating in the program are the Glenville Development Corporation, Northeastern Neighborhood Development Corporation, Bell, Burton, and Carr Development Corporation, and the Buckeye Area Development Corporation.~~ 10268
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Adult Literacy Education 10280

The foregoing appropriation item 200-509, Adult Literacy Education, shall be used to support Adult Basic and Literacy Education instructional programs, the State Literacy Resource 10281
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Center program, and the State Advisory Council on Adult Education
and Literacy. 10284
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Of the foregoing appropriation item 200-509, ADULT LITERACY 10286
EDUCATION, up to \$410,000 in fiscal year 1998 and \$512,500 in 10287
fiscal year 1999 shall be used to satisfy state match requirements 10288
for the support and operation of the State Literacy Resource 10289
Center and the State Advisory Council on Adult Education and 10290
Literacy. 10291

Of the foregoing appropriation item 200-509, Adult Literacy 10292
Education, up to \$50,000 in each fiscal year shall be used to 10293
provide funds to literacy councils that have not previously 10294
received funding. Each of these councils, in order to receive 10295
funds, shall have its plan of service approved by the local Family 10296
and Children First council. 10297

The remainder shall be used to continue to satisfy the state 10298
match requirement for the support and operation of the Ohio 10299
Department of Education administered instructional grant program 10300
for Adult Basic and Literacy Education in accordance with the 10301
department's state plan for Adult Basic and Literacy Education as 10302
approved by the State Board of Education and the Secretary of the 10303
United States Department of Education. 10304

Auxiliary Services 10305

The foregoing appropriation item 200-511, Auxiliary Services, 10306
shall be used by the State Board of Education for the purpose of 10307
implementing section 3317.06 of the Revised Code. Of the 10308
appropriation, up to \$1,000,000 in each fiscal year of the 10309
biennium may be used for payment of the Post-Secondary Enrollment 10310
Options Program for nonpublic students pursuant to section 3365.10 10311
of the Revised Code. 10312

Driver Education 10313

The foregoing appropriation item 200-512, Driver Education, 10314
shall be used by the State Board of Education for subsidizing 10315
driver education courses for which the State Board of Education 10316
prescribes minimum standards pursuant to section 3301.07 of the 10317
Revised Code and courses for students released by high school 10318
principals to attend commercial driver training schools licensed 10319
under Chapter 4508. of the Revised Code. 10320

Post-Secondary/Adult Vocational Education 10321

The foregoing appropriation item 200-514, 10322
Post-Secondary/Adult Vocational Education, shall be used by the 10323
State Board of Education to provide post-secondary/adult 10324
vocational education pursuant to sections 3313.52 and 3313.53 of 10325
the Revised Code. 10326

Of the foregoing appropriation item 200-514, 10327
POST-SECONDARY/ADULT VOCATIONAL EDUCATION, up to \$500,000 in each 10328
fiscal year shall be allocated for the Ohio Career Information 10329
System (OCIS) and used for the dissemination of career information 10330
data to public schools, libraries, rehabilitation centers, two- 10331
and four-year colleges and universities, and other governmental 10332
units. 10333

Of the foregoing appropriation item 200-514, 10334
Post-Secondary/Adult Vocational Education, up to \$30,000 in each 10335
fiscal year shall be used for the statewide coordination of the 10336
activities of the Ohio Young Farmers. 10337

Disadvantaged Pupil Impact Aid 10338

The foregoing appropriation item 200-520, Disadvantaged Pupil 10339
Impact Aid, shall be distributed to school districts ~~in each~~ 10340
~~fiscal year pursuant to the formula established by division (B) of~~ 10341
according to the provisions of section ~~3317.023~~ 3317.029 of the 10342
Revised Code. However, no money shall be distributed for all-day 10343
kindergarten to any school district whose three-year average 10344

formula ADM exceeds 17,500 but whose DPIA index is not at least 10345
equal to 1.00, unless the Department of Education certifies that 10346
sufficient funds exist in this appropriation to make all other 10347
payments required by section 3317.029 Of the Revised Code. 10348

Annually, \$1,450,000 shall be used by the Department of 10349
Education to provide state matching funds to implement the federal 10350
building based Effective School Program. 10351

Of the foregoing appropriation item 200-520, Disadvantaged 10352
Pupil Impact Aid, up to \$3,000,000 in each year of the biennium 10353
shall be used for school breakfast programs. Of the \$3,000,000, 10354
\$500,000 shall be used each year by the Department of Education to 10355
provide start-up grants to rural school districts that start 10356
school breakfast programs. The remainder of the \$3,000,000 shall 10357
be used to: (1) partially reimburse school buildings within school 10358
districts that are required to have a school breakfast program 10359
pursuant to section 3313.813 of the Revised Code, at a rate 10360
decided upon by the department, for each breakfast served to any 10361
pupil enrolled in the district; (2) partially reimburse districts 10362
participating in the National School Lunch Program that have at 10363
least 20 per cent of students who are eligible for free and 10364
reduced meals according to federal standards, at a rate decided 10365
upon by the department; and (3) to partially reimburse districts 10366
participating in the National School Lunch Program for breakfast 10367
served to children eligible for free and reduced meals enrolled in 10368
the district, at a rate decided upon by the department. 10369

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Of the portion of the funds distributed to the Cleveland City 10371
School District under ~~division (B) of section 3317.023 of the~~ 10372
~~Revised Code~~ section 3317.029 Of the Revised Code calculated under 10373
division (F)(2) of that section, up to ~~\$7,100,000 in fiscal year~~ 10374
~~1998 and~~ \$8,700,000 in fiscal year 1999 shall be used to operate a 10375
the pilot school choice program in the Cleveland City School 10376

District pursuant to sections 3313.974 to 3313.979 of the Revised Code. 10377
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Of the foregoing appropriation item 200-520, Disadvantaged Pupil Impact Aid, ~~\$3,850,000 in fiscal year 1998~~ and \$8,750,000 in fiscal year 1999 shall be used for competitive discipline intervention grants for the 21 urban school districts as defined in division ~~(H)~~(O) of section 3317.02 of the Revised Code as it existed prior to July 1, 1998. The grants shall be administered by the Ohio Department of Education and designed to reduce problems with student attendance, truancy, dropouts, and discipline. 10379
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Of the foregoing appropriation item 200-520, Disadvantaged Pupil Impact Aid, ~~\$150,000 in fiscal year 1998~~ and \$250,000 in fiscal year 1999 shall be distributed to the Franklin County Educational Council to provide a cross district alternative learning environment for students with alternative learning requirements, in collaboration with member districts and community services. 10388
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Of the foregoing appropriation item 200-520, Disadvantaged Pupil Impact Aid, \$900,000 each year shall be used to support dropout recovery programs administered by the Ohio Department of Education, Jobs for Ohio's Graduates program. 10395
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Of the foregoing appropriation item 200-520, Disadvantaged Pupil Impact Aid, up to \$1,000,000 in each year of the biennium shall be used to fund grants to improve reading performance, using programs such as Failure Free Reading, Slavin's Success for All, and other programs that have a demonstrated record of improving reading comprehension. The grants shall be made by the Department of Education to 20 schools in which at least 50 per cent of fourth grade students failed to pass at least four parts of the fourth grade proficiency test. The grants shall be made in the amount of \$50,000 for each school. 10399
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Of the foregoing appropriation item 200-520, Disadvantaged 10409
Pupil Impact Aid, the Department shall distribute \$75,000 in each 10410
fiscal year to the Collinwood Community Center to continue 10411
outreach work on the Parents' Pledge of Responsibility in the 10412
Cleveland City School District. This distribution shall come from 10413
the Cleveland City School District's Disadvantaged Pupil Impact 10414
Aid. 10415

Of the foregoing appropriation item 200-520, Disadvantaged 10416
Pupil Impact Aid, up to \$500,000 in each fiscal year shall be used 10417
by the Department of Education to encourage school districts to 10418
set high academic standards and provide a helping hand for 10419
students striving to meet them. ~~Any school district that offers a~~ 10420
~~summer school program for students who have been enrolled in the~~ 10421
~~fourth and sixth grades, whether district wide, in several school~~ 10422
~~buildings or within a cluster of school buildings, may retain~~ 10423
~~those students who fail to attend summer school programs if those~~ 10424
~~students attend schools that offer such programs.~~ A Summer 10425
Proficiency Academy shall be any school district's summer school 10426
program that is conducted for students who have been enrolled in 10427
the fourth and sixth grades, whether district-wide, in several 10428
school buildings or within a cluster of school buildings, that 10429
addresses the needs of students who did not pass at least three of 10430
the five parts of either the fourth-grade or sixth-grade 10431
proficiency test, that is of at least six weeks' duration, and 10432
that provides an innovative, enriching educational experience. The 10433
department shall use the funds indicated in this paragraph to make 10434
grants to those school districts that conduct such Summer 10435
Proficiency Academies and that have valuation per pupil less than 10436
150 per cent of the statewide average valuation per pupil, to 10437
defray 75 per cent of the costs of conducting such academies. The 10438
amount of each grant shall not exceed \$150,000 and each school 10439
district shall be eligible for up to four grants in each fiscal 10440

year. Grants shall be made to school districts based on the 10441
percentage of students failing three or more tests, with first 10442
priority given to districts with the highest failure rates. As 10443
used in this paragraph, "valuation per pupil" has the same 10444
meaning as in division (A)(4) of section 3317.0212 of the Revised 10445
Code as it existed prior to July 1, 1998. 10446

Sec. 50.10. Gifted Pupil Program 10447

The foregoing appropriation item 200-521, Gifted Pupil 10448
Program, shall be used for gifted education units not to exceed 10449
927 in fiscal year 1998 and 950 in fiscal year 1999. Up to \$70,000 10450
per year shall be used for the operation and support of the Ohio 10451
Summer School for the Gifted. Up to \$600,000 per year shall be 10452
used for research and demonstration projects. 10453

Notwithstanding the prohibition in section 3317.05 of the 10454
Revised Code that the State Board of Education annually approve 10455
for school districts and educational service centers no more than 10456
the number of gifted education units for which it determines 10457
appropriations have been made and notwithstanding the amounts 10458
required to be annually paid to school districts and educational 10459
service centers for approved gifted education units under division 10460
(~~0~~)(~~2~~)(0) of section 3317.024 of the Revised Code, if the 10461
foregoing appropriation item is not sufficient to fund the maximum 10462
allowable number of funded gifted education units in ~~each~~ fiscal 10463
year ~~of the biennium~~ 1999 in accordance with division (~~0~~)(~~2~~)(0) of 10464
section 3317.024 of the Revised Code, the State Board of Education 10465
may approve up to the maximum allowable number of funded gifted 10466
education units in each fiscal year of the biennium and, in lieu 10467
of the amounts required to be paid for approved units under 10468
division (~~0~~)(~~2~~)(0) of section 3317.024 of the Revised Code, shall 10469
proportionately reduce those amounts so that the total amount the 10470
State Board and educational service centers pays to school 10471
districts for all approved units does not exceed the amount of 10472

funds available in the foregoing appropriation item for such 10473
units. During the course of each fiscal year, the State Board may 10474
alter its determination of any reduction under this section for 10475
that fiscal year. 10476

Of the foregoing appropriation item 200-521, Gifted Pupil 10477
Program, the Department of Education shall be authorized to expend 10478
up to \$1,000,000 each year for the Summer Honors Institute for 10479
gifted freshmen and sophomore high school students. 10480

Of the foregoing appropriation item 200-521, Gifted Pupil 10481
Program, up to \$200,000 each year shall be used for the W.E.B. 10482
DuBois Talented Tenth Teacher Training Academy. The program will 10483
provide a summer honors program to promising minority students 10484
identified by their school districts as potential future teachers, 10485
pursuant to section 3313.608 of the Revised Code. 10486

Sec. 50.12. Educational Excellence and Competency 10487

Of the foregoing appropriation item 200-524, Educational 10488
Excellence and Competency, up to \$35,000 in each year of the 10489
biennium shall be reserved for the Ohio Science Olympiad and up to 10490
\$35,000 in each year of the biennium shall be reserved for the 10491
International Science and Engineering Fair. In each year of the 10492
biennium, \$250,000 shall be reserved for a Math and Science 10493
Initiative to enhance math and science education for elementary 10494
students in a county-wide collaborative. 10495

The Department of Education shall distribute \$100,000 in 10496
fiscal year 1998 and \$150,000 in fiscal year 1999 to the 10497
Christopher Project. The department shall distribute \$120,000 in 10498
each fiscal year to the Regional District/University Consortium to 10499
Validate At-Risk Programs for Rural School Districts. The 10500
Department shall distribute \$75,000 in each fiscal year to the 10501
Cincinnati Artworks Project. In fiscal year 1998, \$100,000 shall 10502
be used for the Fairborn Community Vision and \$300,000 in fiscal 10503

year 1998 and \$100,000 in fiscal year 1999 shall be used for 10504
Ledgemont Education Excellency. In addition, the department shall 10505
distribute \$275,000 in each fiscal year to the Summit County 10506
Technology Project. 10507

In each fiscal year, \$300,000 shall be used for a pilot 10508
project for the integration and implementation of distance 10509
learning, virtual reality, and computer technology to prepare 10510
students for careers in industry. Of this amount, \$65,000 in each 10511
fiscal year shall be distributed to the Math, Science and 10512
Industrial Technology Institute at Kent State University-Trumbull 10513
Campus for purposes of this pilot project and \$235,000 in each 10514
fiscal year shall be distributed to the Trumbull County 10515
Educational Service Center for the Industrial Technology Career 10516
Academy pilot project. In each fiscal year, \$140,000 shall be used 10517
for the Crouse School Readiness Program. 10518

Of the foregoing appropriation item 200-524, Educational 10519
Excellence and Competency, \$90,000 in fiscal year 1998 shall be 10520
used for the Cleveland Language pilot program; and \$20,000 in 10521
fiscal year 1998 shall be used for the Columbus Language pilot 10522
program. 10523

Of the foregoing appropriation item 200-524, Educational 10524
Excellence and Competency, \$850,000 in fiscal year 1998 and 10525
\$850,000 in fiscal year 1999 shall be used to assist local school 10526
districts in the implementation of financial literacy programs. 10527
~~Financial literacy programs shall promote economic awareness and~~ 10528
~~provide students with financial basics such as earning, saving,~~ 10529
~~spending wisely, and planning for the future. In fiscal year 1998,~~ 10530
~~each school district shall be eligible for one \$1,000 grant per~~ 10531
~~kindergarten through third grade classroom for implementation of~~ 10532
such programs as part of the school curriculum in kindergarten 10533
through grade six. The funds shall be used to purchase financial 10534
literacy instructional materials, including student books, 10535

hands-on material, and supporting teacher guides, which promote 10536
economic awareness by addressing fundamental life skills such as 10537
earning money, saving money, and spending money wisely. The 10538
financial literacy curriculum shall also introduce students to the 10539
concepts of economic interdependence, profit, loss, investment, 10540
and supply and demand. In fiscal year 1999, each school district 10541
shall be eligible for one \$1,000 grant ~~per~~ for each kindergarten 10542
through sixth grade ~~classroom for implementation of such programs~~ 10543
level in each school building. A school building with five or more 10544
classes per grade level may receive up to \$2,000 for that grade 10545
level. 10546

The remainder of the appropriation shall be used by the 10547
Department of Education to fund programs for at-risk students each 10548
year as follows: 10549

Earn and Learn	\$1,030,000	105
Trumbull County "Make Learning Fun"	\$75,000	105
LEAF	\$65,000	105
Coventry	\$25,000	105
Columbus Youth Corp	\$50,000	105
Montgomery County Summer Math program	\$215,000	105
Columbus City District's "I Know I Can"	\$645,000	105
Dayton-Montgomery County Scholarship Program	\$645,000	105
Cleveland Scholarship	\$500,000	105
Cleveland Initiative for Education	\$360,000	105
Cincinnati Project Succeed Academy	\$100,000	105
Cincinnati Scholarship Foundation	\$645,000	105
Improved Solutions for Urban Systems (ISUS)	\$100,000	105
Lorain County Access	\$150,000	105
Amer-I-Can	\$850,000	105
London Learns	\$100,000	105
Project Succeed	\$1,000,000	105
Greater Toledo School-To-Work Consortium	\$100,000	105
Muskingum Valley Services Center	\$100,000	105

For the Cleveland Initiative in Education program, the grant 10569
shall support its mentoring and advocacy program. 10570

Of the foregoing appropriation item 200-524, Educational 10571
Excellence and Competency, \$83,000 in fiscal year 1998 and \$83,000 10572
in fiscal year 1999 shall be used for the Shaker Heights 10573
Educational Mobility program. 10574

Each program or entity that receives funds under the 10575
foregoing appropriation item 200-524, Educational Excellence and 10576
Competency, shall submit annually to the chairpersons of the 10577
education committees of the House of Representatives and the 10578
Senate and to the Department of Education a report that includes a 10579
description of the services supported by the funds, a description 10580
of the results achieved by those services, an analysis of the 10581
effectiveness of the program, and an opinion as to the program's 10582
applicability to other school districts. No funds shall be 10583
provided by the Department of Education to a district for the 10584
fiscal year 1999 until its report for the fiscal year 1998 has 10585
been submitted. 10586

Vocational Education Equipment Replacement 10587

~~The foregoing appropriation item 200-526, Vocational 10588
Education Equipment Replacement, shall be used to provide an 10589
amount to each eligible school district for the replacement or 10590
updating of equipment essential for the instruction of students in 10591
job skills taught as part of a vocational program or programs 10592
approved for such instruction by the State Board of Education. 10593
School districts replacing or updating vocational education 10594
equipment may purchase or lease such equipment. The Department of 10595
Education shall review and approve all equipment requests and may 10596
allot appropriated funds to eligible school districts on the basis 10597
of the number of units of vocational education in all eligible 10598
districts making application for funds. 10599~~

~~The State Board of Education may adopt standards of need for equipment allocation. Pursuant to the adoption of any such standards of need by the State Board of Education, appropriated funds may be allotted to eligible districts according to such standards. Equipment funds allotted under either process shall be provided to a school district on a 40, 50, or 60 per cent of cost on the basis of a district vocational priority index rating developed by the Department of Education for all districts each year. The vocational priority index shall give preference to districts with a large percentage of disadvantaged students and shall include other socio economic factors as determined by the State Board of Education.~~

Nonpublic Administrative Cost Reimbursement

The foregoing appropriation item 200-532, Nonpublic Administrative Cost Reimbursement, shall be used by the State Board of Education for the purpose of implementing section 3317.063 of the Revised Code.

School-Age Child Care

Of the foregoing appropriation item 200-533, School-Age Child Care, up to \$200,000 in each fiscal year shall be used for the "Training Ohio's Parents for Success" program. Up to \$500,000 in each fiscal year shall be used for the "Parents as Teachers" program.

Of the foregoing appropriation item 200-533, School-Age Child Care, up to \$62,500 in each fiscal year shall be used by the Cincinnati YWCA for its Home Instruction Program for Preschool Youngsters (HIPPY).

As used under this heading "school-age child care" means a program of child care conducted outside of regular school hours for school age children.

The remainder of the foregoing appropriation item 200-533, 10630
School-Age Child Care, shall be used by the Department of 10631
Education to provide grants to city, local, and exempted village 10632
school districts and educational service centers for school-age 10633
child care programs. In each fiscal year, the department shall 10634
make grants. All grants shall be awarded by the department on the 10635
basis of project proposals submitted by school district boards of 10636
education or educational service center governing boards. The 10637
board of education of each district or governing board of each 10638
educational service center that receives a grant shall keep a 10639
record of how the grant is used, and issue a report at the end of 10640
the school year for which the grant was made explaining the goals 10641
and objectives determined, the activities implemented, and the 10642
progress made toward achieving goals and objectives. 10643

Desegregation Costs 10644

The foregoing appropriation item 200-534, Desegregation 10645
Costs, shall be used to pay desegregation costs. 10646

(A) Notwithstanding any section of law to the contrary, if in 10647
each fiscal year, due to federal court order, the Department of 10648
Education is obligated to pay for desegregation costs in any 10649
school district, the costs shall be paid from the foregoing 10650
appropriation item 200-534, Desegregation Costs. 10651

Of the foregoing appropriation item 200-534, Desegregation 10652
Costs, up to \$900,000 in fiscal year 1998 and up to \$1,000,000 in 10653
fiscal year 1999 may be used to cover the legal fees associated 10654
with desegregation cases brought against the state. 10655

By May 1 of each year, the Department of Education will 10656
determine if the appropriation exceeds the state's obligation for 10657
desegregation costs. Any appropriations in excess of the state's 10658
obligation shall be transferred to appropriation item 200-406, 10659
Head Start, by the Director of Budget and Management. 10660

(B) As part of managing state desegregation costs, any board of education of a school district subject to a federal court desegregation order that requires the district board to bus students for the purpose of racial balance shall, within one year of the effective date of ~~this act~~ Am. Sub. H.B. 215 of the 122nd General Assembly:

(1) Update its plan required under Am. Sub. H.B. 298 of the 119th General Assembly designed to satisfy the court so as to obtain release from the court's desegregation order; and

(2) Submit an updated copy of the plan to the State Board of Education.

Upon request of the district board, the State Board shall provide technical assistance to the school district board in developing a plan.

Within ninety days of the date on which the plan is submitted to the State Board of Education, the district board, or the district board and the State Board of Education jointly if both are parties to the desegregation case, shall submit the plan to the court and apply for release from the court's desegregation order.

Of the foregoing appropriation item 200-534, Desegregation Costs, Cleveland City Schools shall receive \$40,000,000 in fiscal year 1998 and \$38,200,000 in fiscal year 1999; Dayton City Schools shall receive at least \$4,500,000 in each of fiscal year 1998 and fiscal year 1999.

Of the foregoing appropriation item 200-534, Desegregation Costs, \$5,000,000 in each fiscal year shall be used by the Department of Education to support the Cincinnati Magnet School Program.

Sec. 50.13. Special Education Enhancements

Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$42,000,000 shall be used to fund up to 894 special education classroom and related services units at MR/DD boards and institutions. 10691
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Of the foregoing appropriation item 200-540, Special Education Enhancements, up to \$22,000,000 in each fiscal year shall be used for home instruction and special instructional services for handicapped children; up to \$2,000,000 may be used in each fiscal year for occupational and physical therapy contract services, including services provided by physical therapy assistants and certified occupational therapy assistants; up to \$1,000,000 in fiscal year 1998 and up to \$1,150,000 in fiscal year 1999 shall be used for parent mentoring programs; and \$100,000 shall be expended in each year of the biennium for teacher training. 10695
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Of the foregoing appropriation item 200-540, Special Education Enhancements, \$1,684,212 in fiscal year 1999 shall be used by the Department of Education to assist school districts in funding aides pursuant to paragraph (A)(3)(c)(i)(b) of Rule 3301-51-04 of the Administrative Code. 10706
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Of the foregoing appropriation item 200-540, Special Education Enhancements, \$67,352,278 shall be distributed by the Department of Education to county boards of mental retardation and developmental disabilities, educational service centers, and school districts for preschool special education units and preschool supervisory units in accordance with section 3317.161 of the Revised Code. The department may reimburse county boards of mental retardation and developmental disabilities, educational service centers, and school districts for related services as defined in Rule 3301-01-05 of the Ohio Administrative Code, for preschool occupational and physical therapy services provided by a physical therapy assistant and certified occupational therapy 10711
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assistant, and for an instructional assistant. To the greatest extent possible, the Department of Education shall allocate these units to school districts and educational service centers. The Controlling Board may approve the transfer of unallocated funds from appropriation item 200-501, Base Cost Funding, to appropriation item 200-540, Special Education Enhancements, to fully fund existing units as necessary or to fully fund additional units. The Controlling Board may approve the transfer of unallocated funds from appropriation item 200-540, Special Education Enhancements, to appropriation item 200-501, Base Cost Funding, to fully fund existing units, as necessary, or to fully fund additional units.

Peer Review

~~The foregoing appropriation item 200 541, Peer Review, shall be used by the Department of Education to develop a peer review program for teachers, to provide training, and to implement the peer review program in school districts on a pilot basis in fiscal year 1998. Funds for fiscal year 1999 shall be awarded on a competitive basis to school districts wishing to implement peer review programs. In each fiscal year, \$640,000 shall be distributed to the Regional Professional Development Centers to provide training for mentor teachers and for leadership teams from districts implementing peer review programs.~~

~~Of the foregoing appropriation item 200 541, Peer Review, \$125,000 in each fiscal year shall be used by the Rural Appalachian Initiative to develop a peer review and coaching model whereby teachers coach one another. In addition, funds shall be used to train and provide stipends for teacher coaches and mentors, and to develop training modules for professional improvement through establishing and attaining goals.~~

National Board Certification

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~~The foregoing appropriation item 200 542, National Board Certification, shall be used by the Department of Education to pay the application fee for teachers from public and chartered nonpublic schools applying to the National Board for Professional Teaching Standards for professional teaching certificates or licenses that the board offers, and to provide grants in each fiscal year to recognize and reward teachers who become certified by the board pursuant to section 3319.55 of the Revised Code.~~

~~In each fiscal year, the appropriation item shall be used to pay for the first 400 applications received by the department. Each prospective applicant for certification or licensure shall submit an application to the Department of Education. When the department has collected a group of applications, but no later than 30 days after receipt of the first application in a group, it shall send the applications to the National Board for Professional Teaching Standards along with a check to cover the cost of the application fee for all applicants in that group.~~

~~Of the foregoing appropriation item 200 542, National Board Certification, up to \$300,000 shall be used each fiscal year by the Department of Education to support the connection of teacher applicants to university programs that enhance applicant learning and professional development during the National Board Certification process.~~

Sec. 50.14. Entry Year Program

~~The foregoing appropriation item 200 543, Entry Year Program, shall be used by the Department of Education to expand the pilot residency programs established pursuant to provisions of Am. Sub. H.B. 152 of the 120th General Assembly.~~

~~The Department of Education shall select eligible beginning teachers to participate in a year long entry year program which provides for guidance and coaching by experienced school district~~

~~and university faculty and regular teacher performance assessment. 10785
The program is designed to assess each beginning teacher with the 10786
Education Testing Service's Praxis III examination. These funds 10787
shall be used to support the supervisory, teaching, and assessment 10788
services associated with the pilot residency program in urban, 10789
suburban, and rural sites. 10790~~

Individual Career Plan and Passport 10791

~~The foregoing appropriation item 200-544, Individual Career 10792
Plan and Passport, shall be used to enable students to develop 10793
career plans, to identify initial educational and career goals, 10794
and to develop a career passport which provides a clear 10795
understanding of the student's knowledge, skills, and credentials 10796
to present to future employers, universities, and other training 10797
institutes. 10798~~

~~The appropriation shall be allocated to school districts 10799
pursuant to guidelines developed by the Department of Education 10800
for programs described in section 3313.607 of the Revised Code for 10801
children in the kindergarten through twelfth grades. Funds so 10802
allocated shall be used for educational materials, services, 10803
career information, curriculum development, staff development, 10804
mentorships, career exploration, and career assessment instruments 10805
as needed to develop individualized career plans and passports. 10806~~

Vocational Education Enhancements 10807

~~Of the foregoing appropriation item 200-545, Vocational 10808
Education Enhancements, up to \$125,000,000 shall be used to fund 10809
up to 2,800 vocational education units at joint vocational school 10810
districts and up to \$2,300,000 shall be used to fund up to 51 10811
vocational education units at institutions. Up to \$7,500,000 in 10812
fiscal year 1999 may be used for nonvocational units necessary for 10813
graduation pursuant to section 3317.16 of the Revised Code, up to 10814
\$6,500,000 in fiscal year 1999 shall be used for joint vocational 10815~~

school equalization pursuant to section 3317.16 of the Revised Code, up to \$300,000 shall be distributed to the Toledo Technology Academy each fiscal year, up to \$9,500,000 in fiscal year 1999 shall be used to fund the Jobs for Ohio Graduates (JOG) program, up to \$2,205,000 in fiscal year 1999 may be used to support tech prep consortia, and up to \$7,193,118 in fiscal year 1999 shall be used to fund the Graduation, Reality, and Dual Role Skills (GRADS) program according to that program's rules, which shall be developed by the Superintendent of Public Instruction. Up to \$3,100,000 may be used to pay for special education classroom and related services units at joint vocational schools.

Funds for nonvocational units necessary for graduation shall be distributed according to rules adopted by the State Board of Education. If federal funds for vocational education cannot be used for local school district leadership without being matched by state funds, then an amount as determined by the Superintendent of Public Instruction shall be made available from state funds appropriated for vocational education. If any state funds are used for this purpose, federal funds in an equal amount shall be distributed for vocational education in accordance with authorization of the state plan for vocational education for Ohio as approved by the Secretary of the United States Department of Education.

The Legislative Office of Education Oversight shall study the various programs designed to serve at-risk high school students. Differences and possible overlaps of purposes, goals, objectives and strategies among such programs as Jobs for Ohio Graduates (JOG), Graduation, Reality, and Dual Role Skills (GRADS), Occupational Work Experience (OWE), and Occupational Work Adjustment (OWA) will be identified.

Of the foregoing appropriation item 200-545, Vocational Education Enhancements, \$100,000 in fiscal year 1998 shall be used

for the Cuyahoga County Vocational Apprenticeship Program, which 10848
provides funding for training in the building trades of eligible 10849
residents of the City of Cleveland. The program utilizes new 10850
housing development and rehabilitation programs of four nonprofit 10851
neighborhood development corporations as the focus of the skills 10852
training apprenticeship program. The four neighborhood development 10853
corporations participating in the program are the Glenville 10854
Development Corporation, Northeastern Neighborhood Development 10855
Corporation, Bell, Burton, and Carr Development Corporation, and 10856
the Buckeye Area Development Corporation. 10857

Of the foregoing appropriation item 200-545, Vocational 10858
Education Enhancements, \$5,851,692 in fiscal year 1999 shall be 10859
used to enable students to develop career plans, to identify 10860
initial educational and career goals, and to develop a career 10861
passport which provides a clear understanding of the student's 10862
knowledge, skills, and credentials to present to future employers, 10863
universities, and other training institutes. 10864

The amount of \$5,851,692 shall be allocated to school 10865
districts pursuant to guidelines developed by the Department of 10866
Education for programs described in section 3313.607 of the 10867
Revised Code for children in the kindergarten through twelfth 10868
grades. Funds so allocated shall be used for educational 10869
materials, services, career information, curriculum development, 10870
staff development, mentorships, career exploration, and career 10871
assessment instruments as needed to develop individualized career 10872
plans and passports. 10873

Of the foregoing appropriation item 200-545, Vocational 10874
Education Enhancements, \$4,941,622 shall be used to provide an 10875
amount to each eligible school district for the replacement or 10876
updating of equipment essential for the instruction of students in 10877
job skills taught as part of a vocational program or programs 10878
approved for such instruction by the State Board of Education. 10879

School districts replacing or updating vocational education 10880
equipment may purchase or lease such equipment. The Department of 10881
Education shall review and approve all equipment requests and may 10882
allot appropriated funds to eligible school districts on the basis 10883
of the number of units of vocational education in all eligible 10884
districts making application for funds. 10885

The State Board of Education may adopt standards of need for 10886
equipment allocation. Pursuant to the adoption of any such 10887
standards of need by the State Board of Education, appropriated 10888
funds may be allotted to eligible districts according to such 10889
standards. Equipment funds allotted under either process shall be 10890
provided to a school district on a 40, 50, or 60 per cent of cost 10891
on the basis of a district vocational priority index rating 10892
developed by the Department of Education for all districts each 10893
year. The vocational priority index shall give preference to 10894
districts with a large percentage of disadvantaged students and 10895
shall include other socio-economic factors as determined by the 10896
State Board of Education. 10897

Of the foregoing appropriation item 200-545, Vocational 10898
Education Enhancements, up to \$7,000,000 in fiscal year 1999 shall 10899
be used for the Vocational Education Programs set-aside, from 10900
which moneys shall be distributed to school districts for 10901
vocational education programs in comprehensive high schools. In 10902
addition to any other payments made under Chapter 3317. Of the 10903
Revised Code, any city, local, or exempted village school district 10904
providing an approved vocational education program may receive a 10905
supplemental vocational education payment from the set-aside for 10906
the purpose of meeting additional costs of providing vocational 10907
education. The moneys shall be distributed in accordance with 10908
rules adopted by the Superintendent of Public Instruction. The 10909
rules shall specify the vocational education related purposes for 10910
which the moneys received may be expended and may establish a 10911

<u>system of prioritizing the distribution of moneys.</u>	10912
<u>Reading Improvement</u>	10913
The foregoing appropriation item 200-551, Reading Improvement, shall be used by the Department of Education to fund the Reading Recovery training network, to cover the cost of release time for the teacher trainers, and to provide grants to districts to implement other reading improvement programs on a pilot basis. Funds for this appropriation item may also be used to conduct evaluations of the impact and effectiveness of Reading Recovery and other reading improvement programs.	10914 10915 10916 10917 10918 10919 10920 10921
In addition, the Department of Education shall report to the General Assembly and the Governor each fiscal year on the progress that has been made in implementing these programs, including an evaluation of the effectiveness of the programs.	10922 10923 10924 10925
Twenty per cent of the foregoing appropriation item 200-551, Reading Improvement, shall be used for the continuation of a phonics demonstration project as described in Sub. H.B. 81 of the 121st General Assembly. The Department of Education may make a portion of the funds for the demonstration project available to additional school districts that want to participate in the program that did not receive funding under the original project authorized in Sub. H.B. 81 of the 121st General Assembly.	10926 10927 10928 10929 10930 10931 10932 10933
<u>County MR/DD Boards-Vehicle Purchases</u>	10934
The foregoing appropriation item 200-552, County MR/DD Boards-Vehicle Purchases, shall be used to provide financial assistance to MR/DD boards for the purchase of vehicles as permitted in section 3317.07 of the Revised Code.	10935 10936 10937 10938
The foregoing appropriation item 200-553, County MR/DD Boards-Transportation Operating, shall be used to provide financial assistance for transportation operating costs as	10939 10940 10941

provided in ~~division (Q)~~ of section 3317.024 of the Revised Code. 10942

Emergency Loan Interest Subsidy 10943

The foregoing appropriation item 200-558, Emergency Loan 10944
Interest Subsidy, shall be used to provide a subsidy to school 10945
districts receiving emergency school loans pursuant to section 10946
3313.484 Of the Revised Code. The subsidy shall be used to pay 10947
these districts the difference between the amount of interest the 10948
district is paying on an emergency loan, and the interest that the 10949
district would have paid if the interest rate on the loan had been 10950
two per cent. 10951

Special Education Aides 10952

~~The foregoing appropriation item 200-589, Special Education~~ 10953
~~Aides, shall be used by the Department of Education to assist~~ 10954
~~school districts in funding aides pursuant to paragraph~~ 10955
~~(A)(3)(c)(i)(b) of Rule 3301-51-04 of the Administrative Code.~~ 10956

Special Education Preschool Units 10957

~~The foregoing appropriation item 200-577, Preschool Special~~ 10958
~~Education, shall be distributed by the Department of Education to~~ 10959
~~county boards of mental retardation and developmental~~ 10960
~~disabilities, educational service centers, and school districts~~ 10961
~~for preschool special education units and preschool supervisory~~ 10962
~~units in accordance with divisions (N) and (O)(1) of section~~ 10963
~~3317.024 of the Revised Code. The department may reimburse county~~ 10964
~~boards of mental retardation and developmental disabilities,~~ 10965
~~educational service centers, and school districts for related~~ 10966
~~services as defined in Rule 3301-01-05 of the Ohio Administrative~~ 10967
~~Code, for occupational and physical therapy services provided by a~~ 10968
~~physical therapy assistant and certified occupational therapy~~ 10969
~~assistant, and for an instructional assistant. The State Board of~~ 10970
~~Education shall approve such units pursuant to section 3317.05 of~~ 10971
~~the Revised Code. To the greatest extent possible, the Department~~ 10972

~~of Education shall allocate these units to school districts and
educational service centers. The Controlling Board may approve the
transfer of unallocated funds from appropriation item 200-504,
Special Education, to appropriation item 200-577, Preschool
Special Education, to fully fund existing units as necessary or to
fully fund additional units. The Controlling Board may approve the
transfer of unallocated funds from appropriation item 200-577,
Preschool Special Education, to appropriation item 200-504,
Special Education, to fully fund existing units, as necessary, or
to fully fund additional units.~~

Auxiliary Services Mobile Repair

Notwithstanding section 3317.064 of the Revised Code, if the
unobligated cash balance is sufficient then the Treasurer of State
shall transfer \$1,500,000 in fiscal year 1998 within thirty days
of the effective date of this section and \$1,500,000 in fiscal
year 1999 by August 1, 1998, from the Auxiliary Services Personnel
Unemployment Compensation Fund to the Department of Education's
Auxiliary Services Mobile Repair Fund (Fund 598).

Sec. 50.15. Lottery Profits Education Fund

~~Appropriation item 200-670, School Foundation—Basic~~
~~Allowance fund 017 200-610, Base Cost Funding,~~ shall be used in
conjunction with GRF item 200-501 to provide payments to school
districts pursuant to Chapter 3317. of the Revised Code.

Of the foregoing appropriation item, ~~200-670, School~~
~~Foundation Basic Allowance fund 017 200-610, Base Cost Funding,~~
\$25,000,000 in fiscal year 1999 shall be used from the funds
transferred from the Unclaimed Prizes Trust Fund pursuant to the
section entitled "Transfers from the Unclaimed Prizes Fund" of
~~this act~~ Am. Sub. H.B. 215 of the 122nd General Assembly.

~~Appropriation item 200-671, Special Education, shall be used~~
~~in conjunction with GRF item 200-504 to provide payments to school~~

~~districts pursuant to Chapter 3317. of the Revised Code. 11004~~
~~Appropriation item 200-672, Vocational Education, shall be used in 11005~~
~~conjunction with GRF item 200-507 to provide payments to school 11006~~
~~districts pursuant to Chapter 3317. of the Revised Code. 11007~~

The Department of Education, with the approval of the 11008
Director of Budget and Management, shall determine the monthly 11009
distribution schedules of the GRF line item 200-501 and fund 017 11010
line item ~~200-670, GRF line item 200-504 and fund 017 line item~~ 11011
~~200-671, and GRF line item 200-507 and fund 017 line item 200-672~~ 11012
200-610. If adjustments to the monthly distribution schedule are 11013
necessary, the Department of Education shall make such adjustments 11014
with the approval of the Director of Budget and Management. 11015

The Director of Budget and Management shall transfer the 11016
amount appropriated under the Lottery Profits Education Fund for 11017
item 200-682, Lease Rental Payment Reimbursement, to the General 11018
Revenue Fund on a schedule determined by the director. These funds 11019
shall support the General Revenue Fund appropriation ~~200-413~~ 11020
230-428, Lease Rental Payments, of the School Facilities 11021
Commission. 11022

~~Disability Access Projects~~ 11023

~~(A) As used in this section:~~ 11024

~~(1) "Percentile" means the percentile in which a school 11025~~
~~district is ranked according to the most recent ranking of school 11026~~
~~districts with regard to income and property wealth under division 11027~~
~~(B) of section 3318.011 of the Revised Code. 11028~~

~~(2) "School district" means a city, local, or exempted 11029~~
~~village school district, except for a school district that is one 11030~~
~~of the state's 21 urban school districts as defined in division 11031~~
~~(H) of section 3317.02 of the Revised Code. 11032~~

~~(3) As used in this section, "valuation per pupil" means a 11033~~

~~district's total taxable value as defined in section 3317.02 of
the Revised Code divided by the district's ADM as defined in
division (A) of section 3317.021 of the Revised Code.~~ 11034
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11036

~~(B) The Department of Education shall adopt rules for
awarding grants to school districts with a valuation per pupil
less than \$200,000, to be used for construction, reconstruction,
or renovation projects in classroom facilities, the purpose of
which is to improve access to such facilities by physically
handicapped persons. The rules shall include application
procedures.~~ 11037
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~~No school district shall be awarded a grant under this
section in excess of \$100,000. In addition, any school district
shall be required to pay a percentage of the cost of the project
for which the grant is being awarded equal to the percentile in
which the district is so ranked.~~ 11044
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~~The foregoing appropriation item 200-649, Disability Access
Projects, shall be used to fund capital projects that make
buildings more accessible to students with disabilities pursuant
to this section. Of the foregoing appropriation item 200-649,
Disability Access Projects, \$60,000 shall be used for the Danville
High School wheelchair lift.~~ 11049
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Judgment Loan 11055

~~The foregoing appropriation item 200-669, Judgment Loan,
shall be used to make loans to eligible districts under this
section heading.~~ 11056
11057
11058

~~(A) A school district is an "eligible district" for purposes
of division (B) of this subsection heading if, in the two-year
period immediately preceding ~~the effective date of this subsection~~
June 30, 1997, the district was the subject of either:~~ 11059
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~~(1) A single final nonappealable judgment, consent judgment,~~ 11063

or settlement agreement in a civil action for damages for injury, 11064
death, or loss of person or property, the amount of which was 11065
equal to at least 90 per cent of the district's annual 11066
expenditures for operating expenses for the fiscal year in which 11067
the judgment, consent judgment, or settlement agreement was 11068
issued; 11069

(2) Multiple final nonappealable judgments, consent 11070
judgments, or settlement agreements for such damages arising out 11071
of a single transaction or occurrence, or a series of transactions 11072
or occurrences arising out of the same wrongful act, the total of 11073
which judgments, consent judgments, or settlement agreements was 11074
an amount equal to at least 90 per cent of the district's total 11075
expenditures for operating expenses in any one of the fiscal years 11076
in which any such judgment, consent judgment, or settlement 11077
agreement was issued. 11078

(B) Upon application by the board of education of an eligible 11079
district and to the extent funds are appropriated for the purpose, 11080
the Superintendent of Public Instruction, with the approval of the 11081
Director of Budget and Management, may enter into a loan agreement 11082
with the board under which the Department of Education shall loan 11083
to the district the amount of money necessary to pay all or part 11084
of any judgment, consent judgment, or settlement agreement 11085
described in division (A) of this ~~section~~ heading, plus any 11086
accrued interest. For repayment of the loan, the loan agreement 11087
shall require the department to deduct annually from state aid 11088
payments due to the district under Chapter 3317. of the Revised 11089
Code, and if necessary under sections 321.24 and 323.156 of the 11090
Revised Code, an amount equal to two-thousandths of the district's 11091
total taxable value reported pursuant to divisions (A)(1) and (2) 11092
of section 3317.021 of the Revised Code as that section existed 11093
prior to July 1, 1998, for the lesser of the following periods: 11094
11095

(1) A period of twenty-five years, commencing with the later 11096
of the year of receipt of the loan or fiscal year 1999; 11097

(2) A period equal to the number of years required to deduct 11098
an amount equal to the total amount of the loan from the 11099
district's state aid payments, commencing with the later of the 11100
year of receipt of the loan or fiscal year 1999. 11101

Bus Purchase One Time Supplement 11102

Of the foregoing appropriation item 200-694, Bus Purchase One 11103
Time Supplement, \$2,100,000 shall be distributed by the Department 11104
of Education pursuant to the provisions of law governing 11105
appropriation line item 200-552, County MR/DD Boards - Vehicle 11106
Purchases. 11107

The remaining funds allocated under this ~~section~~ heading 11108
shall be distributed by the Department of Education pursuant to 11109
the provisions of law governing appropriation line item 200-503, 11110
Bus Purchase Allowance. 11111

Lottery Profits Transfers* 11112

On May 15 of each fiscal year, the Director of Budget and 11113
Management shall determine if lottery profits transfers will meet 11114
the appropriation amounts from the Lottery Profits Education Fund. 11115

On or after the date specified in each fiscal year, if the 11116
director determines that lottery profits will not meet 11117
appropriations and if other funds are not available to meet the 11118
shortfall, the Superintendent of Public Instruction shall take the 11119
actions specified under the "Reallocation of Funds" section of 11120
~~this act~~ Am. Sub. H.B. 215 of the 122nd General Assembly. 11121

Transfers from the Unclaimed Prizes Fund 11122

By July 15 of fiscal year 1999, the Director of Budget and 11123
Management shall transfer \$25,000,000 from the State Lottery 11124
Commission's Unclaimed Prizes Fund to the Lottery Profits 11125

Education Fund, to be used solely for purposes specified in the 11126
Department of Education's budget. Transfers of unclaimed prizes 11127
under this provision shall not count as ~~Lottery Profits~~ lottery 11128
profits in the determination made concerning excess profits titled 11129
"Lottery Profits" under the Department of Education in ~~this act~~ 11130
Am. Sub. H.B. 215 of the 122nd General Assembly. 11131

Teacher Certification and Licensure 11132

The foregoing appropriation item 200-681, Teacher 11133
Certification and Licensure, shall be used by the Department of 11134
Education in each year of the biennium to administer teacher 11135
certification and licensure functions pursuant to sections 11136
3301.071, 3301.074, 3301.50, 3301.51, 3319.088, 3319.22, 3319.24 11137
to 3319.28, 3319.281, 3319.282, 3319.29, 3319.301, 3319.31, and 11138
3319.51 of the Revised Code. 11139

Sec. 50.20. Supplemental Payment 11140

In addition to any other payments made under Chapter 3317. of 11141
the Revised Code, or under ~~this act~~ Am. Sub. H.B. 215 of the 122nd 11142
General Assembly, a payment for fiscal year 1998 not greater than 11143
the sum of the computation under division (A) of this section and 11144
for fiscal year 1999 not greater than the sum of the computation 11145
under division (B) of this section may be made to each school 11146
district, subject to the recommendation of the Superintendent of 11147
Public Instruction and approval of the Controlling Board, for 11148
mandated costs not met from increases in funds for the appropriate 11149
year from ~~this act~~ H.B. 215. The increases for fiscal year 1998 11150
shall be calculated by determining additional state funds received 11151
for the year under other sections of ~~this act~~ H.B. 215 and 11152
sections 3317.022 and 3317.023 of the Revised Code, plus 11153
additional state funds for approved units in operation for fiscal 11154
year 1998 funded under divisions (M), (N), and (O) of section 11155
3317.024 of the Revised Code and the heading "Supplemental Unit 11156

Allowance" above amounts received by the district from such 11157
sections and divisions and under the heading "Supplemental 11158
Payment" in Section 45.11 of Am. Sub. H.B. 117 of the 121st 11159
General Assembly and Supplemental Unit Allowance in Section 45.06 11160
of Am. Sub. H.B. 117 of the 121st General Assembly, for fiscal 11161
year 1997. The increases for fiscal year 1999 shall be calculated 11162
by determining additional state funds received for such year under 11163
other sections of ~~this act~~ H.B. 215 and this act and sections 11164
3317.022 and 3317.023 of the Revised Code plus additional state 11165
funds for approved units in operation for fiscal year 1999 funded 11166
under ~~divisions (M), (N), and (O)~~ division (Q) of section 3317.024 11167
of the Revised Code above the amounts received by the district 11168
from such sections and divisions and under this section of ~~this~~ 11169
~~act~~ H.B. 215 for fiscal year 1998. 11170

(A) For fiscal year 1998, the amount calculated under this 11171
division shall be the cost of employing additional full-time 11172
equivalent classroom teachers and educational service personnel 11173
whose employment was necessary to avoid a reduction in state aid 11174
under divisions (C) and (D) or (E) of section 3317.023 of the 11175
Revised Code and who exceed in number the number of full-time 11176
equivalent classroom teachers and full-time equivalent educational 11177
service personnel who were employed by the district during the 11178
first full week of October, 1996. The amount shall equal the 11179
minimum salaries for such additional full-time equivalent 11180
employees required by section 3317.13 of the Revised Code 11181
multiplied by 114 per cent. 11182

(B) For fiscal year 1999, the amount calculated under this 11183
division shall be the cost of employing the additional full-time 11184
equivalent classroom teachers and educational service personnel 11185
whose employment was necessary to avoid a reduction in state aid 11186
under divisions ~~(C)~~ (B) and (D) ~~or (E)~~ of section 3317.023 of the 11187
Revised Code and who exceed in number the number of full-time 11188

equivalent classroom teachers and educational service personnel 11189
who were employed by the district during either the first full 11190
week of October 1996, or during the first full week of October 11191
1997, whichever week the number was smaller. The amount shall 11192
equal the minimum salaries for such additional full-time 11193
equivalent employees required by section 3317.13 of the Revised 11194
Code multiplied by 114 per cent. 11195

The Department of Education shall determine application 11196
procedures and the schedule for applications and payments, subject 11197
to approval by the Controlling Board. The Department of Education 11198
may pay during the first half of each fiscal year, an amount equal 11199
to one-half of the estimated payment to which a district is 11200
entitled under this section. Subsequent to the approval of the 11201
Controlling Board, the amount of any over-payments shall be 11202
deducted from payments made under ~~this act~~ H.B. 215 during the 11203
remainder of the fiscal year. 11204

Only those school districts eligible to receive payments 11205
under section 3317.022 of the Revised Code may receive any payment 11206
under this section. 11207

The Superintendent of Public Instruction and the Controlling 11208
Board, before finalizing recommendations or approving payments 11209
pursuant to this section, may consider: 11210

(1) Increases in revenues to a school district from sources 11211
other than Chapter 3317. of the Revised Code; 11212

(2) Information relating to assumptions concerning potential 11213
state revenues made at the time of adoption of a new salary 11214
schedule for the district. 11215

Sec. 50.23 Reallocation of Funds 11216

(A) As used in this section: 11217

(1) "Basic aid" means the amount calculated for the school 11218

district received for the fiscal year under ~~sections~~ divisions (A) 11219
and (C) of section 3317.022 and sections 3317.023, and 3317.025 to 11220
~~3317.028~~ 3317.029, 3317.0212, and 3317.0213 of the Revised Code, 11221
~~as modified by language under the headings "Basic Aid Formula~~ 11222
~~Amount," "Basic Aid Guarantees," and "Vocational Education Pupil~~ 11223
~~Recomputations" of this act and section 3317.0212 and the amount~~ 11224
computed for a joint vocational school district under section 11225
3317.16 of the Revised Code. 11226

(2) "Nonbasic aid" means: 11227

~~(a) In the case of a school district,~~ the amount computed for 11228
~~the~~ a school district for fiscal year 1998 or fiscal year 1999 11229
under Chapter 3317. of the Revised Code ~~and,~~ Am. Sub. H.B. 215 of 11230
the 122nd General Assembly, and this act, excluding the district's 11231
~~basic aid;~~ and the amount computed under such chapter and acts for 11232
educational service centers, MR/DD boards, and institutions. 11233

~~(b) In the case of a county board of mental retardation and~~ 11234
~~developmental disabilities or for an institution providing special~~ 11235
~~education programs under section 3323.091 of the Revised Code, the~~ 11236
~~amount computed for the board or institution under divisions (N)~~ 11237
~~and (O) of section 3317.024 of the Revised Code.~~ 11238

~~(3) "Total taxable value" has the meaning given in section~~ 11239
~~3317.02 of the Revised Code.~~ 11240

~~(4) "Total basic revenue" means the district's basic aid plus~~ 11241
~~one of the following:~~ 11242

~~(a) For fiscal year 1998, two and three tenths per cent of~~ 11243
~~the district's total taxable value for the most recently completed~~ 11244
~~tax year for which data are available for all school districts at~~ 11245
~~the time the computations required by divisions (C) to (E) of this~~ 11246
~~section are made;~~ 11247

~~(b) For fiscal year 1999, two and three tenths per cent of~~ 11248

~~the district's total taxable value for the most recently completed~~ 11249
~~tax year for which data are available for all school districts at~~ 11250
~~the time the computations required by divisions (C) to (E) of this~~ 11251
~~section are made.~~ 11252

(B) If in either fiscal year of the biennium ~~the~~ 11253
~~Superintendent of Public Instruction determines prior to January~~ 11254
~~16, 1998, or January 16, 1999, respectively, that the amount~~ 11255
~~appropriated to the Department of Education for distribution under~~ 11256
~~this act and Chapter 3317. of the Revised Code is insufficient to~~ 11257
~~make all of the payments required under such provisions, or if the~~ 11258
Governor issues an order under section 126.05 of the Revised Code 11259
to reduce expenditures and incurred obligations and the order 11260
requires the Superintendent to reduce such state aid education 11261
payments, or if lottery profits transfers are insufficient to meet 11262
the amounts appropriated from the Lottery Profits Education Fund 11263
for ~~basic aid, vocational education, and special education~~ base 11264
cost funding, and if other funds are not sufficient to offset the 11265
shortfall, the Superintendent shall reduce ~~basic and~~ nonbasic aid 11266
payments so that the total amount expended in the fiscal year will 11267
not exceed ~~either the amount appropriated or~~ the amount available 11268
for expenditure pursuant to the Governor's order. Subject to 11269
Controlling Board approval, the Superintendent shall reallocate 11270
appropriations not yet expended from one program to another. 11271

(C)(1) If further reductions in ~~basic and~~ nonbasic aid are 11272
necessary following the reallocations implemented pursuant to 11273
division (B) of this section, the Superintendent shall request the 11274
Controlling Board to approve the use of the money appropriated by 11275
this division. The Superintendent shall include with the 11276
Superintendent's request a report listing the amount of reductions 11277
that each school district will receive ~~pursuant to divisions (D)~~ 11278
~~to (H) of this section~~ if the request is not approved, and also 11279
the amount of the reduction, if any, that will still be required 11280

if the use of the money appropriated by this section is approved. 11281

(2) In accordance with division (C)(1) of this section, there 11282
is hereby appropriated to the Department of Education from the 11283
unobligated balance remaining in the Lottery Profits Education 11284
Fund at the end of fiscal year 1997 and at the end of fiscal year 11285
1998 the lesser of: the unobligated balance in the fund, or the 11286
amount needed to preclude a reallocation pursuant to ~~divisions (D)~~ 11287
~~to (H) of~~ this section. The money appropriated by this division 11288
may be spent or distributed by the department only with the 11289
approval of the Controlling Board. 11290

(D) If reductions in ~~basic and~~ nonbasic aid are still 11291
necessary following the actions taken pursuant to divisions (B) 11292
and (C) of this section, the Superintendent shall determine by 11293
what percentage expenditures for ~~basic and~~ nonbasic aid must be 11294
reduced for the remainder of the fiscal year to make the total 11295
amount distributed for the year equal the amount appropriated or 11296
available for distribution. The Superintendent shall reduce by 11297
that percentage the amount to be paid in nonbasic aid to each 11298
city, exempted village, local, and joint vocational school 11299
district, to each educational service center, to each county board 11300
of mental retardation and developmental disabilities, and to each 11301
institution providing special education programs under section 11302
3323.091 of the Revised Code for the remainder of the fiscal year. 11303

~~(E) As used in divisions (F) to (H) of this section, "school~~ 11304
~~district" means city, local, and exempted village school~~ 11305
~~districts.~~ 11306

~~(F) After computing the reduction required by division (D) of~~ 11307
~~this section, the Superintendent shall:~~ 11308

~~(1) Determine the difference between the amount by which~~ 11309
~~total basic and nonbasic aid payments must be reduced and the~~ 11310
~~amount of the reductions made under division (D) of this section;~~ 11311

(2) Determine each school district's total basic revenue;	11312
(3) Determine the total basic revenue of all such districts;	11313
(4) Except as otherwise provided in division (C) of this	11314
section, reduce each such school district's basic aid by an amount	11315
computed as follows:	11316
(a) Multiply the amount obtained under division (F)(1) of	11317
this section by the district's total basic revenue;	11318
(b) Divide the product thus obtained by the total basic	11319
revenue of all districts. The quotient thus obtained shall be the	11320
amount by which the district's basic aid shall be reduced for the	11321
fiscal year.	11322
(5) If the amount computed for a district under division	11323
(F)(4)(b) of this section equals or exceeds the basic aid	11324
remaining to be paid to the district for the fiscal year, the	11325
district shall receive no further basic aid in the fiscal year.	11326
(G) If the amount by which any district's basic aid is	11327
required to be reduced under division (F)(4) of this section	11328
exceeds the amount of basic aid remaining to be paid to the	11329
district for the fiscal year, the department shall further reduce	11330
the basic aid to be paid to all other districts as follows:	11331
(1) Determine the difference between:	11332
(a) The amount determined under division (F)(1) of this	11333
section; and	11334
(b) The amounts by which basic aid payments were reduced	11335
under divisions (F)(4) and (5) of this section.	11336
(2) Determine the difference between:	11337
(a) The total basic revenue of all districts; and	11338
(b) The sum of the total basic revenue of each district to	11339
which division (F)(5) of this section applies.	11340

~~(3) Reduce each remaining school district's basic aid by an amount computed as follows:~~ 11341
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~~(a) Multiply the amount computed under division (G)(1) of this section by the district's total basic revenue;~~ 11343
11344

~~(b) Divide the product obtained by the amount computed under division (G)(2) of this section. The quotient thus obtained shall be the additional amount by which the district's basic aid shall be reduced for the fiscal year.~~ 11345
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~~(H) If the sum of the reductions under divisions (F) and (G) of this section equals or exceeds the amount of basic aid remaining to be paid to the district for the fiscal year, the district shall receive no further basic aid payments in the fiscal year and the department shall further reduce the amount of basic aid to be paid to the remaining school districts in accordance with the procedure set forth in division (G) of this section, but substituting the remaining amount of the deficit after the first operation of division (G) for the amount specified in division (G)(1) of this section, and subtracting the total basic revenue of those districts no longer participating in the allocation from the amount specified in division (G)(2) of this section.~~ 11349
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Sec. 50.24. Lottery Profits 11361

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 018) in the State Treasury. At no time shall the amount to the credit of the fund exceed \$50,000,000. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund. Notwithstanding any provisions of law to the contrary, for fiscal years 1998 and 1999, there is hereby appropriated to the Department of Education, from the Lottery Profits Education Reserve Fund, an amount necessary to make loans authorized by sections 3317.0210, 3317.0211, and 3317.62 of the Revised Code. All loan repayments from loans made 11362
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in fiscal years 1992, 1993, 1994, 1995, 1996, 1997, or 1998 shall 11372
be deposited into the credit of the Lottery Profits Education 11373
Reserve Fund. 11374

~~(B)(1) On or before July 15, 1997, the Director of Budget and 11375
Management shall determine the amount by which lottery profit 11376
transfers received by the Lottery Profits Education Fund for 11377
fiscal year 1997 exceed \$661,200,000. 11378~~

~~After certifying fiscal year 1997 excess lottery profits 11379
pursuant to this division, and notwithstanding divisions (C) and 11380
(D) of this section, the Director of Budget and Management shall 11381
allocate up to \$30,000,000 of the certified fiscal year 1997 11382
excess lottery profits to support appropriations in fiscal year 11383
1998 and fiscal year 1999 from the Lottery Profits Education Fund 11384
(Fund 017) for appropriation item 228 690, SchoolNet Electrical 11385
Infrastructure, to be used for the purposes specified in this act. 11386~~

~~The remaining balance of certified fiscal year 1997 excess 11387
lottery profits shall be distributed in fiscal year 1998 pursuant 11388
to divisions (C) and (D) of this section. 11389~~

~~(2) On or before July 15, 1998, the Director of Budget and 11390
Management shall determine the amount by which lottery profit 11391
transfers received by the Lottery Profits Education Fund for 11392
fiscal year 1998 exceed \$679,417,200. The amount so determined 11393
shall be distributed in fiscal year 1999 pursuant to divisions 11394
(E)(C) and (F)(D) of this section. 11395~~

The Director of Budget and Management shall annually certify 11396
the amounts determined pursuant to this section to the Speaker of 11397
the House of Representatives and the President of the Senate. 11398

~~(C) Not later than January 16, 1998, the Department of 11399
Education, in consultation with the Director of Budget and 11400
Management, shall determine, based upon estimates, if a 11401
reallocation of funds as described in the section titled 11402~~

~~"Reallocation of Funds" of this act. 11403~~

~~If a reallocation of funds is required, then the 11404~~
~~Superintendent of Public Instruction shall request Controlling 11405~~
~~Board approval for a release of any balances in the Lottery 11406~~
~~Profits Education Fund available for the purpose of this division 11407~~
~~and pursuant to divisions (C)(1) and (2) of the section titled 11408~~
~~"Reallocation of Funds" of this act. Any moneys so released are 11409~~
~~hereby appropriated. 11410~~

~~(D) In fiscal year 1998, if the Department of Education does 11411~~
~~not determine that a reallocation of funds is necessary by January 11412~~
~~16, as provided in division (C) of this section, or if there is a 11413~~
~~balance in the Lottery Profits Education Fund after the release of 11414~~
~~any amount needed to preclude a reallocation of funds as provided 11415~~
~~in division (C) of this section, the moneys in the Lottery Profits 11416~~
~~Education Fund shall be allocated as provided in this division. 11417~~
~~Any amounts so allocated are hereby appropriated. 11418~~

~~(1) An amount equal to five per cent of the estimated lottery 11419~~
~~profits of \$661,200,000 in fiscal year 1997 or the amount 11420~~
~~remaining in the fund, whichever is the lesser amount, shall be 11421~~
~~transferred to the Lottery Profits Education Reserve Fund within 11422~~
~~the limitations specified in division (A) of this section and be 11423~~
~~reserved and shall not be available for allocation or distribution 11424~~
~~during fiscal year 1998. Any amounts exceeding \$50,000,000 shall 11425~~
~~be distributed pursuant to divisions (D)(2), (3), and (4) of this 11426~~
~~section. 11427~~

~~(2) After reserving the required amount under division (D)(1) 11428~~
~~of this section, an amount equal to \$25,000,000 or the unreserved 11429~~
~~amount remaining in the fund, whichever is the lesser amount, 11430~~
~~shall be transferred to the Public School Building Fund (Fund 021) 11431~~
~~to be allocated and distributed in accordance with Chapter 3318. 11432~~
~~of the Revised Code. The Department of Education shall submit 11433~~
~~annually a report to the Governor and General Assembly on the use 11434~~

of these funds. The report shall include for each project, a
description of the need for the project, the total cost, the state
and local share of the cost, and the project repayment schedule.

~~(3) After the allocation under division (D)(2) of this
section, an amount equal to \$20,000,000 or the unreserved amount
remaining in the fund, whichever is the lesser amount, shall be
allocated to the Department of Education to assist school
districts in complying with federal regulations on asbestos
abatement and removal and to assist school districts in making
school buildings accessible to the handicapped.~~

~~(4) After the allocation under division (D)(3) of this
section, the unreserved amount remaining in the fund shall be
distributed pursuant to division (C) of this section.~~

~~(E) Not later than January 16, 1999, the Department of
Education, in consultation with the Director of Budget and
Management, shall determine, based upon estimates, if a
reallocation of funds as described in the section titled
"Reallocation of Funds" of ~~this act~~ Am. Sub. H.B. 215 of the 122nd
General Assembly is required.~~

If a reallocation of funds is required, then the
Superintendent of Public Instruction shall request Controlling
Board approval for a release of any balances in the Lottery
Profits Education Fund available for the purpose of this division
and pursuant to divisions (C)(1) and (2) of the section titled
"Reallocation of Funds" of ~~this act~~ H.B. 215. Any moneys so
released are hereby appropriated.

~~(F)(D) In fiscal year 1999, if the Department of Education
does not determine that a reallocation of funds is necessary by
January 16, as provided in division ~~(E)(C)~~ of this section, or if
there is a balance in the Lottery Profits Education Fund after the~~

release of any amount needed to preclude a reallocation of funds 11466
as provided in division ~~(F)~~(C) of this section, the moneys in the 11467
Lottery Profits Education Fund shall be allocated as provided in 11468
this division. Any amounts so allocated are hereby appropriated. 11469

(1) An amount equal to five per cent of the estimated lottery 11470
profits transfers of \$679,417,200 in fiscal year 1998 or the 11471
amount remaining in the fund, whichever is the lesser amount, 11472
shall be transferred to the Lottery Profits Education Reserve Fund 11473
within the limitations specified in division (A) of this section 11474
and be reserved and shall not be available for allocation or 11475
distribution during fiscal year 1999. Any amounts exceeding 11476
\$50,000,000 shall be distributed pursuant to divisions ~~(F)~~(D)(2), 11477
(3), and (4) of this section. 11478

(2) After reserving the required amount under division 11479
~~(F)~~(D)(1) of this section, an amount equal to \$25,000,000 or the 11480
unreserved amount remaining in the fund, whichever is the lesser 11481
amount, shall be transferred to the School Building Fund (Fund 11482
021) to be allocated and distributed in accordance with Chapter 11483
3318. of the Revised Code. The ~~Department of Education~~ School 11484
Facilities Commission shall submit annually a report to the 11485
Governor and General Assembly on the use of these funds. The 11486
report shall include for each project, a description of the need 11487
for the project, the total cost, the state and local share of the 11488
cost, and the project repayment schedule. 11489

(3) After the allocation under division ~~(F)~~(D)(2) of this 11490
section, an amount equal to \$20,000,000 or the unreserved amount 11491
remaining in the fund, whichever is the lesser amount, shall be 11492
allocated to the ~~Department of Education~~ School Facilities 11493
Commission to assist school districts in complying with federal 11494
regulations on asbestos abatement and removal and to assist school 11495
districts in making school buildings accessible to the 11496
handicapped. 11497

(4) After the allocation under division ~~(F)~~(D)(3) of this 11498
section, the amount remaining in the fund shall be distributed 11499
pursuant to division ~~(G)~~(E) of this section. 11500

~~(G)~~(E) In the appropriate fiscal year, any remaining amounts 11501
after the operations required by division ~~(D)~~(C) or ~~(F)~~(D) of this 11502
section, respectively, shall be available for distribution in 11503
accordance with this division. 11504

(1) As used in this division: 11505

(a) "State basic aid" means: 11506

~~(i) In the case of a school district,~~ the amount computed for 11507
a district under sections 3317.022, 3317.023, and 3317.025 to 11508
3317.028 of the Revised Code ~~exclusive of amounts computed under~~ 11509
~~division (B) of section 3317.023 of the Revised Code,~~ plus any 11510
amount computed for the district under section 3317.0212 of the 11511
Revised Code ~~or under the heading "Basic Aid Guarantee" of this~~ 11512
~~act or any amount computed under section 3317.11 or 3317.16 of the~~ 11513
Revised Code. 11514

~~(ii) In the case of a 169 board, the amount computed under~~ 11515
~~divisions (N) and (O) of section 3317.024 of the Revised Code.~~ 11516

(b) "ADM" means: 11517

(i) In the case of a city, local, or exempted village school 11518
district, the district's ~~average daily membership determined~~ 11519
~~pursuant to section 3317.03 of the Revised Code, exclusive of~~ 11520
~~those pupils who are enrolled in units for which an educational~~ 11521
~~service center governing board receives funding under division (N)~~ 11522
~~of section 3317.024 of the Revised Code or who formula ADM as~~ 11523
~~defined in section 3317.02 Of the Revised Code, minus the portion~~ 11524
~~of ADM computed under division (A)(3) of section 3317.03 Of the~~ 11525
~~Revised Code for students that~~ are enrolled in a joint vocational 11526
school district; 11527

(ii) In the case of a joint vocational school district, the 11528
sum of the number of pupils ~~excluded from city, local, or exempted~~ 11529
~~village school district ADMs under division (G)(1)(b)(i) of this~~ 11530
~~section by virtue of their enrollment~~ enrolled in that joint 11531
vocational school district; 11532

~~(iii) In the case of an educational service center, the sum 11533
of the number of pupils excluded from city, local, and exempted 11534
village school district ADMs under division (G)(1)(b)(i) of this 11535
section by virtue of their enrollment in a unit for which that 11536
educational service center governing board receives funding under 11537
division (N) of section 3317.024 of the Revised Code;~~ 11538

~~(iv) In the case of a 169 board, the sum of the pupils 11539
included in classes and units approved for funding under section 11540
3317.05 of the Revised Code. 11541~~

~~(c) "169 board" means a county board of mental retardation 11542
and developmental disabilities. 11543~~

(2) Ninety-seven and forty-three one-hundredths per cent of 11544
the amount made available for distribution under this division in 11545
each fiscal year shall be distributed to city, local, joint 11546
vocational, and exempted village school districts ~~and educational~~ 11547
~~service centers~~ eligible to receive funds pursuant to Chapter 11548
3317. of the Revised Code ~~and to 169 boards~~ in proportion to the 11549
percentage that the ADM of each such district, ~~educational service~~ 11550
~~center, or board~~ is of the ADM of all such districts, ~~educational~~ 11551
~~service centers, and boards~~ and shall be for the use of the public 11552
schools of the district ~~or educational service center and 169~~ 11553
~~board programs~~. Two and fifty-seven one-hundredths per cent of 11554
such amount made available for distribution under this division in 11555
each fiscal year shall be distributed to nonpublic schools for the 11556
purposes of section 3317.063 of the Revised Code. Not later than 11557
the first day of March of each fiscal year, the Department of 11558

Education shall compute each school district's, ~~each educational~~ 11559
~~service center's, and each 169 board's~~ share for that year of the 11560
amount to be distributed under this division and shall, subject to 11561
Controlling Board approval, distribute the shares so determined. 11562

Amounts distributed to school districts, ~~educational service~~ 11563
~~centers, and 169 boards~~ pursuant to this division shall be used 11564
solely to purchase textbooks and equipment. If funds have been 11565
appropriated by a board for any purposes permitted under this 11566
section, the amounts distributed to the district or educational 11567
service center under this division shall be used for additional 11568
expenditures for such purposes and shall not be substituted for 11569
funds previously appropriated by the board. 11570

(3) Districts, ~~educational service centers, 169 boards,~~ and 11571
nonpublic schools shall report to the Department of Education no 11572
later than the last day of May of each fiscal year on the usage of 11573
funds received under this division. The Department of Education 11574
shall compile district ~~and educational service center~~ data and 11575
report on the usage of all funds distributed under this division 11576
to the Controlling Board by the last day of June of each fiscal 11577
year. If the department determines that a district ~~or educational~~ 11578
~~service center or a 169 board~~ used funds distributed pursuant to 11579
this division for purposes not permitted, it shall reduce the 11580
district's, ~~educational service center's, or board's~~ state basic 11581
aid payments for the ensuing fiscal year by the amount improperly 11582
used. 11583

It is the intent of the General Assembly that moneys 11584
distributed pursuant to this section shall not be included in any 11585
spending base calculations when appropriations for the 1999-2000 11586
biennium are being considered. 11587

Sec. 50.26.* For the school year commencing July 1, 1997, or 11588
the school year commencing July 1, 1998, or both, the 11589
Superintendent of Public Instruction may waive for the board of 11590

education of any school district the ratio of teachers to pupils 11591
in kindergarten through fourth grade required under paragraph 11592
(A)(3) of rule 3301-35-03 of the Administrative Code if the 11593
following conditions apply: 11594

(A) The board of education requests the waiver; 11595

(B) After the Department of Education conducts an on-site 11596
evaluation of the district related to meeting the required ratio, 11597
the board of education demonstrates to the satisfaction of the 11598
Superintendent of Public Instruction ~~either of the following:~~ 11599

~~(1) That that providing the facilities necessary to meet the 11600
required ratio during the district's regular school hours with 11601
pupils in attendance would impose an extreme hardship on the 11602
district;~~ 11603

~~(2) That the cost of providing the necessary facilities or 11604
personnel to meet the required ratio would require the board of 11605
education to take action under division (E) of section 3313.483 of 11606
the Revised Code.;~~ 11607

(C) The board of education provides assurances that are 11608
satisfactory to the Superintendent of Public Instruction that the 11609
board will act in good faith to meet the required ratio as soon is 11610
possible. 11611

Sec. 50.32. Private Treatment Facility Pilot Project 11612

(A) As used in this section: 11613

(1) The following are "participating residential treatment 11614
centers": 11615

(a) Private residential treatment facilities which have 11616
entered into a contract with the Ohio Department of Youth Services 11617
to provide services to children placed at the facility by the 11618
Department and which, in fiscal year 1998 or 1999 or both, the 11619
department pays through appropriation item 470-401, Care and 11620

Custody.	11621
(b) Abraxas, in Shelby;	11622
(c) Paint Creek, in Bainbridge;	11623
(d) Act One, in Akron;	11624
(e) Friars Club, in Cincinnati.	11625
(2) "Education program" means an elementary or secondary education program or a special education program and related services.	11626 11627 11628
(3) "Served child" means any child receiving an education program pursuant to division (B) of this section.	11629 11630
(4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law <u>that existed in fiscal year 1998</u> , is the school district required to pay that tuition.	11631 11632 11633 11634 11635
(5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.	11636 11637 11638
(B) A youth who is a resident of the State of Ohio and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational program shall be contingent upon compliance with the criteria established for such programs by the Department of Education for fiscal years 1998 and 1999. The educational program shall be provided by a school district or educational service center, or by the residential facility itself. Maximum flexibility shall be given to the residential treatment facility to determine the provider. In the event that a voluntary agreement cannot be	11639 11640 11641 11642 11643 11644 11645 11646 11647 11648 11649 11650

reached and the residential facility does not choose to provide 11651
the educational program, the educational service center in the 11652
county in which the facility is located shall provide the 11653
educational program at the treatment center to children under the 11654
age of twenty-two years residing in the treatment center. 11655

The Ohio Family and Children First Cabinet Council shall 11656
recommend educational criteria to the Department of Education 11657
within thirty days of the enactment of this section. Prior to 11658
September 1, 1998, the Department of Education shall develop 11659
educational criteria, which take into consideration the 11660
recommendations of the Family and Children First Cabinet Council. 11661

(C) Any school district responsible for tuition for a 11662
residential child shall, notwithstanding any conflicting provision 11663
of the Revised Code regarding tuition payment, pay tuition for the 11664
child for fiscal years 1998 and 1999 to the education program 11665
provider and in the amount specified in this division. If there is 11666
no school district responsible for tuition for a residential child 11667
and if the participating residential treatment center to which the 11668
child is assigned is located in the city, exempted village, or 11669
local school district that, if the child were not a resident of 11670
that treatment center, would be the school district where the 11671
child is entitled to attend school under sections 3313.64 and 11672
3313.65 of the Revised Code, that school district shall, 11673
notwithstanding any conflicting provision of the Revised Code, pay 11674
tuition for the child for fiscal years 1998 and 1999 under this 11675
division unless that school district is providing the educational 11676
program to the child under division (B) of this section. 11677

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A tuition payment under this division shall be made to the 11679
school district, educational service center, or residential 11680
treatment facility providing the educational program to the child. 11681

The amount of tuition paid shall be: 11682

(1) The amount of tuition determined for the district under 11683
division (A) of section 3317.08 of the Revised Code; 11684

(2) In addition, for any student receiving special education 11685
pursuant to an individualized education program as defined in 11686
section 3323.01 of the Revised Code, a payment for excess costs. 11687
This payment shall equal the actual cost to the school district, 11688
educational service center, or residential treatment facility of 11689
providing special education and related services to the student 11690
pursuant to the student's individualized education program, minus 11691
the tuition paid for the child under division (C)(1) of this 11692
section. 11693

A school district paying tuition under this division shall 11694
not include the child for whom tuition is paid in the district's 11695
average daily membership certified under division (A) of section 11696
3317.03 of the Revised Code. 11697

(D) In each of fiscal years 1998 and 1999, the Department of 11698
Education shall reimburse, from appropriations made for the 11699
purpose, a school district, educational service center, or 11700
residential treatment facility, whichever is providing the 11701
service, which has demonstrated that it is in compliance with the 11702
funding criteria for each served child for whom a school district 11703
must pay tuition under division (C) of this section. The amount of 11704
this reimbursement in either fiscal year shall be the formula 11705
amount specified in section 3317.022 of the Revised Code except 11706
that the department shall proportionately reduce this 11707
reimbursement if sufficient funds are not available to pay this 11708
amount to all qualified providers. 11709

(E) Funds provided to a school district, educational service 11710
center, or residential treatment facility under this section shall 11711
be used to supplement, not supplant, funds from other public 11712

sources for which the school district, service center, or residential treatment facility is entitled or eligible. 11713
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(F) The Department of Education shall track the utilization of funds provided to school districts, educational service centers, and residential treatment facilities under this section and monitor the effect of the funding on the educational programs they provide in participating residential treatment facilities. The department shall monitor the programs for educational accountability. 11715
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Sec. 50.40. Urban Initiative Funding 11722

(A) The following amounts within the line items specified below are hereby identified as "urban initiative moneys": ~~line item 200-501, School Foundation Basic Allowance, \$23,000,000 in fiscal year 1998 and \$63,800,000 in fiscal year 1999 for extended and full day kindergarten;~~ line item 200-411, Family and Children First, \$3,900,000 in fiscal year 1998 and \$6,300,000 in fiscal year 1999, for school readiness resource centers; line item 200-507, Vocational Education, \$1,500,000 in fiscal year 1998 and \$1,800,000 in fiscal year 1999 for the Jobs for Ohio Graduates program, and \$900,000 in each fiscal year for the graduation, reality and dual role skills program; line item 200-417, Professional Development, \$6,000,000 in fiscal year 1998 for urban leadership academies; and line item 200-541, Peer Review, \$1,840,000 in fiscal year 1998 and \$3,640,000 in fiscal year 1999 for teacher peer review. 11723
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(B) Districts shall be entitled to receive the "urban initiative money" described in division (A) of this section unless they do not meet criteria in divisions (C)(1) and (2) of this section by the date specified. If a district does not meet the criteria, "urban initiative moneys" shall cease to be provided on a monthly basis by the Department of Education. 11738
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(C) In order to receive "urban initiative moneys" as 11744
described in division (A) of this section, "big eight" school 11745
districts and "urban school districts" as identified in section 11746
3317.02 of the Revised Code, as that section existed prior to July 11747
1, 1998, shall meet the following criteria: 11748

(1) Within six months upon receiving the recommendations of 11749
the Auditor of State's performance audit, or, in the case of the 11750
Cleveland City School District and the Youngstown City School 11751
District, by October 30, 1997, the board of education or other 11752
managing authority of the district must adopt a plan to promote 11753
economy and efficiency in operations consistent with the 11754
recommendations of such performance audit. The plan must be 11755
approved by the Superintendent of Public Instruction, in 11756
consultation with the Director of Budget and Management. 11757

(2) The board of education or other managing authority of the 11758
district must implement an academic performance benchmarking 11759
program that is approved by the State Board of Education by May 11760
30, 1998. The plan must contain baseline data on performance 11761
indicators including graduation rates, attendance rates, dropout 11762
rates, and levels of literacy and basic competency as assessed 11763
under sections 3301.0710 and 3301.0711 of the Revised Code. The 11764
plan must establish an action plan for achieving enhanced 11765
performance levels on all indicators. 11766

Sec. 50.43. There is hereby created the Ohio Schools 11767
Technology Implementation Task Force composed of six voting 11768
members, three of whom shall be members of the Senate appointed by 11769
the President of the Senate and three of whom shall be members of 11770
the House of Representatives appointed by the Speaker of the House 11771
of Representatives. Not more than two members from each house 11772
shall be members of the same political party. From among these six 11773
voting members, the President of the Senate and the Speaker of the 11774
House of Representatives jointly shall appoint a chair of the Task 11775

Force. The Task Force shall include as ex officio nonvoting
members the Superintendent of Public Instruction or the
Superintendent's designee; the Directors of Budget and Management,
Administrative Services, and the Office of Information, Learning,
and Technology Services or their designees; a representative
designated by the head of the Ohio Education Computer Network; a
representative designated by the Chairperson of the Public
Utilities Commission of Ohio; and a representative appointed by
the Chairperson of the Ohio Education Broadcasting Network
Commission. The voting members may, by majority vote, elect to
include any number of additional nonvoting members on the Task
Force.

The Legislative Service Commission and the Legislative Budget
Office of the Legislative Service Commission shall provide any
staffing assistance requested by the Task Force.

The Task Force shall develop recommendations for a
comprehensive framework for coordinating the planning and
implementation of technology in Ohio schools and issue a report
not later than ~~January 31~~ August 1, 1998. Upon issuing its report,
the Task Force shall cease to operate.

Sec. 50.44. (A) There is hereby created the Teacher
Professional Development Task Force. The purpose of the task force
shall be to develop a comprehensive structure for the delivery of
continuing professional development for teachers employed in the
state's primary, secondary, vocational, and special educational
system. On or before ~~January 31~~ August 1, 1998, the task force
shall issue to the President of the Senate, the Speaker of the
House of Representatives, and the State Superintendent of Public
Instruction a report outlining a comprehensive structure for the
delivery of continuing professional development to such school
teachers. On the date of the issuance of its report, the task
force is abolished.

(B) The task force shall be composed of six legislators, 11808
three appointed by the President of the Senate and three by the 11809
Speaker of the House of Representatives. No more than two of the 11810
appointed members from each house shall be members of the same 11811
political party. From among these six appointed members, the 11812
President of the Senate and the Speaker of the House of 11813
Representatives jointly shall appoint a chair of the Task Force. 11814
Ex-officio nonvoting members of the task force shall include the 11815
State Superintendent of Public Instruction, or the 11816
Superintendent's designee; the Director of Budget and Management, 11817
or the Director's designee; a member appointed by the head 11818
official of the Ohio State School Boards Association; a member 11819
appointed by the head official of the Ohio Association of 11820
Educational Service Center Superintendents; a member appointed by 11821
the head official of the Ohio Education Association; a member 11822
appointed by the head official of the Ohio Federation of Teachers; 11823
a member appointed by the head official of the Buckeye Association 11824
of School Administrators; and two members of the institutions of 11825
higher education that have teacher education colleges, one member 11826
of which shall be from such a public institution appointed by the 11827
Chancellor of the Board of Regents and the other shall be from 11828
such a private institution appointed by the head official of the 11829
Association of Independent Colleges and Universities of Ohio. The 11830
voting members of the task force may appoint, by a majority vote, 11831
additional ex-officio nonvoting members to serve on the task 11832
force. The Legislative Service Commission and the Legislative 11833
Budget Office shall provide staff and services to the task force. 11834

Sec. 69.03. SchoolNet Plus 11835

In fiscal year 1998, by July 10, the Director of Budget and 11836
Management shall transfer \$28,000,000 cash from the General 11837
Revenue Fund to the Office of Information, Learning and Technology 11838
Services' SchoolNet Plus Fund (4Y4). In fiscal year 1998, by July 11839

10, the Director of Budget of Management shall transfer \$3,664,253 11840
from the Lottery Commission's Unclaimed Prizes Fund (Fund 872) to 11841
the Office of Information, Learning and Technology Services' 11842
SchoolNet Plus Fund (4Y4). In addition, on or before July 31, 11843
1997, pursuant to the section titled "Transfer of Fiscal Year 1997 11844
Ending Balances" \$94,400,000 in surplus revenue shall be 11845
transferred to the SchoolNet Plus Fund (4Y4). A total of 11846
\$31,664,253 shall be distributed from Fund (4Y4) ~~line~~ 11847
APPROPRIATION item 228-698, SchoolNet Plus, to ~~non-qualifying~~ 11848
nonqualifying districts to bring their total SchoolNet Plus 11849
payment up to \$350 per pupil for students in kindergarten through 11850
the fourth grade. 11851

To complete the SchoolNet Plus program, the Director of 11852
Budget and Management shall transfer in fiscal year 1999 11853
\$30,600,000 cash from the General Revenue Fund to the office's 11854
SchoolNet Plus Fund (4Y4). 11855

Before any city, local, or exempted village school district 11856
applies for and receives additional funds through the SchoolNet 11857
Plus program, it must certify to the Office of Information, 11858
Learning, and Technology Services that it has used any previous 11859
moneys received through the SchoolNet Plus program to purchase and 11860
install computers for children enrolled in grades kindergarten 11861
through four, and that the equipment and software are being 11862
utilized daily as of the certification date. School districts may 11863
use their SchoolNet Plus moneys for assistant technology for 11864
disabled students. 11865

Interactive Video Distance Learning 11866

The foregoing appropriation item ~~200-650~~ 228-650, Interactive 11867
Video Distance Learning, shall be used in fiscal year 1998 to help 11868
fund interactive video distance learning projects in local, 11869
exempted village, city, and joint vocational schools. The Office 11870

of Information, Learning, and Technology shall determine grant 11871
amounts in accordance with the guidelines of this section. 11872
Priority shall be given to consortiums of schools where a 11873
significant number of all the schools in a geographic area have 11874
demonstrated a desire to participate in the program and where no 11875
interactive video distance learning project involving multiple 11876
school districts now exists. Efforts shall be made to ensure that 11877
consortiums funded are geographically dispersed around the state. 11878

The Office of Information, Learning, and Technology Services 11879
shall calculate a maximum grant amount for each approved school 11880
district or consortium. Such maximum grant shall be the amount 11881
sufficient to equip one classroom in each high school building of 11882
the participating school districts capable of both originating and 11883
receiving programming and may include one additional classroom in 11884
each high school building for receiving only. The maximum grant 11885
amount may also include funds for interconnecting the various 11886
sites involved in the consortium, for planning and for 11887
professional development. The percentage of the maximum grant 11888
amount awarded to school districts or consortia shall be greater 11889
for lower property valuation districts, and consortia of lower 11890
property valuation districts, and less for higher property 11891
valuation districts, and consortia. The amount awarded shall take 11892
into account the subsidy and discount available through the 11893
Federal Communication Commission's telephone universal service 11894
plan for schools, and may include a subsidy, up to the maximum 11895
permissible under the Snow-Rockefeller amendment, of the monthly 11896
telephone, cable, or other connection charges incurred by school 11897
districts or by new or existing consortia involving school 11898
districts with education-related organizations whose inclusion 11899
will enhance education for Ohio's students, for operation of the 11900
interactive distance learning programming. School districts or 11901
consortia of school districts whose per pupil valuation for the 11902
average of the preceding two years exceed 60 per cent of the 11903

statewide median valuation per pupil shall be eligible for funds 11904
only if they commit, as part of the application process, to 11905
provide programming without charge or at minimal cost to school 11906
districts whose valuation is below the statewide median valuation 11907
per pupil. 11908

Sec. 76. LSC LEGISLATIVE SERVICE COMMISSION 11909

General Revenue Fund 11910

GRF 035-321	Operating Expenses	\$	7,231,000	\$	7,445,000	11911
GRF 035-402	Legislative Interns	\$	705,000	\$	740,000	11912
GRF 035-403	Legislative Budget	\$	2,405,000	\$	2,521,000	11913
	Office					
GRF 035-404	Legislative Office of	\$	658,933	\$	683,891	11914
	Education Oversight					
					<u>758,891</u>	11915
GRF 035-405	Correctional	\$	475,000	\$	490,000	11916
	Institution Inspection					
	Committee					
GRF 035-406	ATMS Replacement	\$	80,000	\$	80,000	11917
	Project					
GRF 035-407	Legislative Task Force	\$	830,000	\$	320,000	11918
	on Redistricting,					
	Reapportionment, and					
	Demographic Research					
GRF 035-409	National Associations	\$	510,957	\$	376,729	11919
GRF 035-410	Legislative	\$	3,200,000	\$	3,200,000	11920
	Information Systems					
<u>GRF 035-412</u>	<u>Study Committee on</u>	<u>\$</u>	<u>200,000</u>	<u>\$</u>	<u>0</u>	11921
	<u>Property Tax</u>					
TOTAL GRF	General Revenue Fund	\$	16,095,890	\$	15,856,620	11922
			<u>16,295,890</u>		<u>15,931,620</u>	11923
	General Services Fund Group					11924
410 035-601	Sale of Publications	\$	25,000	\$	25,000	11925

4F6 035-603 Legislative Budget	\$	120,000	\$	128,000	11926
Services					
4F7 035-605 Head Start Study	\$	60,000	\$	0	11927
TOTAL GSF General Services					11928
Fund Group	\$	205,000	\$	153,000	11929
TOTAL ALL BUDGET FUND GROUPS	\$	16,300,890	\$	16,009,620	11930
		<u>16,500,890</u>		<u>16,084,620</u>	11931

ATMS Replacement Project 11932

Of the foregoing appropriation item 035-406, ATMS Replacement 11933
Project, any amounts not used for the ATMS project may be used to 11934
pay the operating expenses of the Legislative Service Commission. 11935

National Associations 11936

Of the foregoing appropriation item 035-409, National 11937
Associations, \$8,000 in each fiscal year shall be used for the 11938
State and Local Legal Center. 11939

Legislative Office of Education Oversight 11940

The foregoing appropriation item 035-404, Legislative Office 11941
of Education Oversight, shall be used to support the legislative 11942
oversight activities of the Legislative Committee on Education 11943
Oversight established in section 3301.68 of the Revised Code. 11944

The Legislative Office of Education Oversight shall study 11945
ways for school districts to create a collaborative high school 11946
with neighboring districts. The study will determine the types of 11947
incentives, including state assistance, necessary to encourage 11948
schools toward this type of collaboration. The Legislative Office 11949
of ~~Education~~ Education Oversight shall report their recommendations 11950
to the Speaker of the House and the President of the Senate no 11951
later than June 30, 1999. 11952

No later than January 31, 1999, the Legislative Office of 11953
Education Oversight shall issue a report on the status of the 11954

educational service center consolidations mandated by Section 11955
45.32 of Am. Sub. H.B. 117 of the 121st General Assembly, as 11956
amended. The Office shall submit its report to the Speaker of the 11957
House of Representatives and the President of the Senate. 11958

Study Committee on Property Tax 11959

Within forty-five days after the effective date of this 11960
amendment, the President of the Senate and Speaker of the House of 11961
Representatives shall appoint a twelve-person study committee to 11962
study Ohio's property tax system. The committee shall be composed 11963
of six members of each house of the General Assembly, and no more 11964
than four of the members from each house shall be of the same 11965
political party. The President and Speaker each shall appoint one 11966
member as a co-chairperson of the committee. The Legislative 11967
Service Commission shall engage experts as directed by the study 11968
committee to assist with the study at a cost not to exceed 11969
\$200,000. The committee shall submit interim recommendations to 11970
the legislative service commission by December 31, 1998, and shall 11971
submit its final recommendations to the commission by June 30, 11972
1999. Upon submitting its final recommendations, the committee 11973
shall cease to exist. 11974

The foregoing appropriation item 035-412, Study Committee on 11975
Property Tax, shall be used to fund the expenses of the property 11976
tax study committee. 11977

Of the foregoing appropriation item 035-412, Study Committee 11978
on Property Tax, any unencumbered and unallotted fiscal year 1998 11979
amounts shall be transferred by the Director of Budget and 11980
Management to appropriation item 035-412, Study Committee on 11981
Property Tax, in fiscal year 1999. Those amounts so transferred 11982
from fiscal year 1998 to fiscal year 1999 are hereby appropriated. 11983

Head Start Study 11984

The foregoing appropriation item 035-605, Head Start Study, 11985

shall be used by the Legislative Office of Education Oversight to 11986
conduct research on Head Start. The purpose of the study is to 11987
evaluate the implementation of Head Start, including the nature 11988
and quality of the educational programming, its cost, staff, and 11989
facilities, and the program's impact on participating children and 11990
families. 11991

The Director of the Legislative Office of Education Oversight 11992
shall notify the Director of Budget and Management upon completion 11993
of the Head Start Study. The Director of Budget and Management 11994
shall transfer any unexpended and unobligated cash balances in 11995
Fund 4F7 to the General Revenue Fund. 11996

Section 103.41 Report 11997

SECTION 103.141 REPORT 11998

Notwithstanding section ~~103.41~~ 103.141 of the Revised Code, 11999
the Legislative Budget Office of the Legislative Service 12000
Commission may submit the estimates required by that section for 12001
calendar years 1996 and 1997 in October, 2000. 12002

Workforce Study Committee Additional Duties 12003

The Legislative Service Commission Study Committee on Job 12004
Training and Workforce Development Programs appointed on February 12005
5, 1997, by motion of the Commission pursuant to its authority in 12006
section 103.12 of the Revised Code, shall review the functions and 12007
duties of state, county, and other programs, including those 12008
performed by local offices of the Bureau of Employment Services 12009
and by state and county human services offices, that are directed 12010
toward job training, job placement, and workforce development. The 12011
Study Committee, after consulting with interested parties 12012
including the Director of Human Services and the Administrator of 12013
the Bureau of Employment Services, shall make recommendations to 12014
the Governor and to the Speaker and the Minority Leader of the 12015
House of Representatives and the President and the Minority Leader 12016

of the Senate, on behalf of the General Assembly, to improve the
integration, efficiency, effectiveness, and collaboration of
federal, state, and locally funded job training, job placement,
and workforce development efforts.

Sec. 130.01. Lottery Transfers in Fiscal Year 1999

Notwithstanding division (B) of section 3770.06 of the
Revised Code, from the amounts that the Director of Budget and
Management transfers in fiscal year 1999 from the State Lottery
Fund to the Lottery Profits Education Fund, the Director shall
transfer the initial \$15,000,000 of such amounts from the lottery
profits education fund to Fund 5F8, the Instructional Materials
Education Fund. This money shall be combined with the \$10,000,000
that Fund 5F8 receives from fiscal year 1997 surplus revenue, to
provide \$25,000,000 in fiscal year 1999 to school districts for
the purchase of textbooks and instructional materials for schools.
This transfer is in addition to the amount necessary to meet all
other appropriations from the Lottery Profits Education Fund in
fiscal year 1999.

Section 4. That existing Sections 50, 50.04, 50.07, 50.08,
50.09, 50.10, 50.12, 50.13, 50.14, 50.15, 50.20, 50.23, 50.24,
50.26, 50.32, 50.40, 50.43, 50.44, 69.03, 76, and 130.01 of Am.
Sub. H.B. 215 of the 122nd General Assembly are hereby repealed.

Section 5. That Subsections 5 and 10 of Section 50.52 of Am.
Sub. H.B. 215 of the 122nd General Assembly be amended to read as
follows:

"Subsec. 5. Each contract entered into between a sponsor and
the governing authority of a community school shall specify the
following:

(A) That the school shall be established as a nonprofit
corporation established under Chapter 1702. of the Revised Code;

(B) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	12047 12048 12049 12050
(C) Performance standards and assessments by which the success of the school will be evaluated by the sponsor, which shall include the statewide proficiency tests;	12051 12052 12053
(D) The admission standards of Subsection 8 of this section;	12054
(E) Dismissal procedures;	12055
(F) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	12056 12057
(G) Requirements and procedures for program and financial audits, including audits by the Auditor of State and the Department of Education. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the Auditor of State.	12058 12059 12060 12061 12062 12063
(H) Facilities to be used, their location, and their method of acquisition;	12064 12065
(I) Qualifications of teachers, including a requirement that the school's classroom teachers be certificated in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours per week pursuant to section 3319.301 of the Revised Code;	12066 12067 12068 12069 12070 12071
(J) That the school will comply with the following requirements:	12072 12073
(1) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year;	12074 12075 12076

- (2) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school; 12077
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12079
- (3) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution; 12080
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- (4) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0714, 3313.33, 3313.50, 3313.643, 3313.66, 3313.661, 3313.662, 3313.67, 3313.672, 3313.673, 3313.69, 3313.71, 3313.80, 3313.96, 3319.321, 3319.39, 3321.01, 3327.10, 4111.17, and 4113.52 and Chapters 102., 117., 1347., 2744., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district; 12084
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- (5) The school will comply with sections 3313.61 and 3313.611 of the Revised Code, except that the requirement in those sections that a person must successfully complete the curriculum in any high school prior to receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXVIII of the Revised Code or any rules of the state board of education; 12091
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- (6) The school governing authority will submit an annual report of its activities and progress in meeting the goals and standards of division (C) of this subsection and its financial status to the sponsor and to the parents of all students enrolled in the school. The financial statement shall be in such form as shall be prescribed by the Auditor of State. 12099
12100
12101
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12104
- (K) Arrangements for providing health and other benefits to employees; 12105
12106
- (L) The length of the contract, which shall not exceed five 12107

years nor extend beyond June 30, 2003; 12108

(M) The governing authority of the school, which shall be 12109
responsible for carrying out the provisions of the contract, and a 12110
description of the process by which the governing authority will 12111
be selected in the future; 12112

(N) A financial plan detailing an estimated school budget for 12113
each year of the period of the contract and specifying the total 12114
estimated per pupil expenditure amount for each such year. The 12115
plan shall specify for each year the base formula amount that will 12116
be used for purposes of funding calculations under section 3314.08 12117
of the Revised Code. This base formula amount for any year shall 12118
not exceed the ~~dollar~~ formula amount ~~specified for the year~~ 12119
defined under division (B) of section ~~3317.022~~ 3317.02 of the 12120
Revised Code. 12121

(O)(1) Requirements and procedures regarding the disposition 12122
of employees, equipment, materials, supplies, and facilities of 12123
the school in the event the contract is terminated or not renewed 12124
pursuant to this section; 12125

(2) Provisions to ensure that, if for any reason a school 12126
must close prior to June 30, 2003, the school will be kept open 12127
for students to attend until the end of the school year in which 12128
it is determined that the school must close; 12129

(3) Provisions establishing procedures for resolving disputes 12130
or differences of opinion between the sponsor and the governing 12131
authority of the community school. 12132

(P) Whether or not the school is to be created by converting 12133
all or part of an existing public school and, if it is, 12134
specification of any duties or responsibilities of an employer 12135
that the board of education that operated the school before 12136
conversion is delegating to the governing authority of the 12137
community school with respect to all or any specified group of 12138

employees provided the delegation is not prohibited by a 12139
collective bargaining agreement applicable to such employees. 12140

(Q) Any additional details concerning the management and 12141
administration of the school; 12142

(R) If the proposed community school is a currently existing 12143
public school, alternative arrangements, approved by the board of 12144
education of the school district in which the school is located, 12145
for current public school students who choose not to attend the 12146
school and teachers who choose not to teach in the school after 12147
conversion. 12148

Subsec. 10. (A) As used in this subsection: 12149

(1) "Base formula amount" means the amount specified as such 12150
in a community school's financial plan for a school year pursuant 12151
to Subsection 5 of this section. 12152

(2) "Cost-of-doing-business factor" has the same meaning as 12153
in ~~division (E) of~~ section 3317.02 of the Revised Code. 12154

(3) "IEP" means an individualized education program defined 12155
by division (E) of section 3323.01 of the Revised Code. 12156

(4) "Actual cost" means the actual cost of providing special 12157
education and related services to a special education student 12158
pursuant to an IEP in the school district where that student is 12159
entitled to attend school pursuant to sections 3313.64 and 3313.65 12160
of the Revised Code, as calculated in a manner acceptable to the 12161
Superintendent of Public Instruction. 12162

(5) "Basic aid" ~~has~~ means the ~~same meaning as in division~~ 12163
amount computed for a district under divisions (A)(1) and (C) of 12164
section 3317.022 of the Revised Code. 12165

(6) "Guarantee funds" means any payments received by a school 12166
district pursuant to section 3317.0212 of the Revised Code. 12167

(7) "Per pupil state funds" for a district means the figure 12168

obtained when the sum of the district's total annual basic aid 12169
payments plus guarantee funds is divided by the district's formula 12170
ADM as ~~defined~~ certified in ~~division (A) of section 3317.02~~ 12171
3317.03 of the Revised Code. 12172

(8) "Entitled to attend school in the district" means a 12173
student is entitled to attend school in a district pursuant to the 12174
provisions of section 3313.64 or 3313.65 of the Revised Code. 12175

(B) The state board of education shall adopt rules requiring 12176
both of the following: 12177

(1) The board of education of each city, exempted village, 12178
and local school district in the Lucas County area to annually 12179
report the number of students entitled to attend school in the 12180
district pursuant to section 3313.64 or 3313.65 of the Revised 12181
Code who are enrolled in a community school established under this 12182
chapter and for each child, both of the following: 12183

(a) The community school in which the child is enrolled. In 12184
addition, for each such child receiving special education and 12185
related services in a community school pursuant to an IEP the 12186
board shall report the actual cost for such child. 12187

(b) If the district receives disadvantaged pupil impact aid 12188
for the child pursuant to section ~~3317.023~~ 3317.029 of the Revised 12189
Code, the amount received for such child. 12190

(2) The governing authority of each community school 12191
established under this section to annually report the number of 12192
students enrolled in kindergarten through grade twelve in the 12193
school who are not receiving special education and related 12194
services pursuant to an IEP, the number of enrolled students in 12195
kindergarten through grade twelve who are receiving special 12196
education and related services pursuant to an IEP ~~and~~, the number 12197
of ~~such~~ enrolled preschool students counted in a unit approved by 12198
the State Board of Education ~~and funded under division (N) of~~ 12199

section ~~3317.024~~ 3317.05 of the Revised Code, the community 12200
school's base formula amount, and for each student, the city, 12201
exempted village, or local school district the student is entitled 12202
to attend under section 3313.64 or 3313.65 of the Revised Code. 12203

(C) From the payments made to a city, exempted village, or 12204
local school district under Chapter 3317. and, if necessary, 12205
sections 321.14 and 323.156 of the Revised Code, the Department of 12206
Education shall annually subtract all of the following: 12207

(1) An amount equal to the sum of the amounts obtained when, 12208
for each community school where the district's students are 12209
enrolled, the number of the district's students reported under 12210
division (B)~~(1)~~(2) of this subsection who are enrolled in 12211
kindergarten through grade twelve in that community school and are 12212
not receiving special education and related services pursuant to 12213
an IEP is multiplied by the base formula amount of that community 12214
school as adjusted by the school district's cost-of-doing-business 12215
factor. 12216

(2) The sum of the actual costs for all district students 12217
reported under division (B)~~(1)~~(2) of this subsection who are to be 12218
receiving special education and related services pursuant to an 12219
IEP in their respective community schools, less the sum of the 12220
prorated share for each such preschool handicapped student of any 12221
amounts received from state funded units or from any federal funds 12222
to provide special education and related services to students in 12223
kindergarten through grade twelve in the respective community 12224
schools. This prorated share of state unit funding or federal 12225
funds received for each such student shall be determined on the 12226
basis of all such funds received by a community school for 12227
students receiving similar services, as calculated in a manner 12228
acceptable to the Superintendent of Public Instruction. 12229

(3) An amount equal to the sum of the amounts obtained when, 12230
for each community school where the district's students are 12231

enrolled, the number of the district's students enrolled in that 12232
community school and residing in the district in a family 12233
~~receiving assistance under Title IV A of the "Social Security~~ 12234
~~Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended,~~ 12235
participating in Ohio works first under Chapter 5107. Of the 12236
Revised Code is multiplied by the per pupil amount of 12237
disadvantaged pupil impact aid the school district receives that 12238
year under section 3317.029 Of the Revised Code. 12239

(D) The Department shall annually pay to a community school, 12240
or to the Lucas County Educational Service Center on behalf of a 12241
start-up school for which the Service Center's Treasurer is the 12242
chief financial officer and custodian of its funds pursuant to 12243
subsection 12 of this section, all of the following: 12244

(1) An amount equal to the sum of the amounts obtained when, 12245
for each school district where the community school's students are 12246
entitled to attend school under section 3313.64 or 3313.65 of the 12247
Revised Code, the number of students enrolled in kindergarten 12248
through grade twelve in the school as reported under division 12249
(B)(2) of this subsection who are not receiving special education 12250
and related services pursuant to an IEP is multiplied by the 12251
community school's base formula amount, as adjusted by that school 12252
district's cost-of-doing-business factor; 12253

(2) For each student enrolled in the school receiving special 12254
education and related services pursuant to an IEP, an amount equal 12255
to the actual cost for such student, less a prorated share for ~~the~~ 12256
a preschool handicapped student of any amount received from state 12257
funded units or for any student, a prorated share of any federal 12258
funds to provide special education and related services to 12259
students in the community school. This prorated share shall be 12260
determined as described under division (C)(2) of this subsection. 12261
12262

(3) An amount equal to the sum of the amounts obtained when, 12263
for each school district where the community school's students are 12264
entitled to attend school under section 3313.64 or 3313.65 of the 12265
Revised Code, the number of that district's students enrolled in 12266
the community school and ~~residing in the district in a family~~ 12267
~~receiving assistance under Title IV A of the "Social Security Act"~~ 12268
participating in Ohio works first is multiplied by the per pupil 12269
amount of disadvantaged pupil impact aid that school district 12270
receives that year under section 3317.029 Of the Revised Code. 12271

~~(E)(1) Each city, exempted village, and local school district 12272
shall count in its ADM certified under division (A)(1) of section 12273
3317.03 of the Revised Code, any student entitled to attend school 12274
in the district enrolled in a community school, except that a 12275
school district may instead count a student enrolled in a 12276
community school in its ADM certified under division (A)(3) of 12277
that section if the district had counted the student under 12278
division (A)(3) of that section immediately prior to the student's 12279
enrollment in the community school.~~ 12280

For purposes of counting students in average daily membership 12281
under ~~this division~~ section 3317.03 Of the Revised Code, prior to 12282
the first day of classes each year in any community school 12283
established under this section, the parent, guardian, or custodian 12284
of each student who is enrolled or intends to enroll that year in 12285
the community school shall register the student's name and address 12286
with the superintendent of the school district in which the 12287
student is entitled to attend school. The superintendent shall 12288
include all such students in the district's average daily 12289
membership as if the students were enrolled during the first full 12290
week of October in that school year. 12291

~~(2)(F)~~ During the first year of operation of a community 12292
school under this section, in addition to all other payments made 12293
to any school district in which a student enrolled in the 12294

community school is entitled to attend school pursuant to Chapter 12295
3317. of the Revised Code, the Department of Education shall pay 12296
such school district for each student enrolled in the community 12297
school who is otherwise entitled to attend school in the district 12298
an amount equal to 50 per cent of the district's per pupil state 12299
funds. 12300

~~(F)~~(G) A community school may apply to the Department of 12301
Education for preschool handicapped or gifted unit funding the 12302
school would receive if it were a school district. Upon request of 12303
its governing authority, a community school that received unit 12304
funding as a school district-operated school before it was 12305
converted to a community school shall retain any units awarded to 12306
it as a school district-operated school, provided the school 12307
continues to meet eligibility standards for the unit. 12308

A community school shall be considered a school district and 12309
its governing authority shall be considered a board of education 12310
for the purpose of applying to any state or federal agency for 12311
grants that a school district may receive under federal or state 12312
law or any appropriations act of the General Assembly. The 12313
governing authority of a community school may apply to any private 12314
entity for additional funds. 12315

~~(G)~~(H) A board of education sponsoring a community school may 12316
utilize local funds to make enhancement grants to the school or 12317
may agree, either as part of the contract or separately, to 12318
provide any specific services to the community school at no cost 12319
to the school. 12320

~~(H)~~(I) A community school may not levy taxes or issue bonds 12321
secured by tax revenues. 12322

~~(I)~~(J) No community school shall charge tuition for the 12323
enrollment of any student. 12324

~~(J)~~(K) A community school may borrow money to pay any 12325

necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to division (D) of this subsection. The school may issue notes to evidence such borrowing to mature no later than the end of the fiscal year in which such money was borrowed. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

~~(K)~~(L) For purposes of determining the number of students for which division (D)(3) of this subsection applies in any school year, a community school may submit to the state Department of Human Services, no later than the first day of March, a list of the students enrolled in the school. For each student on the list, the community school shall indicate the student's name, address, and date of birth and the school district where the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. Upon receipt of a list under this division, the Department of Human Services shall determine, for each school district where one or more students on the list are entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the number of students residing in that school district ~~in a family receiving assistance under Title IV-A of the "Social Security Act."~~ who were included in the Department's report required by section 3317.10 Of the Revised Code. The Department shall make this determination on the basis of information readily available to it. Upon making this determination and no later than ninety days after submission of the list by the community school, the Department shall report to the state Department of Education the number of students on the list who reside in each school district ~~in a family receiving assistance under Title IV-A of the "Social Security Act."~~ who were included in the Department's report made pursuant to section 3317.10 Of the Revised Code. In complying with this division, the Department of Human Services

shall not report to the state Department of Education any 12359
personally identifiable information on any student." 12360
12361

Section 6. That existing Subsections 5 and 10 of Section 12362
50.52 of Am. Sub. H.B. 215 of the 122nd General Assembly are 12363
hereby repealed. 12364

Section 7. That Sections 50.06 and 50.11 of Am. Sub. H.B. 215 12365
of the 122nd General Assembly, as amended by Am. Sub. H.B. 182 of 12366
the 122nd General Assembly, be amended to read as follows: 12367

"Sec. 50.06. School Foundation Basic Allowance 12368
Base Cost Funding 12369

Of the foregoing appropriation item 200-501, ~~School~~ 12370
~~Foundation Basic Allowance~~ Base Cost Funding, up to \$6,000,000 in 12371
each year of the biennium shall be expended by the State Board of 12372
Education for the extended service allowance which shall be the 12373
teachers' salaries pursuant to the schedule contained in section 12374
3317.13 of the Revised Code, plus fifteen per cent for retirement 12375
and sick leave; up to \$425,000 shall be expended in each year of 12376
the biennium for court payments pursuant to section 2151.357 of 12377
the Revised Code; up to \$150,000 in each year of the biennium 12378
shall be expended pursuant to section 3313.64 of the Revised Code; 12379
~~the Superintendent of Public Instruction shall expend in each year~~ 12380
~~of the biennium the amount necessary for the purpose of making~~ 12381
~~payments for the vocational education pupil recomputation pursuant~~ 12382
~~to division (M) of section 3317.024 of the Revised Code and the~~ 12383
~~provisions under the section headed "Vocational Education Pupil~~ 12384
~~Recomputation" in this act and the special education pupil~~ 12385
~~recomputation pursuant to division (I) of section 3317.023 of the~~ 12386
~~Revised Code;~~ up to \$100,000 shall be expended in each year of the 12387
biennium for supplemental payments pursuant to the section headed 12388

"Supplemental Payment" of ~~this act~~ Am. Sub. H.B. 215 of the 122nd 12389
General Assembly; an amount shall be available each year of the 12390
biennium for the cost of the reappraisal guarantee pursuant to 12391
section 3317.04 of the Revised Code; up to \$9,000,000 in each year 12392
of the biennium shall be reserved for payments pursuant to 12393
sections ~~3317.026~~, 3317.027, and 3317.028 of the Revised Code; up 12394
to \$2,000,000 in each year of the biennium shall be reserved for 12395
Youth Services tuition payments pursuant to ~~division (F) of~~ 12396
section 3317.024 of the Revised Code, up to \$1,300,000 in fiscal 12397
year 1998 and \$1,300,000 in fiscal year 1999 for small district 12398
aid; for districts with an ADM of less than 100, in addition to 12399
other funds, an amount shall be paid equal to the amount above the 12400
actual fiscal year 1996 and 1997 amounts for basic aid, including 12401
any guarantee aid the district would have received in fiscal years 12402
1996 and 1997 had the amendments to divisions (D) and (E) of 12403
section 3317.0212 of the Revised Code, as amended in ~~this act~~ Am. 12404
Sub. H.B. 215 of the 122nd General Assembly, been in effect; up to 12405
\$500,000 in each fiscal year shall be used to make payments to 12406
school districts that lose enrollment due to the implementation of 12407
the community schools program pursuant to ~~this act~~ Am. Sub. H.B. 12408
215 of the 122nd General Assembly; \$500,000 shall be transferred 12409
each year by the Director of Budget and Management to 12410
appropriation item 200-422, School Management Assistance, to help 12411
the Department of Education administer, monitor, and implement the 12412
fiscal emergency and fiscal watch provisions under Chapter 3316. 12413
of the Revised Code. Up to \$45,330,000 in fiscal year 1998 and up 12414
to \$47,795,600 in fiscal year 1999 shall be reserved to fund the 12415
state reimbursement of educational service centers pursuant to 12416
section 3317.11 of the Revised Code; and up to ~~\$1,200,000~~ 12417
1,260,000 in fiscal year 1998 shall be used by the Superintendent 12418
of Public Instruction to make incentive payments in any amounts 12419
the superintendent deems necessary to joint educational service 12420
centers established pursuant to section 3311.053 of the Revised 12421

Code. These supplemental payments may be made in fiscal year 1998 12422
to defray the direct or indirect expenses of dissolving 12423
participating educational service centers. Each joint educational 12424
service center seeking a supplemental payment in fiscal year 1998 12425
shall submit to the Superintendent of Public Instruction any 12426
documents and information that the Superintendent may require no 12427
later than December 31, 1997. 12428

Of the foregoing appropriation item, 200-501, ~~School~~ 12429
~~Foundation Basic Allowance~~ Base Cost Funding, up to \$1,000,000 in 12430
each fiscal year shall be used by the Department of Education for 12431
a pilot program to pay for educational services for youth who have 12432
been assigned by a juvenile court or other authorized agency to 12433
any of the facilities described in division (A) of the section 12434
titled "Private Treatment Facility Pilot Project." 12435

The remaining portion of this appropriation item shall be 12436
expended for ~~basic state aid~~ base cost funding for the public 12437
schools of city, local, and exempted village school districts 12438
pursuant to divisions (A) and (C) of section 3317.022 Of the 12439
Revised Code. Any amounts which were encumbered in fiscal year 12440
1997 by the Department of Education from appropriation item 12441
200-501, School Foundation Basic Allowance, for any of the uses 12442
described in Section 45.05 of Am. Sub. H.B. 117 of the 121st 12443
General Assembly, but which, on the effective date of this 12444
amendment of this section, remain unexpended, may be used by the 12445
Department of Education to make payments for the purposes of 12446
sections 3317.027 and 3317.028 Of the Revised Code in excess of 12447
the amounts specified in Section 45.05 of Am. Sub. H.B. 117 of the 12448
121st General Assembly, for fiscal year 1997 obligations pursuant 12449
to sections 3317.027 and 3317.028 Of the Revised Code. 12450

Sec. 50.11. Supplemental Unit Allowance 12451

(A) As used under this heading: 12452

(1) "~~Basic aid State share~~" has the same meaning as in 12453
division ~~(A)(1)(B)~~ of section ~~3317.0212~~ 3317.022 of the Revised 12454
Code. 12455

~~(2) "Adjusted formula amount" has the same meaning as in 12456
division (A)(6) of section 3313.98 of the Revised Code. 12457~~

~~(3) "ADM" has the same meaning as in section 3317.02 of the 12458
Revised Code. 12459~~

~~(4) "Per pupil basic aid" means a district's basic aid 12460
divided by its ADM. 12461~~

~~(5)(2) "Dollar amount" means the amount shown in the 12462
following table for the corresponding type of unit and the 12463
appropriate fiscal year: 12464~~

TYPE OF UNIT	DOLLAR		
	AMOUNT		
	FY 1998	<u>FY 1999</u>	
Division (M) of R.C. 3317.024	\$5,345		12466
Division (N)(B) of R.C. 3317.024	\$5,702	<u>\$8,334</u>	12468
<u>3317.05</u>			
Division (O)(1)(C) of R.C. 3317.024			12469
<u>3317.05</u>	\$2,293	<u>\$3,234</u>	12470
Division (O)(2)(F) of R.C. 3317.024			12471
<u>3317.05</u>	\$2,523	<u>\$3,550</u>	12472

~~(6) "FY" means fiscal year. 12473~~

~~(7)(3) "Average unit amount" means the amount shown in the 12474
following table for the corresponding type of unit and the 12475
appropriate fiscal year: 12476~~

TYPE OF UNIT	AVERAGE UNIT		
	AMOUNT		
	FY 1998	<u>FY 1999</u>	
Division (M) of R.C. 3317.024	\$4,937		12478
Division (N)(B) of R.C. 3317.024	\$5,360	<u>\$7,799</u>	12479
			12480

3317.05

Division ~~(O)(1)(C)~~ of R.C. 3317.024 \$2,129 \$2,966 12481

3317.05

Division ~~(O)(2)(F)~~ of R.C. 3317.024 \$2,343 \$3,251 12482

3317.05

(B) In the case of each unit described in division ~~(M)~~, ~~(N)~~, 12483
~~or (O) (B), (C), or (F)~~ of section ~~3317.024~~ 3317.05 of the Revised 12484
Code and allocated to a city, local, or exempted village school 12485
district, the Department of Education, in addition to the amounts 12486
specified in such divisions, shall pay a supplemental unit 12487
allowance equal to the sum of the following amounts: 12488

(1) An amount equal to 50% of the average unit amount for the 12489
unit; 12490

(2) An amount equal to the percentage of the dollar amount 12491
for the unit that ~~is obtained by dividing the district's basic aid~~ 12492
~~per pupil by its adjusted formula amount~~ equals the district's 12493
state share. 12494

If, prior to the fifteenth day of May of a fiscal year, a 12495
school district's ~~basic aid~~ computed under section 3317.022 ~~Of the~~ 12496
Revised Code is recomputed pursuant to section 3317.027 or 12497
3317.028 of the Revised Code, the department shall also recompute 12498
the district's entitlement to payment under this section utilizing 12499
a new ~~basic aid per pupil amount under division (B)(1) of this~~ 12500
~~section~~ state share. Such new ~~basic aid per pupil amount~~ state 12501
share shall be determined using the district's recomputed basic 12502
aid amount pursuant to section 3317.027 or 3317.028 of the Revised 12503
Code. During the last six months of the fiscal year, the 12504
department shall pay the district a sum equal to one-half of the 12505
recomputed payment in lieu of one-half the payment otherwise 12506
calculated under this section. 12507

(C)(1) In the case of each unit ~~described in division (M)~~ of 12508

~~section 3317.024 of the Revised Code that is allocated to any~~ 12509
~~entity other than a city, exempted village, or local a joint~~ 12510
~~vocational school district or institution pursuant to division (A)~~ 12511
~~of section 3317.05 Of the Revised Code, the Department, in~~ 12512
addition to the amount specified in ~~such division and in~~ section 12513
~~3317.16 3317.161~~ of the Revised Code, shall pay a supplemental 12514
unit allowance of ~~\$4,937 in fiscal year 1998~~ 7,227 in fiscal year 12515
1999. 12516

(2) In the case of each unit described in division ~~(N)(B)~~ OR 12517
~~(D)(1)~~ of section ~~3317.024~~ 3317.05 of the Revised Code that is 12518
allocated to any entity other than a city, exempted village, or 12519
local school district, the Department, in addition to the amount 12520
specified in ~~such division and in~~ section ~~3317.16 3317.161~~ of the 12521
Revised Code, shall pay a supplemental unit allowance of ~~\$5,360 in~~ 12522
~~fiscal year 1998~~ 7,799 in fiscal year 1999. 12523

(3) In the case of each unit described in division ~~(O)(1)~~ (C) 12524
OR ~~(D)(2)~~ of section ~~3317.024~~ 3317.05 of the Revised Code and 12525
allocated to any entity other than a city, exempted village, or 12526
local school district, the Department, in addition to the amounts 12527
specified in ~~such division and in~~ section ~~3317.16 3317.161~~ of the 12528
Revised Code, shall pay a supplemental unit allowance of ~~\$2,129 in~~ 12529
~~fiscal year 1998~~ 2,966 in fiscal year 1999. 12530

(4) In the case of each unit described in division ~~(O)(2)~~ (F) 12531
of section ~~3317.024~~ 3317.05 of the Revised Code and allocated to 12532
any entity other than a city, exempted village, or local school 12533
district, the Department, in addition to the amounts specified in 12534
~~such division and in~~ section ~~3317.16 3317.161~~ of the Revised Code, 12535
shall pay a supplemental unit allowance of ~~\$2,343 in fiscal year~~ 12536
~~1998~~ 3,251 in fiscal year 1999." 12537

Section 8. That existing Sections 50.06 and 50.11 of Am. Sub. 12538
H.B. 215 of the 122nd General Assembly, as amended by Am. Sub. 12539

H.B. 182 of the 122nd General Assembly, are hereby repealed. 12540

Section 9. That Section 50.16 of Am. Sub. H.B. 215 of the 12541
122nd General Assembly, as amended by Am. Sub. S.B. 55 of the 12542
122nd General Assembly, be amended to read as follows: 12543

"Sec. 50.16. Property Tax Allocation 12544

The Superintendent of Public Instruction shall not request 12545
and the Controlling Board shall not approve the transfer of funds 12546
from appropriation item 200-901, Property Tax 12547
Allocation--Education, to any other appropriation line item. 12548

Textbooks/Instructional Materials 12549

As used in this section, "valuation per pupil" means a 12550
district's total taxable value of ~~the preceding~~ fiscal year 1998 12551
as defined in section 3317.02 of the Revised Code, as that section 12552
existed prior to July 1, 1998, divided by the district's ADM of 12553
~~the preceding~~ fiscal year 1998 as defined in division (A) of such 12554
former section 3317.02 of the Revised Code. 12555

Money in the foregoing appropriation item 200-645, 12556
Textbooks/Instructional Materials, shall be distributed in fiscal 12557
year 1999 on a per pupil basis to all city, exempted village, and 12558
local school districts with a valuation per pupil less than 12559
\$200,000. City, exempted village, and local school districts shall 12560
use moneys received from the appropriation item for textbooks, 12561
instructional software, instructional materials, and any other 12562
materials the district deems to be helpful in providing 12563
appropriate instruction to students in the following subject 12564
areas: reading, writing, mathematics, science, and citizenship. 12565

School District Solvency Assistance 12566

The foregoing appropriation item 200-687, School District 12567
Solvency Assistance, shall be used to make advancements to school 12568

districts to enable them to remain solvent pursuant to section 12569
3316.20 of the Revised Code. Advancements shall be subject to 12570
approval by the Controlling Board. Reimbursements from school 12571
districts for any amounts advanced shall be made to the School 12572
District Solvency Assistance Fund." 12573

Section 10. That existing Section 50.16 of Am. Sub. H.B. 215 12574
of the 122nd General Assembly, as amended by Am. Sub. S.B. 55 of 12575
the 122nd General Assembly, is hereby repealed. 12576

Section 11. That Sections 50.05, 50.18, 50.22, and 50.25 of 12577
Am. Sub. H.B. 215 of the 122nd General Assembly are hereby 12578
repealed. 12579

Section 12. That Section 5 of Am. Sub. S.B. 102 of the 122nd 12580
General Assembly, as amended by Am. Sub. H.B. 215 of the 122nd 12581
General Assembly, be amended to read as follows: 12582

"Sec. 5. SFC SCHOOL FACILITIES COMMISSION 12583

General Revenue Fund 12584

GRF 230-428 Lease Rental Payments	\$	27,020,000	\$	57,176,000	12585
TOTAL GRF General Revenue Fund	\$	27,020,000	\$	57,176,000	12586

State Special Revenue Fund 12587

5E3 230-644 Operating Expenses	\$	2,000,000	\$	2,400,000	12588
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Total SSR State Special Revenue 12589

Fund Group	\$	2,000,000	\$	2,400,000	12590
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Lottery Profit Education Fund Group 12591

<u>018 230-649 Disability Access</u>	\$	<u>5,000,000</u>	\$	<u>0</u>	12592
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Project

TOTAL LPE Lottery Profits 12593

<u>Education Fund Group</u>	\$	<u>5,000,000</u>	\$	<u>0</u>	12594
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TOTAL ALL BUDGET FUND GROUPS	\$	29,020,000	\$	59,576,000	12595
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12596

34,020,000

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Operating Expenses

12598

The foregoing appropriation item 230-644, Operating Expenses, 12599
shall be used by the Ohio School Facilities Commission to carry 12600
out its responsibilities pursuant to this section and Chapter 12601
3318. of the Revised Code. 12602

There is hereby created in the state treasury the Ohio School 12603
Facilities Commission Fund (Fund 5E3). The fund shall consist of 12604
transfers of moneys authorized by the General Assembly, grants and 12605
other revenues described in division (D) of section 3318.31 of the 12606
Revised Code, and investment earnings of the fund. Moneys credited 12607
to the fund may be used by the commission for staffing and other 12608
administrative expenses, to conduct evaluations of school 12609
facilities, to prepare building design specifications, to provide 12610
project management services, and for any other purposes deemed 12611
necessary by the commission consistent with Chapter 3318. of the 12612
Revised Code. 12613

Within 10 days of the effective date of this section, the 12614
Director of Budget and Management shall transfer up to \$2,000,000 12615
by intrastate transfer voucher from the School Facilities 12616
Commission's appropriation item 230-428, Lease Rental Payments, to 12617
the Ohio School Facilities Commission Fund (Fund 5E3). In fiscal 12618
year 1999, by July 10, 1998, the Director of Budget and Management 12619
shall transfer up to \$2,400,000 by intrastate transfer voucher 12620
from the School Facilities Commission's line item 230-428 Lease 12621
Rental Payments to the Ohio School Facilities Commission Fund 12622
(Fund 5E3). Investment earnings to the School Building Assistance 12623
Fund (Fund 032) in excess of the amounts required to meet 12624
estimated federal arbitrage rebate requirements may be transferred 12625
at the request of the Ohio School Facilities Commission by the 12626
Director of Budget and Management to the Ohio School Facilities 12627
Commission Fund (Fund 5E3). Investment earnings to the Public 12628

School Building Fund (Fund 021) and repayments to the Public 12629
School Building Fund (Fund 021) made pursuant to Chapter 3318. of 12630
the Revised Code may be transferred at the request of the Ohio 12631
School Facilities Commission by the Director of Budget and 12632
Management to the Ohio School Facilities Commission Fund (Fund 12633
5E3). 12634

Lease Rental Payments 12635

After the transfers described in this section under the 12636
heading, "Operating Expenses" are made, the remaining 12637
appropriation shall be used by the School Facilities Commission to 12638
meet all payments at the times required to be made during the 12639
period from July 1, 1997, to June 30, 1999, to pay bond service 12640
charges on obligations issued pursuant to Chapter 3318. of the 12641
Revised Code. 12642

Disability Access Projects 12643

(A) As used in this section: 12644

(1) "Percentile" means the percentile in which a school 12645
district is ranked according to the most recent ranking of school 12646
districts with regard to income and property wealth under division 12647
(B) of section 3318.011 of the Revised Code. 12648

(2) "School district" means a city, local, or exempted 12649
village school district, except for a school district that is one 12650
of the state's 21 urban school districts as defined in division 12651
(O) of section 3317.02 of the Revised Code, as that section 12652
existed prior to July 1, 1998. 12653

(3) As used in this section, "valuation per pupil" means a 12654
district's total taxable value as defined in section 3317.02 of 12655
the Revised Code divided by the district's ADM as defined in 12656
division (A) of section 3317.02 of the Revised Code as that 12657
section existed prior to July 1, 1998. 12658

(B) The School Facilities Commission shall adopt rules for awarding grants to school districts with a valuation per pupil less than \$200,000, to be used for construction, reconstruction, or renovation projects in classroom facilities, the purpose of which is to improve access to such facilities by physically handicapped persons. The rules shall include application procedures. 12659
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No school district shall be awarded a grant under this section in excess of \$100,000. In addition, any school district shall be required to pay a percentage of the cost of the project for which the grant is being awarded equal to the percentile in which the district is so ranked. 12666
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The foregoing appropriation item 200-649, Disability Access Project, shall be used to fund capital projects that make buildings more accessible to students with disabilities pursuant to this section. Of the foregoing appropriation item 200-649, Disability Access Project, \$60,000 shall be used for the Danville High School wheelchair lift." 12671
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Section 13. That existing Section 5 of Am. Sub. S.B. 102 of the 122nd General Assembly, as amended by Am. Sub. H.B. 215 of the 122nd General Assembly, is hereby repealed. 12677
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Section 14. 12680
Transfer of Fiscal Year 1998 Ending GRF Balances

(A) Notwithstanding division (B)(1)(b) of section 131.44 of the Revised Code, Fiscal Year 1998 surplus revenue that would otherwise have been transferred to the Income Tax Reduction Fund shall instead be distributed as provided in division (B) of this section. 12681
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12683
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(B)(1) The first \$30,000,000 of such surplus revenue shall be transferred from the General Revenue Fund to the School District 12686
12687

Solvency Assistance Fund created in section 3316.20 of the Revised Code. 12688
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(2) The next \$170,000,000 of surplus revenue shall be transferred from the General Revenue Fund to Fund 021, School Building Assistance. Of this amount, \$30,000,000 is hereby appropriated and shall be used by the Ohio School Facilities Commission to complete all requests submitted by equity districts prior to January 15, 1998, under the Emergency School Building Repair Program, pursuant to section 3318.35 of the Revised Code. Any remaining moneys deposited in Fund 021 under division (B)(2) of this section are hereby appropriated to pay for school building construction or renovation for low-wealth school districts as provided by Am. Sub. S.B. 102 of the 122nd General Assembly and other generally applicable provisions of law. 12690
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(3) Any surplus revenue in excess of the amounts distributed under division (B)(1) or (2) of this section shall be transferred to the Income Tax Reduction Fund and distributed in accordance with section 131.44 of the Revised Code. 12702
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Section 15. 12706

Appropriation Reductions

(A) The General Revenue Fund appropriations for Fiscal Year 1999 are hereby reduced by an amount equal to three per cent of the Fiscal Year 1999 appropriations authorized in any act of the 122nd General Assembly prior to the effective date of this act with the following exceptions: 12707
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(1) Appropriations to the following agencies are exempt from any reductions made in this section: the Department of Education; the Ohio School for the Blind; the Ohio School for the Deaf; the Office of Information, Learning and Technology Services; and the School Facilities Commission. 12712
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(2) Appropriations for the following purposes are exempt from 12717
any reductions made in this section: property tax allocation 12718
appropriations; tangible tax exemption appropriations; all 12719
appropriations for debt service, including lease rental payments; 12720
all state office building rent and office building appropriations 12721
made to the Department of Administrative Services; and pension 12722
systems' payments made by the Treasurer of State. 12723

(3) The following appropriation line items are exempt from 12724
any reductions: 005-321, Operating Expenses - Judiciary; 110-506, 12725
Utility Bill Credits; 235-503, Ohio Instructional Grants; 235-504, 12726
War Orphans' Scholarships; 235-514, Central State Supplement; 12727
235-530, Academic Scholarships; 235-531, Student Choice Grants; 12728
235-549, Part-Time Student Instructional Grants; 400-411, TANF 12729
Federal Block Grant; 400-413, Day Care Match/Maintenance of 12730
Effort; 400-511, Disability Assistance; 400-528, Adoption 12731
Services; and 911-401, Emergency Purposes/Contingencies. 12732

(4) Except for items included under divisions (A)(2) and (3) 12733
of this section, appropriations to the Board of Regents shall be 12734
reduced by one-half of one per cent, except for appropriation line 12735
items 235-100, Personal Services; 235-200, Maintenance; and 12736
235-300, Equipment, which shall be reduced by three per cent. 12737

(5) Except for items included under divisions (A)(2) and (3) 12738
of this section, appropriations to the Department of Mental 12739
Retardation and Developmental Disabilities, the Department of 12740
Youth Services, and the Department of Rehabilitation and 12741
Correction shall be reduced by two per cent. 12742

(6) Except for items included under divisions (A)(2) and (3) 12743
of this section, appropriations to the Ohio Veterans' Home; the 12744
Department of Taxation; the Department of Mental Health; the Joint 12745
Committee on Agency Rule Review; the Department of Commerce; the 12746
Commission on Dispute Resolution and Conflict Management; the Ohio 12747

Elections Commission; the Environmental Review Appeals Commission; 12748
the Ohio Ethics Commission; the Ohio Expositions Commission; the 12749
Commission on Hispanic/Latino Affairs; the Office of the Inspector 12750
General; the Legal Rights Service; the Joint Legislative Ethics 12751
Committee; the Commission on Minority Health; the Ohioana Library 12752
Association; the State Personnel Board of Review; the State Board 12753
of Proprietary School Registration; the Rehabilitation Services 12754
Commission; the State and Local Government Commission of Ohio; the 12755
Veterans' Organizations; and the Women's Policy and Research 12756
Commission shall be reduced by one per cent. 12757

(7) The Director of Budget and Management may reduce the 12758
appropriation for appropriation line item 400-525, Health 12759
Care/Medicaid, by an amount not to exceed one per cent. In fiscal 12760
year 1999, the Director of Human Services shall provide \$868,429 12761
from appropriation item 400-411, Federal TANF Block Grant, to 12762
county departments of human services for the purchase of drug and 12763
alcohol services for recipients under the Ohio Works First and the 12764
Prevention, Retention, and Contingency programs for the purpose of 12765
enhancing employability of participants in those programs. 12766

(8) The sum of all reductions made by this section shall not 12767
be less than \$100,000,000. 12768

(B) For all agencies that are subject to a reduction in 12769
appropriations, the agency director may allocate the reductions in 12770
division (A) of this section among the agency's appropriation line 12771
items with the approval of the Director of Budget and Management. 12772
The reductions shall be allocated such that cuts to the operating 12773
expenses, excluding subsidy payments and transfer payments, of the 12774
agency are equal to the maximum percentage reduction applied to 12775
the agency as defined in division (A) of this section. When 12776
appropriations are reduced in an appropriation line item with 12777
amounts specified for a special purpose, the specified amount may 12778
be reduced by a percentage up to the percentage by which the line 12779

item itself is reduced. 12780

(C) For the purpose of complying with this section, the 12781
reductions made to Fiscal Year 1999 line item appropriations that 12782
have state and federal shares identified in any act of the 122nd 12783
General Assembly prior to this act shall be made against the state 12784
share of such line items. Once that reduction in the state share 12785
is determined, the Director of Budget and Management shall, in 12786
determining the total reduction to such line items, add the 12787
corresponding amounts of federal matching funds at the percentages 12788
indicated by the state and federal division of the appropriation 12789
for such line items. 12790

Section 16. The General Assembly shall enact a budget for the 12791
fiscal year 2000-2001 biennium for the Department of Education, 12792
the Ohio Board of Regents, and any other state agency established 12793
solely to carry out functions related to primary and secondary 12794
education or higher education, in legislation separate from the 12795
main operating appropriations act for that biennium. 12796

Section 17. (A) As used in this section: 12797

(1) "FY 1998 state aid" means the total amount of state money 12798
received by a school district under sections 3317.022, 3317.023, 12799
and 3317.025 to 3317.028 of the Revised Code, prior to any 12800
deductions or credits required by division (G), (I), (J), or (K) 12801
of section 3317.023, plus any amounts for which the district was 12802
eligible pursuant to divisions (K), (M), (N), and (O) of section 12803
3317.024 and sections 3317.0212 and 3317.0213 of the Revised Code, 12804
as those divisions and sections existed in fiscal year 1998. 12805
12806

(2) "FY 1999 state aid," "FY 2000 state aid," "FY 2001 state 12807
aid," and "FY 2002 state aid" mean the total amount of state money 12808
a school district is eligible to receive for the applicable fiscal 12809

year under sections 3317.022, 3317.023, 3317.025 to 3317.028, 12810
3317.029, 3317.0212, and 3317.0213 of the Revised Code, plus any 12811
amount for which the district is eligible pursuant to division (Q) 12812
of section 3317.024 of the Revised Code and prior to any 12813
deductions or credits required by division (F), (H), or (I) of 12814
section 3317.023 of the Revised Code, as those sections are 12815
enacted and amended by this act. 12816

(3) "FY 1999 actual aid," "FY 2000 actual aid," "FY 2001 12817
actual aid," and "FY 2002 actual aid" means the amount of the 12818
state aid described in division (A)(2) of this section that was 12819
actually paid to a school district in the applicable fiscal year 12820
after the application of divisions (B) to (E) of this section. 12821

(4) "FY 1998 ADM" has the meaning prescribed in section 12822
3317.0212 of the Revised Code. 12823

(5) "Formula amount" has the meaning prescribed in section 12824
3317.02 of the Revised Code. 12825

(B) In fiscal year 1999, notwithstanding any provision of law 12826
to the contrary, no school district shall receive FY 1999 state 12827
aid that is equal to more than 110 per cent of FY 1998 state aid. 12828
If a district's projected FY 1999 state aid is more than 110 per 12829
cent of its FY 1998 state aid, such district shall receive only 12830
110 per cent of its FY 1998 state aid in fiscal year 1999. 12831

(C) In fiscal year 2000, notwithstanding any provision of law 12832
to the contrary, no school district shall receive FY 2000 state 12833
aid that is equal to more than 110 per cent of FY 1999 actual aid. 12834
If a district's projected FY 2000 state aid is more than 110 per 12835
cent of its FY 1999 actual aid, such district shall receive only 12836
110 per cent of its FY 1999 actual aid in fiscal year 2000. 12837

12838

(D) In fiscal year 2001, notwithstanding any provision of law 12839
to the contrary, no school district shall receive FY 2001 state 12840

aid that is equal to more than 110 per cent of FY 2000 actual aid. 12841
If a district's projected FY 2001 state aid is more than 110 per 12842
cent of its FY 2000 actual aid, such district shall receive only 12843
110 per cent of its FY 2000 actual aid in fiscal year 2001. 12844
12845

(E) In fiscal year 2002, notwithstanding any provision of law 12846
to the contrary, no school district shall receive FY 2002 state 12847
aid that is equal to more than 110 per cent of FY 2001 actual aid. 12848
If a district's projected FY 2002 state aid is more than 110 per 12849
cent of its FY 2001 actual aid, such district shall receive only 12850
110 per cent of its FY 2001 actual aid in fiscal year 2002. 12851
12852

(F) Notwithstanding any provision of law to the contrary: 12853

(1) The amount by which a school district's FY 1999 actual 12854
aid exceeds its FY 1998 state aid is hereby deemed to first 12855
consist of the disadvantaged pupil impact aid (DPIA) calculated 12856
under section 3317.029 of the Revised Code. In fiscal year 1999, 12857
each district shall spend for the purposes set forth in section 12858
3317.029 of the Revised Code at least the lesser of the amount 12859
calculated under that section or the amount by which its FY 1999 12860
actual aid exceeds its FY 1998 state aid. 12861

(2) The amount by which a school district's FY 2000 actual 12862
aid exceeds its FY 1999 actual aid is hereby deemed to first 12863
consist of the DPIA calculated under section 3317.029 of the 12864
Revised Code. In fiscal year 2000, each district shall spend for 12865
the purposes set forth in section 3317.029 of the Revised Code at 12866
least the lesser of the amount calculated under that section or 12867
the amount by which its FY 2000 actual aid exceeds its FY 1999 12868
actual aid. 12869

(3) The amount by which a school district's FY 2001 actual 12870
aid exceeds its FY 2000 actual aid is hereby deemed to first 12871

consist of the DPIA calculated under section 3317.029 of the Revised Code. In fiscal year 2001, each district shall spend for the purposes set forth in section 3317.029 of the Revised Code at least the lesser of the amount calculated under that section or the amount by which its FY 2001 actual aid exceeds its FY 2000 actual aid.

(4) The amount by which a school district's FY 2002 actual aid exceeds its FY 2001 actual aid is hereby deemed to first consist of the DPIA calculated under section 3317.029 of the Revised Code. In fiscal year 2002, each district shall spend for the purposes set forth in section 3317.029 of the Revised Code at least the lesser of the amount calculated under that section or the amount by which its FY 2002 actual aid exceeds its FY 2001 actual aid.

(G)(1) In lieu of the limitation on the amount of aid a district may receive in fiscal year 1999 provided in division (B) of this section, the district may receive an amount calculated under the following formula, if such amount is greater than the amount provided in division (B) of this section:

1.06 times (the district's FY 1999 state aid/district's FY 1999 formula ADM) minus (the district's FY 1998 state aid/district's FY 1998 ADM) times the district's FY 1999 formula ADM

(2) In lieu of the limitation on the amount of aid a district may receive in fiscal year 2000 provided in division (C) of this section, the district may receive an amount calculated under the following formula, if such amount is greater than the amount provided in division (C) of this section:

1.06 times (the district's FY 2000 state aid/district's FY 2000 formula ADM) minus (the district's FY 1999 actual aid/district's FY 1999 formula ADM) times the district's FY 2000 formula ADM

(3) In lieu of the limitation on the amount of aid a district

may receive in fiscal year 2001 provided in division (D) of this section, the district may receive an amount calculated under the following formula, if such amount is greater than the amount provided in division (D) of this section:

1.06 times (the district's FY 2001 state aid/district's FY 2001 formula ADM) minus (the district's FY 2000 actual aid/district's FY 2000 formula ADM) times the district's FY 2001 formula ADM

(4) In lieu of the limitation on the amount of aid a district may receive in fiscal year 2002 provided in division (E) of this section, the district may receive an amount calculated under the following formula, if such amount is greater than the amount provided in division (E) of this section:

1.06 times (the district's FY 2002 state aid/district's FY 2002 formula ADM) minus (the district's FY 2001 actual aid/district's FY 2001 formula ADM) times the district's FY 2002 formula ADM

Section 18. There is hereby established a pupil transportation pilot project to demonstrate innovative, efficient, and cost-reducing cooperative methods of transporting pupils on a countywide basis. The Superintendent of Public Instruction shall receive proposals from educational service centers and shall approve two locations for the pupil transportation pilot project. One location shall be an educational service center with a majority of its territory included in the same county as a big eight school district; the other location shall be an educational service center serving three or more school districts in a small, rural county. The Superintendent of Public Instruction shall select an educational service center to participate only if a majority of the superintendents of the school districts receiving services from the educational service center agree to participate in the project and only if the participating school districts are contiguous.

Under the supervision of the educational service center, the
superintendents of the participating school districts shall
cooperatively develop a plan for the transportation of pupils by
the most efficient method designed to effect savings in the
aggregate transportation costs of all the participating school
districts. The plan may propose the cooperative operation of the
equipment and use of the personnel of any participating school
district and other agreed to alternative methods of transporting
pupils designed to achieve efficiency. Provided however, that
every pupil entitled under Chapter 3327. of the Revised Code to
receive transportation shall continue to be transported.

The Legislative Office of Education Oversight shall monitor
the implementation of the pilot project to determine whether the
programs suggest innovative, effective cooperative ways to deal
with the transportation of pupils that may be applicable beyond
the pilot project locations.

As used in this section, "big eight school district" has the
same meaning as in section 3314.02 of the Revised Code.

Section 19. (A) Notwithstanding section 3317.0215 of the
Revised Code as enacted by this act, each school district entitled
to a payment under that section for fiscal year 1999, 2000, or
2001 shall receive the following percentage of the amount
otherwise computed for the district under that section:

Fiscal Year	Percentage
1999	25%
2000	50%
2001	75%

For fiscal year 2002 and thereafter, school districts shall
receive the amount computed under section 3317.0215 of the Revised
Code.

(B) In lieu of the amount calculated for a school district 12964
under divisions (D)(2) and (3) of section 3317.022 of the Revised 12965
Code as amended by this act, in fiscal year 1999, each district 12966
shall receive the greater of the amount calculated for the 12967
district under those divisions or the amount calculated for the 12968
district in fiscal year 1998 under former division (K) of section 12969
3317.024 of the Revised Code, as that division of that section 12970
existed in fiscal year 1998. 12971

Section 20. Each educational service center shall conduct a 12972
study, establish priorities, and develop a plan for ensuring the 12973
availability of upper level high school courses, advanced 12974
placement credit courses, and other enhanced curriculum 12975
opportunities to the school districts within the territory of the 12976
service center and the client districts of the service center. In 12977
adopting its plan, the educational service center shall strive to 12978
make challenging upper level course work, advanced placement 12979
courses, and first-year college courses available to high school 12980
juniors and seniors in a comprehensive and cost-effective manner 12981
using available funds. 12982

The plan may provide course opportunities through cooperative 12983
programs, sharing programs, distance learning, regional magnet 12984
programs, use of part-time specialized teachers, cooperation with 12985
a local community college, technical school, university branch, or 12986
university, the planned use of the post-secondary enrollment 12987
option under Chapter 3365. of the Revised Code, and other 12988
innovative methods. The plan may rely on students to provide their 12989
own transportation when necessary. 12990

The plan may be phased in over a period of not more than 12991
three years. Each educational service center shall file its plan 12992
by December 31, 1998, with the Department of Education and 12993
annually shall report to the Department on the implementation, 12994

progress, and success of the plan in making upper level courses 12995
more available in an efficient and cost-effective manner. 12996

Following the initial submission of the plan or any interim 12997
phase-in report to the Department of Education, each educational 12998
service center shall prepare materials detailing the available 12999
courses and other opportunities and shall distribute the materials 13000
in the spring of each year to apprise students, parents, 13001
counselors, and administrators of the courses and other 13002
opportunities that will be available in the succeeding school 13003
year. 13004

Section 21. The amendment by this act of section 3313.843 of 13005
the Revised Code is a remedial law as contemplated by section 1.11 13006
of the Revised Code. 13007

Section 22. Not later than December 31, 1999, the Legislative 13008
Office of Education Oversight shall issue a report to the General 13009
Assembly to recommend a new indicator to be used to distribute 13010
resources to school districts with high concentrations of poverty 13011
and low-income families in order to address problems in the 13012
current Disadvantaged Pupil Impact Aid program related to the 13013
decrease in the number of Ohio Works First families. 13014

Section 23. Not later than December 31, 2000, the Legislative 13015
Office of Education Oversight shall issue a report to the General 13016
Assembly that includes, but is not limited to, the following: 13017
13018

(A) An evaluation of state funding of primary and secondary 13019
student transportation and the purchase of buses, including an 13020
assessment of school districts with higher-than-state-average 13021
costs for student transportation; 13022

(B) An analysis of the student transportation funding formula 13023

and how it allocates resources to school districts and how it 13024
relates to costs districts incur. 13025

Section 24. Not later than December 31, 2000, the Legislative 13026
Office of Education Oversight shall issue a report to the General 13027
Assembly that includes, but is not limited to, the following: 13028
13029

(A) An evaluation of state funding for vocational education, 13030
including state and local funding for joint vocational schools; 13031

(B) An analysis of districts' vocational education costs; 13032

(C) A recommendation for a mechanism for funding vocational 13033
education costs through a weighted pupil mechanism or some other 13034
type of funding mechanism. 13035

Section 25. Upon the effective date of this act, the 13036
Legislative Office of Education Oversight shall develop an 13037
evaluation mechanism for measuring the educational benefits of 13038
all-day kindergarten and reduced class size. Not later than two 13039
years after the effective date of this section, the Legislative 13040
Office of Education Oversight shall issue a report to the General 13041
Assembly that does both of the following: 13042

(A) Evaluates the extent to which the state-supported efforts 13043
to implement all-day kindergarten and reduced class sizes in 13044
primary grade classrooms have been successful, and the problems 13045
encountered in implementing these programs where they have not yet 13046
been fully implemented; 13047

(B) Establishes a method to monitor whether state-supported 13048
efforts to implement all-day kindergarten and reduced class sizes 13049
have positive effects on students that are a part of such efforts, 13050
including the effect of improving the percentage of students 13051
attaining the designated scores on the tests prescribed under 13052

division (A)(1) of section 3301.0710 of the Revised Code. 13053

Section 26. Section 102.02 of the Revised Code is presented 13054
in this act as a composite of the section as amended by both Am. 13055
Sub. H.B. 215 and Sub. H.B. 269 of the 122nd General Assembly, 13056
with the new language of neither of the acts shown in capital 13057
letters. Sections 3317.023 and 3318.05 of the Revised Code are 13058
presented in this act as composites of the sections as amended by 13059
both Am. Sub. H.B. 215 and Sub. H.B. 408 of the 122nd General 13060
Assembly, with the new language of neither of the acts shown in 13061
capital letters. This is in recognition of the principle stated in 13062
division (B) of section 1.52 of the Revised Code that such 13063
amendments are to be harmonized where not substantively 13064
irreconcilable and constitutes a legislative finding that such is 13065
the resulting version in effect prior to the effective date of 13066
this act. 13067

Section 27. The codified sections of law contained within the 13068
purview of Sections 1 and 2 of this act are not subject to the 13069
referendum. Therefore, under Ohio Constitution, Article II, 13070
Section 1d and section 1.471 of the Revised Code, the codified 13071
sections of law contained within the purview of Sections 1 and 2 13072
of this act are entitled to go into immediate effect when this act 13073
becomes law. However, the codified sections of law contained 13074
within the purview of Sections 1 and 2 of this act take effect on 13075
July 1, 1998, or the day this act becomes law, whichever is later. 13076

Section 28. (A) This section and Sections 3 to 25, 27, and 29 13077
of this act are not subject to the referendum. Therefore, under 13078
Ohio Constitution, Article II, Section 1d and section 1.471 of the 13079
Revised Code, this section and Sections 3 to 25, 27, and 29 of 13080
this act go into immediate effect when this act becomes law. 13081

(B) Section 26 of this act is not subject to the referendum. 13082

Therefore, under Ohio Constitution, Article II, Section 1d and 13083
section 1.471 of the Revised Code, Section 26 of this act is 13084
entitled to go into immediate effect when this act becomes law. 13085
However, Section 26 of this act takes effect on July 1, 1998, or 13086
the day the act becomes law, whichever is later. 13087

Section 29. As authorized by Ohio Constitution, Article II, 13088
Section 26, if Ohio Constitution, Article XII, Section 14 has been 13089
approved by a majority of the electors voting on the section at 13090
the special election held on May 5, 1998, and if Section 14 of 13091
Article XII as thus approved imposes an increase in the sales tax 13092
the proceeds of which are devoted to funding elementary and 13093
secondary education and providing property tax relief, then and 13094
only then Section 30 of this act takes effect July 1, 1998. 13095

Section 30. All items in this section are hereby appropriated 13096
as designated out of moneys in the state treasury to the credit of 13097
the School Trust Fund. For all appropriations made in this act, 13098
those in the first column are for fiscal year 1998 and those in 13099
the second column are for fiscal year 1999. The appropriations 13100
made in this act are in addition to any other appropriations made 13101
for the 1997-1999 biennium. 13102

EDU DEPARTMENT OF EDUCATION 13103

School Trust Fund 13104

XXX 200-YYY Vocational Education	\$	0	\$	5,000,000	13105
Enhancements					
XXX 200-XXX Alternative Schools	\$	0	\$	10,000,000	13106
Total STF School Trust Fund Group	\$	0	\$	15,000,000	13107
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	15,000,000	13108

Comprehensive High School Vocational Education Program 13109

The foregoing appropriation item 200-YYY, Vocational 13110

Education Enhancements, shall be used for the same purposes as the 13111

<u>set-aside for Vocational Education Programs in comprehensive high</u>	13112
<u>school.</u>	13113
<u>Alternative Schools</u>	13114
(A) As used in this section:	13115
(1) "Proposing district" means either of the following:	13116
(a) An educational service center acting on behalf of school	13117
districts within its territory or districts that have entered into	13118
an agreement with the service center pursuant to section 3313.843	13119
of the Revised Code;	13120
(b) A school district representing a consortia of two or more	13121
school districts cooperating under section 3313.533 of the Revised	13122
Code to form a joint alternative school.	13123
(B) Any proposing district may submit a plan to the	13124
Superintendent of Public Instruction for the establishment and	13125
operation of an alternative school under section 3313.533 of the	13126
Revised Code together with a request for a planning and start-up	13127
grant. The Superintendent shall establish criteria that a	13128
proposing district must meet in order to receive a grant, which	13129
shall include the requirements specified in section 3313.533 of	13130
the Revised Code. The criteria shall include provisions to ensure	13131
the school serves a sufficient number of students so that it will	13132
operate in an efficient and effective manner.	13133
The Superintendent shall make a grant of up to \$50,000 in	13134
accordance with appropriations for such purpose to any proposing	13135
district with a plan meeting the established criteria. School	13136
districts submitting acceptable plans shall be awarded grants on a	13137
first-come, first-serve basis. The grant shall be used to defray	13138
planning and initial start-up costs for the alternative school. In	13139
the first year of operation of an alternative school, the	13140
Superintendent may make an additional grant of no more than	13141

\$100,000 in accordance with appropriations for such purpose to the
proposing district to partially defray any additional start-up
costs. The actual amount of the grant shall be based on a thorough
examination of the financial needs of the alternative school.

(C) Any district operating an alternative school pursuant to
section 3313.533 of the Revised Code prior to the effective date
of this section may apply to the Department of Education for a
grant of no more than \$100,000 in accordance with appropriations
for such purpose for the on-going operations of the alternative
school.

NET OFFICE OF INFORMATION, LEARNING, AND TECHNOLOGY SERVICES

School Trust Fund Group

XXX 228-XXX Distance Learning	\$	0	\$	30,000,000	13155
XXX 228-YYY Technology for Schools	\$	0	\$	50,000,000	13156
Total STF School Trust Fund Group	\$	0	\$	80,000,000	13157
TOTAL ALL BUDGET FUND GROUPS	\$	0	\$	80,000,000	13158

Distance Learning

The foregoing appropriation item 228-XXX, Distance Learning,
shall be distributed by the Office of Information, Learning, and
Technology Services for funding for approved projects based on
project criteria and a distribution formula to be developed by the
Ohio Schools Technology Implementation Task Force. The Task Force
shall include the formula in its report, to be issued no later
than August 1, 1998.

Technology for Schools

The foregoing appropriation item 228-YYY, Technology for
Schools, shall be distributed by the Office of Information,
Learning, and Technology Services for funding for approved
projects based on project criteria and a distribution formula to
be developed by the Ohio Schools Technology Implementation Task

Force. The Task Force shall include the formula in its report, to	13173
be issued no later than August 1, 1998.	13174
SFC SCHOOL FACILITIES COMMISSION	
School Trust Fund Group	13175
XXX CAP-XXX School Building	13176
Assistance	13177
Total STF School Trust Fund Group	13178
TOTAL ALL BUDGET FUND GROUPS	13179
<u>School Building Assistance</u>	13180
(A) Except as provided in division (B) of this section, the	13181
foregoing appropriation item CAP-XXX, School Building Assistance,	13182
shall be used by the School Facilities Commission to pay for	13183
school building construction for low-wealth school districts	13184
pursuant to sections 3318.01 to 3318.32 of the Revised Code.	13185
(B) The Commission shall designate a portion of the	13186
\$250,000,000 appropriated under this section to establish an	13187
emergency facility repair program for school districts that were	13188
not among the 292 districts receiving funds pursuant to section	13189
3317.0213 of the Revised Code, as of May 20, 1997, but whose	13190
valuation per pupil as of that date did not exceed \$200,000. The	13191
Commission shall adopt rules similar to those it adopts for the	13192
program established under section 3318.35 of the Revised Code to	13193
ensure a fair and orderly allocation of funds for this program for	13194
any of the same types of repair projects permitted by that	13195
section. The rules shall require districts to be ranked by	13196
valuation per pupil and shall provide for the state's percentage	13197
of the project costs to vary based on the district's ranking.	13198
Within the limits set forth in this section, the Director of	13199
Budget and Management shall establish accounts indicating the	13200
source and amount of funds for each appropriation made in this	13201
section, and shall determine the form and manner in which	13202

appropriation accounts shall be maintained. Expenditures from	13203
appropriations contained in this section shall be accounted for as	13204
though made by the 122nd General Assembly in Am. Sub. H.B. 215.	13205
This section is not subject to the referendum.	13206