

As Passed by the Senate

122nd General Assembly

Regular Session

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Sub. S. B. No. 135

Senators Watts, Kearns, Gardner, Oelslager, Cupp, Finan, Drake

A B I L L

To amend sections 101.82, 3301.0710, 3301.0711, 1
3301.27, 3302.07, 3313.533, 3313.61, 3313.98, 2
3313.981, 3313.983, 3314.01, 3314.02, 3314.03, 3
3314.05, 3314.10, 3317.06, and 3317.064; to enact 4
new sections 3302.01, 3302.02, 3302.03, 3302.04, 5
and 3302.05 and sections 3313.534, 3313.603, 6
3313.608, 3313.609, 3313.6010, 3314.11, 3314.20, 7
3321.05, 3333.32, and 3333.35; and to repeal 8
sections 3302.01, 3302.02, 3302.03, 3302.04, 9
3302.05, and 3302.06 of the Revised Code; to amend 10
Section 50.16 of Am. Sub. H.B. 215 of the 122nd 11
General Assembly; contingently to amend sections 12
3317.02, 3317.023, and 3317.08 and enact section 13
3319.60 of the Revised Code; and contingently to 14
amend Section 50.26 of Am. Sub. H.B. 215 of the 15
122nd General Assembly to revise and establish 16
student academic accountability measures and 17
school district accountability and governance 18
measures, and to provide for cooperation between 19
elementary and secondary and higher education 20
institutions. 21

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

Section 1. That sections 101.82, 3301.0710, 3301.0711, 22
3301.27, 3302.07, 3313.533, 3313.61, 3313.98, 3313.981, 3313.983, 23
3314.01, 3314.02, 3314.03, 3314.05, 3314.10, 3317.06, and 3317.064 24
be amended and new sections 3302.01, 3302.02, 3302.03, 3302.04, 25
and 3302.05 and sections 3313.534, 3313.603, 3313.608, 3313.609, 26
3313.6010, 3314.11, 3314.20, 3321.05, 3333.32, and 3333.35 of the 27
Revised Code be enacted to read as follows: 28

Sec. 101.82. As used in sections 101.82 to 101.87 of the 29
Revised Code: 30

(A) "Agency" means any board, commission, committee, or 31
council, or any other similar state public body required to be 32
established pursuant to state statutes for the exercise of any 33
function of state government and to which members are appointed or 34
elected. "Agency" does not include: 35

(1) The general assembly, or any commission, committee, or 36
other body composed entirely of members thereof; 37

(2) Any court; 38

(3) Any public body created by or directly pursuant to the 39
constitution of this state; 40

(4) The board of trustees of any institution of higher 41
education financially supported in whole or in part by the state; 42

(5) Any public body that has the authority to issue bonds or 43
notes or that has issued bonds or notes that have not been fully 44
repaid; 45

(6) The public utilities commission of Ohio; 46

(7) The consumers' council governing board; 47

(8) The Ohio board of regents and the joint council 48
established pursuant to section 3333.35 Of the Revised Code; 49

(9) Any state board or commission that has the authority to issue any final adjudicatory order that may be appealed to the court of common pleas under Chapter 119. of the Revised Code;

(10) Any board of elections-*i*

(11) The board of directors of the Ohio insurance guaranty association and the board of governors of the Ohio fair plan underwriting association.

(B) "Abolish" means to repeal the statutes creating and empowering an agency, remove its personnel, and transfer its records to the department of administrative services pursuant to division (H) of section 149.331 of the Revised Code.

(C) "Terminate" means to amend or repeal the statutes creating and empowering an agency, remove its personnel, and reassign its functions and records to another agency or officer designated by the general assembly.

(D) "Transfer" means to amend the statutes creating and empowering an agency so that its functions, records, and personnel are conveyed to another agency or officer.

(E) "Renew" means to continue an agency, and may include amendment of the statutes creating and empowering the agency, or recommendations for changes in agency operation or personnel.

Sec. 3301.0710. The state board of education shall adopt rules establishing a statewide program to test student proficiency for the purpose of ensuring that students who receive a high school diploma demonstrate at least ~~ninth-grade~~ high school levels of ~~literacy and basic competency~~ proficiency in reading, writing, mathematics, science, and citizenship. In order to determine this proficiency, the minimum standards shall be those expected of students at the completion of the tenth grade.

(A)(1) The state board shall prescribe five statewide

proficiency tests, one each designed to measure skill in reading, writing, mathematics, science, and citizenship, and shall determine and designate the score on each such test that shall be deemed to demonstrate that any student attaining such score has achieved at least a fourth grade level of ~~literacy and basic competency~~ proficiency in the measured skill.

(2) The state board ~~may designate a grade level for testing under this section that is higher than the fourth grade level but lower than the ninth grade level;~~ shall prescribe five statewide proficiency tests, one each designed to measure skill in reading, writing, mathematics, science, and citizenship, and determine and designate the score on each such test that is deemed to demonstrate that any student attaining such score has achieved at least the designated a sixth grade level of literacy and basic competency proficiency in the measured skill. ~~No tests may be prescribed under division (A)(2) of this section unless the tests are first administered during a school year that commences on or before July 1, 1995.~~

(3) The state board shall prescribe five statewide proficiency tests, one each designed to measure skill in reading, writing, mathematics, science, and citizenship, and shall determine and designate the score on each such test that shall be deemed to demonstrate that any student attaining such score has achieved at least a twelfth grade level of ~~literacy and basic competency~~ proficiency in the measured skill.

(B) The state board shall prescribe five statewide high school proficiency tests, one each designed to measure skill in reading, writing, mathematics, science, and citizenship, and shall determine and designate the score on each such test that shall be deemed to demonstrate that any student attaining such score has achieved at least a ~~ninth grade~~ the level of ~~literacy and basic competency~~ proficiency in the measured skill expected of students

at the completion of the tenth grade. 112

The state board may enter into a reciprocal agreement with 113
the appropriate body or agency of any other state that has similar 114
statewide proficiency testing requirements for receiving high 115
school diplomas, under which any student who has met a proficiency 116
testing requirement of one state is recognized as having met the 117
similar proficiency testing requirement of the other state for 118
purposes of receiving a high school diploma. For purposes of this 119
section and sections 3301.0711 and 3313.61 of the Revised Code, 120
any student enrolled in any public high school in this state and 121
who has met a proficiency testing requirement specified in a 122
reciprocal agreement entered into under this division shall be 123
deemed to have attained at least the applicable score designated 124
under this division on each test required by this division that is 125
specified in the agreement. 126

(C) The state board shall annually designate as follows the 127
dates on which the tests prescribed under this section shall be 128
administered: 129

(1) For the test prescribed under division (A)(1) of this 130
section to measure skill in reading, as follows: 131

(a) For students entering fourth grade in school years that 132
start prior to July 1, 2001, the same dates prescribed under 133
division (C)(2) of this section for the tests prescribed under 134
division (A)(1) of this section to measure skill in writing, 135
mathematics, science, and citizenship; 136

(b) For students entering fourth grade beginning with the 137
school year that starts July 1, 2001: 138

(i) One date prior to the thirty-first day of December each 139
school year; 140

(ii) Any dates prescribed under division (C)(2) of this 141
section for the tests prescribed under division (A)(1) of this 142

section to measure skill in writing, mathematics, science, and 143
citizenship; 144

(iii) One date during the summer for students receiving 145
summer remediation services under division (B)(3) of section 146
3313.608 of the Revised Code. 147

(2) For the tests prescribed under ~~divisions~~ division (A)(1) 148
of this section to measure skill in writing, mathematics, science, 149
and citizenship and ~~(2)~~ the tests prescribed under division (A)(2) 150
of this section, at least one date subsequent to the fifteenth day 151
of March of each school year; 152

~~(2)~~(3) For the tests prescribed under division (A)(3) of this 153
section, at least one date subsequent to the thirty-first day of 154
December but prior to the thirty-first day of March of each school 155
year; 156

~~(3)~~(4) For the tests prescribed under division (B) of this 157
section, at least one date subsequent to the fifteenth day of 158
March of each school year for all tenth grade students and at 159
least one date prior to the thirty-first day of December and at 160
least one date subsequent to that date but prior to the 161
thirty-first day of March of each school year for eleventh and 162
twelfth grade students. 163

(D) In prescribing test dates pursuant to division (C)~~(3)~~(4) 164
of this section, the board shall, to the greatest extent 165
practicable, provide options to school districts in the case of 166
tests administered under that division to ~~tenth,~~ eleventh, and 167
twelfth grade students, and in the case of tests administered to 168
students pursuant to division (C)(2) of section 3301.0711 of the 169
Revised Code; ~~and in the case of tests administered to ninth grade~~ 170
~~students under division (C)(3) of this section by school districts~~ 171
~~administering tests pursuant to division (M) of section 3301.0711~~ 172
~~of the Revised Code. Such options shall include at least an~~ 173

opportunity for school districts to give such tests outside of 174
regular school hours. 175

(E) In prescribing test dates pursuant to this section, the 176
state board of education shall designate the dates in such a way 177
as to allow a reasonable length of time between the administration 178
of tests prescribed under this section and any administration of 179
the national assessment of education progress test given to 180
students in the same grade level pursuant to section 3301.27 Of 181
the Revised Code. 182

Sec. 3301.0711. (A) The department of education shall: 183

(1) Annually furnish, grade, and score all tests required by 184
section 3301.0710 of the Revised Code to city, local, and exempted 185
village school districts; 186

(2) Adopt rules for the ethical use of tests and prescribing 187
the manner in which the tests prescribed by section 3301.0710 of 188
the Revised Code shall be administered to students. 189

(B) Except as provided in divisions (C) and (J)(2) of this 190
section, the board of education of each city, local, and exempted 191
village school district shall, in accordance with rules adopted 192
under division (A) of this section: 193

(1) Administer the test prescribed under division (A)(1) of 194
section 3301.0710 of the Revised Code to measure skill in reading 195
as follows: 196

(a) For students entering fourth grade in school years that 197
start prior to July 1, 2001, at least once annually to all 198
students in the fourth grade; 199

(b) For students entering fourth grade beginning with the 200
school year that starts July 1, 2001, twice annually to all 201
students in the fourth grade who have not attained the score 202
designated for that test under division (A)(1) of section 203

3301.0710 of the Revised Code and once each summer to students 204
receiving summer remediation services under division (B)(3) of 205
section 3313.608 Of the Revised Code. 206

(2) Administer the tests prescribed under division (A)(1) of 207
section 3301.0710 of the Revised Code to measure skill in writing, 208
mathematics, science, and citizenship at least once annually to 209
all students in the fourth grade. 210

~~(2)~~(3) Administer ~~any~~ the tests prescribed under division 211
(A)(2) of section 3301.0710 of the Revised Code at least once 212
annually to all students in the sixth grade ~~designated under that~~ 213
~~division.~~ 214

~~(3)~~(4) Administer any tests prescribed under division (A)(3) 215
of section 3301.0710 of the Revised Code at least once annually to 216
any student in the twelfth grade who, on all the tests prescribed 217
under division (B) of that section, has attained the applicable 218
scores designated under such division prior to the first day of 219
January of that year. 220

~~(4)~~(5) Administer any test prescribed under division (B) of 221
section 3301.0710 of the Revised Code ~~at~~ as follows: 222

(a) At least ~~twice~~ once annually, subsequent to the fifteenth 223
day of March, to~~÷~~ 224

~~(a)~~ All ~~all~~ tenth grade students and at least twice annually 225
to all students in ~~ninth, tenth,~~ eleventh, or twelfth grade who 226
have not yet attained the score on that test designated under that 227
division; 228

(b) ~~Any~~ To any person who has successfully completed the 229
curriculum in any high school or the individualized education 230
program developed for the person by any high school pursuant to 231
section 3323.08 of the Revised Code but has not received a high 232
school diploma and who requests to take such test, at any time 233
such test is administered in the district. 234

(C)(1) Any student receiving special education services under Chapter 3323. of the Revised Code shall be excused from taking any particular test required to be administered under this section if the individualized education program developed for the student pursuant to section 3323.08 of the Revised Code excuses the student from taking that test. In the case of any student so excused from taking a test, the school district board of education shall not prohibit the student from taking the test. Any student enrolled in a chartered nonpublic school who has been identified, based on an evaluation conducted in accordance with section 3323.03 of the Revised Code or section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 794, as amended, as a child with a disability shall be excused from taking any particular test required to be administered under this section if a plan developed for the student pursuant to rules adopted by the state board excuses the student from taking that test. In the case of any student so excused from taking a test, the chartered nonpublic school shall not prohibit the student from taking the test.

(2) A district board may, for medical reasons or other good cause, excuse a student from taking a test administered under this section on the date scheduled, but any such test shall be administered to such excused student not later than fifteen days following the scheduled date. The board shall annually report the number of students who have not taken one or more of the tests required by this section to the state board of education not later than the thirtieth day of June.

(D) In the school year next succeeding the school year in which the tests prescribed by division (A)(1) of section 3301.0710 of the Revised Code are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide intervention services to the student in

any skill in which the student failed on those tests to 267
demonstrate at least fourth-grade levels of literacy and basic 268
competency. This division does not apply to any student receiving 269
services pursuant to an individualized education program developed 270
for the student pursuant to section 3323.08 of the Revised Code. 271

(E) Except as provided in section 3313.608 Of the Revised 272
Code and division ~~(N)~~(M) of this section, no school district board 273
of education shall permit any student to be denied promotion to a 274
higher grade level solely because of the student's failure to 275
attain a specified score on any test administered under this 276
section. 277

(F) No person shall be charged a fee for taking any test 278
administered under this section. 279

(G) Not later than sixty days after any administration of any 280
test prescribed by section 3301.0710 of the Revised Code, the 281
department shall send to each school district board a list of the 282
individual test scores of all persons taking the test. 283

(H) Individual test scores on any tests administered under 284
this section shall be released by a district board only in 285
accordance with section 3319.321 of the Revised Code and the rules 286
adopted under division (A) of this section. No district board or 287
its employees shall utilize individual or aggregate test results 288
in any manner that conflicts with rules for the ethical use of 289
tests adopted pursuant to division (A) of this section. 290

(I) Except as provided in division (G) of this section, the 291
department shall not release any individual test scores on any 292
test administered under this section and shall adopt rules to 293
ensure the protection of student confidentiality at all times. 294

(J) Notwithstanding division (D) of section 3311.19 and 295
division (D) of section 3311.52 of the Revised Code, this section 296
does not apply to the board of education of any joint vocational 297

or cooperative education school district except as provided under 298
rules adopted pursuant to this division. 299

(1) In accordance with rules that the state board of 300
education shall adopt, the board of education of any city, 301
exempted village, or local school district with territory in a 302
joint vocational school district or a cooperative education school 303
district established pursuant to divisions (A) to (C) of section 304
3311.52 of the Revised Code may enter into an agreement with the 305
board of education of the joint vocational or cooperative 306
education school district for administering any test prescribed 307
under this section to students of the city, exempted village, or 308
local school district who are attending school in the joint 309
vocational or cooperative education school district. 310

(2) In accordance with rules that the state board of 311
education shall adopt, the board of education of any city, 312
exempted village, or local school district with territory in a 313
cooperative education school district established pursuant to 314
section 3311.521 of the Revised Code shall enter into an agreement 315
with the cooperative district that provides for the administration 316
of any test prescribed under this section to both of the 317
following: 318

(a) Students who are attending school in the cooperative 319
district and who, if the cooperative district were not 320
established, would be entitled to attend school in the city, 321
local, or exempted village school district pursuant to section 322
3313.64 or 3313.65 of the Revised Code; 323

(b) Persons described in division (B)~~(4)~~(5)(b) of this 324
section. 325

Any testing of students pursuant to such an agreement shall 326
be in lieu of any testing of such students or persons pursuant to 327
this section. 328

(K)(1) Any chartered nonpublic school may participate in the 329
testing program by administering any of the tests prescribed by 330
section 3301.0710 of the Revised Code if the chief administrator 331
of the school specifies which tests the school wishes to 332
administer. Such specification shall be made in writing to the 333
superintendent of public instruction prior to the first day of 334
August of any school year in which tests are administered and 335
shall include a pledge that the nonpublic school will administer 336
the specified tests in the same manner as public schools are 337
required to do under this section and rules adopted by the 338
department. 339

(2) The department of education shall furnish the tests 340
prescribed by section 3301.0710 of the Revised Code to any 341
chartered nonpublic school electing to participate under this 342
division. 343

(L)(1) Except as provided in division (L)(3) of this section, 344
the superintendent of the state school for the blind and the 345
superintendent of the state school for the deaf shall administer 346
the tests described by section 3301.0710 of the Revised Code. Each 347
superintendent shall administer the tests in the same manner as 348
district boards are required to do under this section and rules 349
adopted by the department of education. 350

(2) The department of education shall furnish the tests 351
described by section 3301.0710 of the Revised Code to each 352
superintendent. 353

(3) Any student enrolled in the state school for the blind or 354
the state school for the deaf shall be excused from taking any 355
particular test required to be administered under division (L)(1) 356
of this section if the individualized education program developed 357
for the student pursuant to section 3323.08 of the Revised Code 358
excuses the student from taking that test. In the case of any 359

student so excused from taking a test, the superintendent of the school shall not prohibit the student from taking the test.

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~~(M) Notwithstanding division (B)(4) of this section and division (C)(3) of section 3301.0710 of the Revised Code, upon request of a district board of education, the department of education shall provide for the district to administer the tests prescribed under division (B) of section 3301.0710 of the Revised Code to students in the eighth grade on a specified date during the month of March. In such a district, tests shall be administered either once or twice during the ninth grade year to students who did not attain the designated scores on such tests in the eighth grade. Such ninth grade test administration shall be prior to the thirty first day of December or subsequent to that date but prior to the thirty first day of March or during both such time periods. The district board of education shall determine whether to administer such tests once or twice during the ninth grade year and during which time period to administer the tests if they are only administered once during such year.~~

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~~(N) If a Notwithstanding division (E) of this section, beginning July 1, 1999, a school district offers summer school to a may retain any student for an additional year in such student's current grade level if such student who has failed to attain the designated scores on three or more of the five tests described by division (A)(1) or (2) of section 3301.0710 of the Revised Code, or by division (B) of that section in the case of students taking those tests in the eighth grade pursuant to division (M) of this section, and the student chooses not to attend summer school or does not maintain an acceptable level of attendance in summer school, the district may use the failure to attain such scores on those tests as a reason for retaining the student for an additional year in the grade in which the tests were administered.~~

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~~As used in this division, "summer school" means a six week~~

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~~remedial course in the areas covered by the proficiency tests on~~ 392
~~which the student did not attain the score designated pursuant to~~ 393
~~division (A)(1) or (2) or (B), as applicable, of section 3301.0710~~ 394
~~of the Revised Code.~~ 395

This division does not supersede the requirements of section 396
3313.608 Of the Revised Code. 397

(N) Effective July 1, 1999, the department of education shall 398
make available to the public the state's proficiency tests offered 399
the previous year. The department shall continue to make these 400
documents available to the public each year following the 401
administration of the test. Only the tests administered the 402
previous year shall be available to the public. 403

Sec. 3301.27. The department of education shall conduct 404
research on the factors that improve education effectiveness in 405
school districts and for this purpose ~~may~~ shall require school 406
districts to administer ~~tests in addition to those otherwise~~ 407
~~required by law, such as~~ the national assessment of education 408
progress test in addition to other tests required by law. The 409
department shall make the results of any research conducted under 410
this section available to all school districts. 411

Sec. 3302.01. As used in this chapter: 412

(A) "Dropout rate" means one minus the graduation rate. 413

(B) "Graduation rate" means a calculation of the per cent of 414
ninth grade students who graduate by the end of the summer 415
following their twelfth grade year. The graduation rate is the 416
ratio of the students entering ninth grade to the number of those 417
students receiving a diploma four years later. Students who 418
transfer into the district are added to the calculation. students 419
who transfer out of the district for reasons other than dropout 420
are subtracted from the calculation. students who do not graduate 421

but who continue their high school education in the following year 422
in the same school district are removed from the calculation for 423
that year and are added to the calculation for the subsequent 424
year. 425

(C) "Attendance rate" means the ratio of the number of 426
students actually in attendance over the course of a school year 427
to the number of students who were required to be in attendance 428
that school year, as calculated pursuant to rules of the 429
superintendent of public instruction. 430

(D) "Three-year average" means the average of the most recent 431
consecutive three years of data. 432

(E) "Required level of improvement" means at least one 433
standard unit of improvement on at least the percentage of 434
performance standards required to demonstrate overall improvement, 435
in accordance with the rule approved under division (a) of section 436
3302.04 of the revised code. 437

Sec. 3302.02. The following are the expected state 438
performance standards for school districts: 439

(A) A three per cent dropout rate; 440

(B) At least seventy-five per cent of fourth graders 441
proficient on the mathematics test prescribed by division (A)(1) 442
of section 3301.0710 of the Revised Code; 443

(C) At least seventy-five per cent of fourth graders 444
proficient on the reading test prescribed by division (A)(1) of 445
section 3301.0710 of the Revised Code; 446

(D) At least seventy-five per cent of fourth graders 447
proficient on the writing test prescribed by division (A)(1) of 448
section 3301.0710 of the Revised Code; 449

(E) At least seventy-five per cent of fourth graders 450
proficient on the citizenship test prescribed by division (A)(1) 451

<u>of section 3301.0710 of the Revised Code;</u>	452
(F) <u>At least seventy-five per cent of ninth graders</u>	453
<u>proficient on the mathematics test prescribed by division (B) of</u>	454
<u>section 3301.0710 of the Revised Code;</u>	455
(G) <u>At least seventy-five per cent of ninth graders</u>	456
<u>proficient on the reading test prescribed by division (B) of</u>	457
<u>section 3301.0710 of the Revised Code;</u>	458
(H) <u>At least seventy-five per cent of ninth graders</u>	459
<u>proficient on the writing test prescribed by division (B) of</u>	460
<u>section 3301.0710 of the Revised Code;</u>	461
(I) <u>At least seventy-five per cent of ninth graders</u>	462
<u>proficient on the citizenship test prescribed by division (B) of</u>	463
<u>section 3301.0710 of the Revised Code;</u>	464
(J) <u>At least eighty-five per cent of tenth graders proficient</u>	465
<u>on the mathematics test prescribed by division (B) of section</u>	466
<u>3301.0710 of the Revised Code;</u>	467
(K) <u>At least eighty-five per cent of tenth graders proficient</u>	468
<u>on the reading test prescribed by division (B) of section</u>	469
<u>3301.0710 of the Revised Code;</u>	470
(L) <u>At least eighty-five per cent of tenth graders proficient</u>	471
<u>on the writing test prescribed by division (B) of section</u>	472
<u>3301.0710 of the Revised Code;</u>	473
(M) <u>At least eighty-five per cent of tenth graders proficient</u>	474
<u>on the citizenship test prescribed by division (B) of section</u>	475
<u>3301.0710 of the Revised Code;</u>	476
(N) <u>At least sixty per cent of twelfth graders proficient on</u>	477
<u>the mathematics test prescribed by division (A)(3) of section</u>	478
<u>3301.0710 of the Revised Code;</u>	479
(O) <u>At least sixty per cent of twelfth graders proficient on</u>	480
<u>the reading test prescribed by division (A)(3) of section</u>	481

<u>3301.0710 of the Revised Code;</u>	482
(P) <u>At least sixty per cent of twelfth graders proficient on</u>	483
<u>the writing test prescribed by division (A)(3) of section</u>	484
<u>3301.0710 of the Revised Code;</u>	485
(Q) <u>At least sixty per cent of twelfth graders proficient on</u>	486
<u>the citizenship test prescribed by division (A)(3) of section</u>	487
<u>3301.0710 of the Revised Code;</u>	488
(R) <u>At least a ninety-three per cent attendance rate.</u>	489
<u>When sufficient data concerning the tests given pursuant to</u>	490
<u>division (A)(2) of section 3301.0710 of the Revised Code and the</u>	491
<u>science tests given pursuant to divisions (A)(1), (3), and (B) of</u>	492
<u>section 3301.0710 of the Revised Code are available for the</u>	493
<u>department of education and the office of education accountability</u>	494
<u>and productivity to establish performance standards for those</u>	495
<u>tests, the department, in consultation with the office, shall</u>	496
<u>recommend a rule adding standards to reflect these additional</u>	497
<u>tests. The department, in consultation with the office, shall also</u>	498
<u>recommend a rule when necessary to allow for the phasing out of</u>	499
<u>the ninth grade proficiency test and its replacement with a high</u>	500
<u>school proficiency test pursuant to section 3301.0710 of the</u>	501
<u>Revised Code as amended by this act. The rules shall not recommend</u>	502
<u>any standard be established for passage of the fourth grade</u>	503
<u>reading test that is solely based on the test given in the fall</u>	504
<u>for the purpose of determining whether students have met the</u>	505
<u>fourth grade guarantee provisions of section 3313.608 of the</u>	506
<u>Revised Code.</u>	507
<u>Rules recommended by the department under this section shall</u>	508
<u>not take effect unless approved by joint resolution of the general</u>	509
<u>assembly.</u>	510
Sec. 3302.03. (A) <u>Beginning with the fiscal year that starts</u>	511
<u>on July 1, 1999, every three years the department of education</u>	512

shall calculate and report for each school district its 513
percentages on each of the performance indicators listed in 514
section 3302.02 Of the Revised Code and shall specify for each 515
such district the extent to which the acceptable performance 516
indicator has been achieved and whether the district is an 517
effective school district, needs continuous improvement, is under 518
an academic watch, or is in a state of academic emergency. 519

(B)(1) A school district shall be declared an effective 520
school district if it meets at least ninety-four per cent of the 521
state performance standards. 522

(2) A school district shall be declared to be in need of 523
continuous improvement if it meets more than fifty per cent but 524
less than ninety-four per cent of the state performance standards. 525

(3) A school district shall be declared to be under an 526
academic watch if it meets more than thirty-three per cent but not 527
more than fifty per cent of the state performance standards. 528

(4) a school district shall be declared to be in a state of 529
academic emergency if it does not meet more than thirty-three per 530
cent of the state performance standards. 531

(C) Whenever feasible, the department shall utilize 532
three-year averaging of the district's percentages on the 533
performance standards specified in section 3302.02 Of the Revised 534
Code. 535

Sec. 3302.04. (A) By March 1, 1998, the state board of 536
education, in consultation with the office of education 537
accountability and productivity, shall recommend to the general 538
assembly a rule establishing both of the following: 539

(1) a standard unit of improvement that any school district 540
would be required to achieve on a specific performance standard 541
that it failed to meet in order to be deemed to have made 542
satisfactory improvement toward meeting that standard. 543

(2) The percentage of those performance standards that a district did not meet, on which a district would be required to achieve the standard unit of improvement in order to be deemed to be making overall progress toward becoming an effective district. 544
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Upon approval of the general assembly, the rule shall apply to determinations of school district improvement under division (B) of this section. 548
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(B) When a school district has been notified by the department pursuant to division (A) of section 3302.03 Of the Revised Code that the district needs continuous improvement or is under an academic watch, the district shall develop a three-year continuous improvement plan containing an analysis of the reasons for the district's failure to meet any of the standards it does not meet and specifying the strategies it will use and the resources it will allocate to address the problem. A copy of the plan shall be filed with the department. At the end of the term covered by the plan, the department shall determine whether the district achieved the required level of improvement during the period covered by the plan. If the district did not achieve at least the required level of improvement during the three-year period covered by the plan, the department shall assign a staff person to assist the district in developing a new continuous improvement plan for the next three-year period. Thereafter, in each consecutive three-year period in which the district does not either meet the requirements of an effective district specified in section 3302.02 of the Revised Code or achieve at least the required level of improvement, the department of education shall make an on-site evaluation of the district and develop and adopt a new continuous improvement plan for the district. The district shall immediately implement the plan. 551
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(C) When a school district has been notified by the department pursuant to division (A) of section 3302.03 of the 574
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Revised Code that the district is in a state of academic 576
emergency, the district shall be subject to any rules establishing 577
intervention in emergency school districts that have been 578
recommended to the general assembly by the department of 579
education, in consultation with the office of education 580
accountability and productivity, and approved by joint resolution 581
of the general assembly. The department shall recommend such rules 582
by July 1, 1998. 583

Sec. 3302.05. By July 1, 1998, the department of education, 584
in consultation with the office of education accountability and 585
productivity, shall recommend rules to the general assembly 586
freeing school districts declared to be effective under division 587
(B)(1) of section 3302.03 Of the Revised Code from specified state 588
mandates. Any mandates included in the recommended rules shall be 589
only those statutes or rules pertaining to state education 590
requirements. The rules shall take effect upon their approval 591
through passage of a joint resolution by the general assembly. 592

Sec. 3302.07. (A) The board of education of any school 593
district or the governing board of any educational service center 594
may submit to the state board of education an application 595
proposing an innovative education pilot program the implementation 596
of which requires exemptions from specific statutory provisions or 597
rules. If a district or service center board employs teachers 598
under a collective bargaining agreement adopted pursuant to 599
Chapter 4117. of the Revised Code, any application submitted under 600
this division shall include the written consent of the teachers' 601
employee representative designated under division (B) of section 602
4117.04 of the Revised Code. The exemptions requested in the 603
application shall be limited to any requirement of Title XXXIII of 604
the Revised Code or of any rule of the state board adopted 605
pursuant to that title except that the application may not propose 606
an exemption from any requirement of or rule adopted pursuant to 607

Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 608
3323. of the Revised Code. 609

(B) The state board of education shall accept any application 610
submitted in accordance with division (A) of this section. The 611
superintendent of public instruction shall approve or disapprove 612
the application in accordance with ~~the~~ standards for approval, 613
which shall be adopted by the state board. 614

(C) The superintendent of public instruction shall exempt 615
each district or service center board with an application approved 616
under division (B) of this section for a specified period from the 617
statutory provisions or rules specified in the approved 618
application. The period of exemption shall not exceed the period 619
during which the pilot program proposed in the application is 620
being implemented and a reasonable period to allow for evaluation 621
of the effectiveness of the program. 622

Sec. 3313.533. (A) The board of education of a city, exempted 623
village, or local school district may adopt a resolution to 624
establish and maintain an alternative school in accordance with 625
this section. The resolution shall specify, but not necessarily be 626
limited to, all of the following: 627

(1) The purpose of the school, which purpose shall be to 628
serve students who are on suspension, who are having truancy 629
problems, who are experiencing academic failure, who have a 630
history of class disruption, or who are exhibiting other academic 631
or behavioral problems specified in the resolution; 632

(2) The grades served by the school, which may include any of 633
grades kindergarten through twelve; 634

(3) A requirement that the school be operated in accordance 635
with this section. The board of education adopting the resolution 636
under division (A) of this section shall be the governing board of 637

the alternative school. The board shall develop and implement a
plan for the school in accordance with the resolution establishing
the school and in accordance with this section. Each plan shall
include, but not necessarily be limited to, all of the following:

(a) Specification of the reasons for which students will be
accepted for assignment to the school and any criteria for
admission that are to be used by the board to approve or
disapprove the assignment of students to the school;

(b) Specification of the criteria and procedures that will be
used for returning students who have been assigned to the school
back to the regular education program of the district-*i*

(c) An evaluation plan for assessing the effectiveness of the
school and its educational program and reporting the results of
the evaluation to the public.

(C) Notwithstanding any of ~~title~~ Title XXXIII of the Revised
Code to the contrary, the alternative school plan may include any
of the following:

(1) A requirement that on each school day students must
attend school or participate in other programs specified in the
plan or by the chief administrative officer of the school for a
period equal to the minimum school day set by the state board of
education under section 3313.48 of the Revised Code plus any
additional time required in the plan or by the chief
administrative officer;

(2) Restrictions on student participation in extracurricular
or interscholastic activities;

(3) A requirement that students wear uniforms prescribed by
the district board of education.

(D) In accordance with the alternative school plan, the
district board of education may employ teachers and nonteaching

employees necessary to carry out its duties and fulfill its
responsibilities.

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(E) An alternative school may be established in all or part
of a school building.

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(F) If a district board of education elects under this
section, or is required by section 3313.534 of the Revised Code,
to establish an alternative school, the district board may join
with the board of education of one or more other districts to form
a joint alternative school by forming a cooperative education
school district under section 3311.52 or 3311.521 of the Revised
Code, or a joint educational program under section 3313.842 of the
Revised Code.

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

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

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Sec. 3313.603. (A) As used in this section:

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(1) "One unit" means a minimum of one hundred twenty hours of course instruction, except that for a laboratory course, "one unit" means a minimum of one hundred fifty hours of course instruction. 699
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(2) "One-half unit" means a minimum of sixty hours of course instruction, except that for physical education courses, "one-half unit" means a minimum of one hundred twenty hours of course instruction. 703
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(B) Beginning September 15, 2001, the requirements for graduation from every high school shall include twenty units earned in grades nine through twelve and shall be distributed as follows: 707
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(1) English language arts, four units; 711

(2) Health, one-half unit; 712

(3) Mathematics, three units; 713

(4) Physical education, one-half unit; 714

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following: 715
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(a) Biological sciences, one unit; 718

(b) Physical sciences, one unit. 719

(6) Social studies, three units, which shall include both of the following: 720
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(a) American history, one-half unit; 722

(b) American government, one-half unit. 723

(7) Elective units, seven units until September 15, 2003, and six units thereafter. 724
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(C) Every high school may permit students below the ninth 726

grade to take advanced work for credit. A high school shall count 727
such advanced work toward the graduation requirements of division 728
(B) of this section if the advanced work was both: 729

(1) Taught by a person who possesses a license or certificate 730
issued under section 3319.22 or 3319.222 of the Revised Code that 731
is valid for teaching high school; 732

(2) Designated by the board of education of the city, local, 733
or exempted village school district or the board of the 734
cooperative education school district as meeting the high school 735
curriculum requirements. 736

(D) Units earned in English language arts, mathematics, 737
science, and social studies that are delivered through integrated 738
academic and technical instruction are eligible to meet the 739
graduation requirements of division (B) of this section. 740

Sec. 3313.608. (A) Beginning with students who enter fourth 741
grade in the school year that starts July 1, 2001, no city, 742
exempted village, or local school district shall promote to fifth 743
grade any student who fails to attain the score designated under 744
division (A)(1) of section 3301.0710 of the Revised Code on the 745
test prescribed under that division to measure skill in reading, 746
unless either of the following applies: 747

(1) The pupil was excused from taking the test under division 748
(C)(1) of section 3301.0711 of the Revised Code; 749

(2) The pupil's principal and reading teacher agree that the 750
pupil is academically prepared, as determined pursuant to the 751
district policy adopted under section 3313.609 of the Revised 752
Code, to be promoted to fifth grade. 753

(B)(1) To assist students in meeting this fourth grade 754
guarantee established by this section, each city, exempted 755
village, and local school district shall adopt policies and 756
procedures with which it shall, beginning in the school year that 757

starts July 1, 1998, annually assess the reading skills of each 758
student at the end of first, second, and third grade and identify 759
students who are reading below their grade level. The policy and 760
procedures shall require the students' classroom teachers to be 761
involved in the assessment and the identification of students 762
reading below grade level. The district shall notify the parent or 763
guardian of each student whose reading skills are below grade 764
level and, in accordance with division (C) of this section, 765
provide intervention services to each student reading below grade 766
level. 767

(2) For each student identified as reading below grade level 768
at the end of third grade, the district shall offer intense 769
remediation services during the summer following third grade. 770

(3) For each student entering fourth grade after July 1, 771
2001, who does not attain by the end of the fourth grade the score 772
designated under division (A)(1) of section 3301.0710 of the 773
Revised Code on the test prescribed under that division to measure 774
skill in reading, the district also shall offer intense 775
remediation services, and another opportunity to take that test, 776
during the summer following fourth grade. 777

(C) For each student required to be offered remediation 778
services under this section, the district shall involve the 779
student's parent or guardian and classroom teacher in developing 780
the intervention strategy, and shall offer to the parent or 781
guardian the opportunity to be involved in the intervention 782
services. 783

(D) Beginning in the summer of 1999, in addition to the 784
remediation requirements of divisions (B) and (C) of this section, 785
every city, exempted village, or local school district shall offer 786
summer remediation to any student who has failed to attain the 787
designated scores on three or more of the five tests described by 788
division (A)(1) or (2) of section 3301.0710 Of the Revised Code. 789

Sec. 3313.609. (A) As used in this section: 790

(1) "Truant" means absent without excuse. 791

(2) "Academically prepared" means whatever educational 792
standard the board of education of each city, exempted village, 793
local, and joint vocational school district establishes as 794
necessary for the promotion of a student to the next grade level 795
pursuant to the policy adopted under division (B) of this section. 796

(B) The board of education of each city, exempted village, 797
local, and joint vocational school district shall adopt a grade 798
promotion and retention policy for students. the policy shall 799
prohibit the promotion of a student to the next grade level if the 800
student has been truant for more than ten per cent of the required 801
attendance days of the current school year and has failed two or 802
more of the required curriculum subject areas in the current grade 803
unless the student's principal and the teachers of any failed 804
subject areas agree that the student is academically prepared to 805
be promoted to the next grade level. 806

Sec. 3313.6010. By July 1, 1998, the department of education, 807
in consultation with the office of education accountability and 808
productivity, shall recommend rules to the general assembly 809
permitting school districts to contract with public and private 810
providers of academic remediation and intervention in mathematics, 811
science, reading, writing, and social studies for the purpose of 812
assisting pupils in grades one through six outside of regular 813
school hours. 814

The rules recommended under this section shall take effect 815
upon approval of the general assembly through passage of a joint 816
resolution. 817

Sec. 3313.61. (A) A diploma shall be granted by the board of 818
education of any city, exempted village, or local school district 819

that operates a high school to any person to whom all of the 820
following apply: 821

(1) The person has successfully completed the curriculum in 822
any high school or the individualized education program developed 823
for the person by any high school pursuant to section 3323.08 of 824
the Revised Code; 825

(2) The person has attained at least the applicable scores 826
designated under division (B) of section 3301.0710 of the Revised 827
Code on all the tests required by that division unless the person 828
was excused from taking any such test pursuant to division (C)(1) 829
of section 3301.0711 or section 3313.532 of the Revised Code or 830
unless division (H) of this section applies to the person; 831

(3) The person is not eligible to receive an honors diploma 832
granted pursuant to division (B) of this section. 833

No diploma shall be granted under this division to anyone 834
except as provided under this division. 835

(B) In lieu of a diploma granted under division (A) of this 836
section, an honors diploma shall be granted, in accordance with 837
rules of the state board of education, by any such district board 838
to anyone who successfully completes the curriculum in any high 839
school or the individualized education program developed for the 840
person by any high school pursuant to section 3323.08 of the 841
Revised Code, who has attained at least the applicable scores 842
designated under division (B) of section 3301.0710 of the Revised 843
Code on all the tests required by that division, and who has met 844
additional criteria established by the state board for the 845
granting of such a diploma. No honors diploma shall be granted to 846
anyone failing to comply with this division and no more than one 847
honors diploma shall be granted to any student under this 848
division. 849

The state board shall adopt rules prescribing the granting of honors diplomas under this division. These rules may prescribe the granting of honors diplomas that recognize a student's achievement as a whole or that recognize a student's achievement in one or more specific subjects or both. In any case, the rules shall designate two or more criteria for the granting of each type of honors diploma the board establishes under this division and the number of such criteria that must be met for the granting of that type of diploma. The number of such criteria for any type of honors diploma shall be at least one less than the total number of criteria designated for that type and no one or more particular criteria shall be required of all persons who are to be granted that type of diploma.

(C) Any such district board administering any of the tests required by section 3301.0710 of the Revised Code to any person requesting to take such test pursuant to division (B)~~(4)~~(5)(b) of section 3301.0711 of the Revised Code shall award a diploma to such person if ~~he~~ the person attains at least the applicable scores designated under division (B) of section 3301.0710 of the Revised Code on all the tests administered and if ~~he~~ the person has previously attained the applicable scores on all the other tests required by division (B) of that section or has been exempted or excused from any such test pursuant to division (H) of this section or division (C)(1) of section 3301.0711 or section 3313.532 of the Revised Code.

(D) Each diploma awarded under this section shall be signed by the president and treasurer of the issuing board, the superintendent of schools, and the principal of the high school. Each diploma shall bear the date of its issue, be in such form as the district board prescribes, and be paid for out of the district's general fund.

(E) A person who is a resident of Ohio and is eligible under

state board of education minimum standards to receive a high 882
school diploma based in whole or in part on credits earned while 883
an inmate of a correctional institution operated by the state or 884
any political subdivision thereof, shall be granted such diploma 885
by the correctional institution operating the programs in which 886
such credits were earned, and by the board of education of the 887
school district in which the inmate resided immediately prior to 888
~~his~~ the inmate's placement in the institution. The diploma granted 889
by the correctional institution shall be signed by the director of 890
the institution, and by the person serving as principal of the 891
institution's high school and shall bear the date of issue. 892

(F) Persons who are not residents of Ohio but who are inmates 893
of correctional institutions operated by the state or any 894
political subdivision thereof, and who are eligible under state 895
board of education minimum standards to receive a high school 896
diploma based in whole or in part on credits earned while an 897
inmate of the correctional institution, shall be granted a diploma 898
by the correctional institution offering the program in which the 899
credits were earned. The diploma granted by the correctional 900
institution shall be signed by the director of the institution and 901
by the person serving as principal of the institution's high 902
school and shall bear the date of issue. 903

(G) The state board of education shall provide by rule for 904
the administration of the tests required by section 3301.0710 of 905
the Revised Code to inmates of correctional institutions. 906

(H) Any person to whom all of the following apply shall be 907
exempted from attaining the applicable score on the test in 908
citizenship designated under division (B) of section 3301.0710 of 909
the Revised Code: 910

(1) The person is not a citizen of the United States; 911

(2) The person is not a permanent resident of the United States; 913
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(3) The person indicates ~~he does not intend~~ no intention to reside in the United States after the completion of high school. 915
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(I) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and section 3311.611 of the Revised Code do not apply to the board of education of any joint vocational school district or any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code. 917
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Sec. 3313.98. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section and sections 3313.981 to 3313.983 of the Revised Code that apply to a city school district do not apply to a joint vocational or cooperative education school district unless expressly specified. 923
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(A) As used in this section and sections 3313.981 to 3313.983 of the Revised Code: 929
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(1) "Parent" means either of the natural or adoptive parents of a student, except under the following conditions: 931
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(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree. 933
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(b) When a court has granted temporary or permanent custody 942

of the student to an individual or agency other than either of the 943
natural or adoptive parents of the student, "parent" means the 944
legal custodian of the child. 945

(c) When a court has appointed a guardian for the student, 946
"parent" means the guardian of the student. 947

(2) "Native student" means a student entitled under section 948
3313.64 or 3313.65 of the Revised Code to attend school in a 949
district adopting a resolution under this section. 950

(3) "Adjacent district" means a city, exempted village, or 951
local school district having territory that abuts the territory of 952
a district adopting a resolution under this section. 953

(4) "Adjacent district student" means a student entitled 954
under section 3313.64 or 3313.65 of the Revised Code to attend 955
school in an adjacent district. 956

(5) "Adjacent district joint vocational student" means an 957
adjacent district student who enrolls in a city, exempted village, 958
or local school district pursuant to this section and who also 959
enrolls in a joint vocational school district that does not 960
contain the territory of the district for which that student is a 961
native student and does contain the territory of the city, 962
exempted village, or local district in which the student enrolls. 963

(6) "Adjusted formula amount" means the dollar formula amount 964
specified in section 3317.022 of the Revised Code multiplied by 965
the cost-of-doing-business factor for a district defined in 966
division (E) of section 3317.02 of the Revised Code. 967

(7) "Poverty line" means the poverty line established by the 968
director of the United States office of management and budget as 969
revised by the director of the office of community services in 970
accordance with section 673(2) of the "Community Services Block 971
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 972

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

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

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

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

(B) The board of education of each city, local, and exempted village school district ~~shall~~ may adopt a resolution ~~pertaining to enrollment of students from adjacent districts. The resolution shall, beginning with the school year that begins July 1, 1993, either that entirely prohibit~~ prohibits the enrollment of students from adjacent districts or other districts, other than students for whom tuition is paid in accordance with section 3317.08 of the Revised Code, ~~or shall permit that permits~~ enrollment of students from all adjacent districts in accordance with a policy contained in the resolution. A, or that permits enrollment of students from all other districts in accordance with a policy contained in the resolution.

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

(1) Application procedures, including deadlines for application and for notification of students and the

~~superintendents~~ superintendent of ~~adjacent districts~~ the 1004
applicable district whenever an adjacent or other district 1005
student's application is approved. 1006

(2) Procedures for admitting adjacent or other district 1007
applicants ~~from adjacent schools~~ free of any tuition obligation to 1008
the district's schools, including, but not limited to: 1009

(a) The establishment of district capacity limits by grade 1010
level, school building, and education program; 1011

(b) A requirement that all native students wishing to be 1012
enrolled in the district will be enrolled and that any adjacent or 1013
other district students previously enrolled in the district shall 1014
receive preference over first-time applicants; 1015

(c) Procedures to ensure that an appropriate racial balance 1016
is maintained in the district schools. 1017

(C) Except as provided in section 3313.982 of the Revised 1018
Code, the procedures for admitting adjacent or other district 1019
students, as applicable, shall not include: 1020

(1) Any requirement of academic ability, or any level of 1021
athletic, artistic, or other extracurricular skills; 1022

(2) Limitations on admitting applicants because of 1023
handicapping conditions, except that a board may refuse to admit 1024
~~an adjacent district~~ a student receiving services under Chapter 1025
3323. of the Revised Code, if the services described in the 1026
student's IEP are not available in the district's schools; 1027

(3) A requirement that the student be proficient in the 1028
English language; 1029

(4) Rejection of any applicant because the student has been 1030
subject to disciplinary proceedings, except that if an applicant 1031
has been suspended or expelled by the ~~adjacent~~ student's district 1032
for ten consecutive days or more in the term for which admission 1033

is sought or in the term immediately preceding the term for which 1034
admission is sought, the procedures may include a provision 1035
denying admission of such applicant. 1036

(D)(1) Each school board permitting only enrollment of 1037
adjacent district students shall provide information about the 1038
policy adopted under this section, including the application 1039
procedures and deadlines, to the superintendent and the board of 1040
education of each adjacent district and, upon request, to the 1041
parent of any adjacent district student. 1042

(2) Each school board permitting enrollment of other district 1043
students shall provide information about the policy adopted under 1044
this section, including the application procedures and deadlines, 1045
upon request, to the board of education of any other school 1046
district or to the parent of any student anywhere in the state. 1047
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(E) Any school board shall accept all credits toward 1049
graduation earned in adjacent or other district schools by an 1050
adjacent or other district student or a native student. 1051

(F)(1) No board of education may adopt a policy discouraging 1052
or prohibiting its native students from applying to enroll in the 1053
schools of an adjacent or any other district that has adopted a 1054
policy permitting such enrollment, except that: 1055

(a) A district may object to the enrollment of a native 1056
student in an adjacent or other district in order to maintain an 1057
appropriate racial balance. 1058

(b) The board of education of a district receiving funds 1059
under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, 1060
may adopt a resolution objecting to the enrollment of its native 1061
students in adjacent or other districts if at least ten per cent 1062
of its students are included in the determination of the United 1063
States secretary of education made under section 20 U.S.C.A. 1064

238(a). 1065

(2) If a board objects to enrollment of native students under 1066
this division, any adjacent or other district shall refuse to 1067
enroll such native students unless tuition is paid for the 1068
students in accordance with section 3317.08 of the Revised Code. 1069
An adjacent or other district enrolling such students may not 1070
receive funding for those students in accordance with section 1071
3313.981 of the Revised Code. 1072

(G) The state board of education shall monitor school 1073
districts to ensure compliance with this section and the 1074
districts' policies. The board may adopt rules requiring uniform 1075
application procedures, deadlines for application, notification 1076
procedures, and record-keeping requirements for all school boards 1077
that adopt policies permitting the enrollment of adjacent or other 1078
district students, as applicable. If the state board adopts such 1079
rules, no school board shall adopt a policy that conflicts with 1080
those rules. 1081

(H) A resolution adopted by a board of education under this 1082
section that entirely prohibits the enrollment of students from 1083
adjacent and from other school districts does not abrogate any 1084
agreement entered into under section 3313.841 or 3313.92 of the 1085
Revised Code or any contract entered into under section 3313.90 of 1086
the Revised Code between the board of education adopting the 1087
resolution and the board of education of any adjacent or other 1088
district or prohibit these boards of education from entering into 1089
any such agreement or contract. 1090

(I) Nothing in this section shall be construed to permit or 1091
require the board of education of a city, exempted village, or 1092
local school district to exclude any native student of the 1093
district from enrolling in the district. 1094

Sec. 3313.981. (A) The state board shall adopt rules 1095

requiring both of the following: 1096

(1) The board of education of each city, exempted village, 1097
and local school district to annually report the number of 1098
adjacent district or other district students, as applicable, and 1099
adjacent district or other district joint vocational students, as 1100
applicable, enrolled in the district and the number of native 1101
students enrolled in adjacent or other districts, in accordance 1102
with a policy adopted under division (B) of section 3313.98 of the 1103
Revised Code; each adjacent district or other district student's 1104
or adjacent district or other district joint vocational student's 1105
date of enrollment in the district; and each native student's date 1106
of enrollment in an adjacent or other district; 1107

(2) The board of education of each joint vocational school 1108
district to annually report the number of adjacent district or 1109
other district joint vocational students, as applicable, enrolled 1110
in the district and, for each such student, the city, exempted 1111
village, or local school district in which the student is also 1112
enrolled ~~as an adjacent district student~~. 1113

The rules shall provide for the method of counting students 1114
who are enrolled for part of a school year in an adjacent or other 1115
district or as an adjacent district or other district joint 1116
vocational student. 1117

(B) From the payments made to a city, exempted village, or 1118
local school district under Chapter 3317. of the Revised Code, the 1119
department of education shall annually subtract both of the 1120
following: 1121

(1) An amount equal to the number of the district's native 1122
students reported under division (A)(1) of this section who are 1123
enrolled in adjacent or other school districts pursuant to 1124
policies adopted by such districts under division (B) of section 1125
3313.98 Of the Revised Code multiplied by the adjusted formula 1126

amount for the district; 1127

(2) The excess costs computed in accordance with division (E) 1128
of this section for any such native students receiving special 1129
education and related services in adjacent or other school 1130
districts or as an adjacent district or other district joint 1131
vocational student. 1132

(C) To the payments made to a city, exempted village, or 1133
local school district under Chapter 3317. of the Revised Code, the 1134
department of education shall annually add all of the following: 1135

(1) An amount equal to the adjusted formula amount for the 1136
district multiplied by the remainder obtained by subtracting the 1137
number of adjacent district or other district joint vocational 1138
students from the number of adjacent district or other district 1139
students enrolled in the district, as reported under division 1140
(A)(1) of this section; 1141

(2) The excess costs computed in accordance with division (E) 1142
of this section for any adjacent district or other district 1143
students, except for any adjacent or other district joint 1144
vocational students, receiving special education and related 1145
services in the district; 1146

(3) An amount equal to the number of adjacent district or 1147
other district joint vocational students reported under division 1148
(A)(1) of this section multiplied by an amount equal to one-fourth 1149
of the adjusted formula amount for the district. 1150

(D) To the payments made to a joint vocational school 1151
district under Chapter 3317. of the Revised Code, the department 1152
of education shall add, for each adjacent district or other 1153
district joint vocational student reported under division (A)(2) 1154
of this section, an amount equal to three-fourths of the adjusted 1155
formula amount of the city, exempted village, or local school 1156
district in which the student is also enrolled ~~as an adjacent~~ 1157

~~district student.~~ 1158

(E)(1) A city, exempted village, or local school board 1159
providing special education and related services to an adjacent or 1160
other district student in accordance with an IEP shall, pursuant 1161
to rules of the state board, compute the excess costs to educate 1162
such student as follows: 1163

(a) Subtract the adjusted formula amount for the district 1164
from the actual costs to educate the student; 1165

(b) From the amount computed under division (E)(1)(a) of this 1166
section subtract the amount of any funds received by the district 1167
under Chapter 3317. of the Revised Code to provide special 1168
education and related services to the student. 1169

(2) The board shall report the excess costs computed under 1170
this division to the department of education. 1171

(3) If any student for whom excess costs are computed under 1172
division (E)(1) of this section is an adjacent or other district 1173
joint vocational student, the department of education shall add 1174
the amount of such excess costs to the payments made under Chapter 1175
3317. of the Revised Code to the joint vocational school district 1176
enrolling the student. 1177

(F) Notwithstanding section 3317.03 of the Revised Code: 1178

(1) No city, exempted village, or local school district shall 1179
count any adjacent or other district student reported under 1180
division (A) of this section in its ADM certified under section 1181
3317.03 of the Revised Code. 1182

(2) Each city, exempted village, and local school district 1183
shall count in its ADM certified under such section, any native 1184
student enrolled in the schools of an adjacent or an other 1185
district under section 3313.98 of the Revised Code. 1186

(3) No joint vocational school district shall count any 1187

adjacent or other district joint vocational student enrolled in 1188
the district in its ADM certified under section 3317.03 of the 1189
Revised Code. 1190

(G) No city, exempted village, or local school district shall 1191
receive a payment under division (C) of this section for a 1192
student, and no joint vocational school district shall receive a 1193
payment under division (D) of this section for a student, if for 1194
the same school year that student is counted in the district's ADM 1195
certified under section 3317.03 of the Revised Code. 1196

(H) Upon request of a parent, and provided the board offers 1197
transportation to native students of the same grade level and 1198
distance from school under section 3327.01 of the Revised Code, a 1199
city, exempted village, or local school board enrolling an 1200
adjacent or other district student shall provide transportation 1201
for the student within the boundaries of the board's district, 1202
except that the board shall be required to pick up and drop off a 1203
nonhandicapped student only at a regular school bus stop 1204
designated in accordance with the board's transportation policy. 1205
Pursuant to rules of the state board of education, such board may 1206
reimburse the parent from funds received under division (K) of 1207
section 3317.024 of the Revised Code for the reasonable cost of 1208
transportation from the student's home to the designated school 1209
bus stop if the student's family has an income below the federal 1210
poverty line. 1211

Sec. 3313.983. (A) The board of education of each joint 1212
vocational school district shall adopt a policy pertaining to 1213
enrollment of students who, upon enrollment, will be adjacent 1214
district joint vocational students. The except that, in lieu of 1215
such a policy, a board may adopt a policy pertaining to enrollment 1216
of students who, upon enrollment, will be other district joint 1217
vocational students. Any such policy to enroll other district 1218

joint vocational students shall apply beginning with the school 1219
year that commences July 1, ~~1993,~~ and 1998. 1220

A policy adopted under this section shall provide for all of 1221
the following: 1222

(1) Application procedures, including procedures for 1223
notifying any future adjacent district or other district joint 1224
vocational students, as applicable, and the superintendent of the 1225
city, exempted village, or local school districts in which they 1226
are also enrolled as ~~adjacent district students~~ whenever their 1227
applications are approved; 1228

(2) Procedures for admitting to the district applicants who 1229
will be, as applicable, adjacent district or other district joint 1230
vocational students, including, but not limited to: 1231

(a) The establishment of district capacity limits by grade 1232
level, school building, and education program; 1233

(b) A requirement that all students entitled under section 1234
3313.64 or 3313.65 of the Revised Code to attend school in a 1235
district that has territory in the joint vocational school 1236
district will be enrolled in the district ahead of any adjacent 1237
district or other district joint vocational students; 1238

(c) A requirement that any previously enrolled adjacent 1239
district or other district joint vocational student, as 1240
applicable, shall receive preference over first-time applicants to 1241
become adjacent district or other district joint vocational 1242
students. 1243

(B) The procedures for admitting students who will be, as 1244
applicable, adjacent district or other district joint vocational 1245
students shall not include: 1246

(1) Any requirement of academic ability, or any level of 1247
athletic, artistic, or other extracurricular skills; 1248

(2) Limitations on admitting applicants because of 1249
handicapping conditions, except that a board may refuse to admit 1250
an applicant receiving services under Chapter 3323. of the Revised 1251
Code if the services described in the student's IEP are not 1252
available in the district; 1253

(3) A requirement that the student be proficient in the 1254
English language; 1255

(4) Rejection of any applicant because the student has been 1256
subject to disciplinary proceedings, except that if an applicant 1257
has been suspended or expelled by any school district for ten 1258
consecutive days or more in the term for which admission is sought 1259
or in the term immediately preceding the term for which admission 1260
is sought, the procedures may include a provision denying 1261
admission of such applicant. 1262

(C) The board of education of each joint vocational school 1263
district shall provide information about the policy it adopts 1264
under this section, including the application procedures, to the 1265
superintendent and the board of education of each city, exempted 1266
village, and local school district with territory in the district 1267
and, upon request, to the parent of any student who could become, 1268
as applicable, an adjacent district or other district joint 1269
vocational student of the district. 1270

Sec. 3314.01. (A)(1) A board of education may permit all or 1271
part of any of the schools under its control, upon request of a 1272
proposing person or group and provided the person or group meets 1273
the requirements of this chapter, to become a community school. 1274

(2) Any person or group of individuals may propose the 1275
creation of a community school pursuant to the provisions of this 1276
chapter. No nonpublic chartered or nonchartered school in 1277
existence on January 1, 1997, is eligible to become a community 1278

school under this chapter. 1279

(B) A community school created under this chapter is a public 1280
school, independent of any school district, and is part of the 1281
state's program of education. A community school may sue and be 1282
sued, acquire facilities as needed, contract for any services 1283
necessary for the operation of the school, and enter into 1284
contracts with a sponsor pursuant to this chapter. The governing 1285
authority of a community school may carry out any act and ensure 1286
the performance of any function that is in compliance with the 1287
Ohio Constitution, this chapter, other statutes applicable to 1288
community schools, and the contract entered into under this 1289
chapter establishing the school. 1290

Sec. 3314.02. (A) As used in this chapter: 1291

(1) "Sponsor" means ~~the a city, local, exempted village, or~~ 1292
~~joint vocational board of education of the school district in~~ 1293
~~which a proposed community school is located and or the state~~ 1294
~~board of education~~ with which the governing authority of the 1295
proposed community school enters into a contract pursuant to this 1296
section. 1297

(2) "Pilot project district" means a school district included 1298
in the territory of a community school pilot project established 1299
by Am. Sub. H.B. No. 215 of the 122nd general assembly. 1300

(3) "Big eight school district" means any of the same 1301
districts described in section 3317.02, except for a pilot project 1302
district. 1303

(4) "New start-up school" means a community school other than 1304
one created by converting all or part of an existing public 1305
school, as designated in the school's contract pursuant to 1306
division (A)(17) of section 3314.03 Of the Revised Code. 1307

(B) ~~Prior to July 1, 2002, any~~ Any person or group of 1308

individuals may initially propose under this division the 1309
conversion of all or a portion of a public school to a community 1310
school. The proposal shall be made to the board of education of a 1311
city, local, or exempted village school district, other than a 1312
pilot project district, in which the public school is proposed to 1313
be converted. Upon receipt of a proposal, a board may enter into a 1314
preliminary agreement with the person or group proposing the 1315
conversion of the public school, indicating the intention of the 1316
board of education to support the conversion to a community 1317
school. A proposing person or group that has a preliminary 1318
agreement under this division may proceed to finalize plans for 1319
the school, establish a governing authority for the school, and 1320
negotiate a contract with the board of education. Provided the 1321
proposing person or group adheres to the preliminary agreement and 1322
all provisions of this chapter, the board of education shall 1323
negotiate in good faith to enter into a contract in accordance 1324
with section 3314.03 of the Revised Code and division (C) of this 1325
section. 1326

(C)(1) Any person or group of individuals may propose under 1327
this division the establishment of a new start-up school to be 1328
located in a big eight school district. Such proposal shall 1329
initially be made to the board of education of that big eight 1330
school district. if that district board wishes to sponsor the 1331
school, the district board and the proposing person or group shall 1332
enter into a preliminary agreement pursuant to division (C)(3) of 1333
this section and the board shall enter into negotiations for the 1334
contract required by division (D) of this section. 1335

(2) if such big eight district board does not enter into a 1336
preliminary agreement within sixty calendar days of the date on 1337
which the initial proposal was made to it by the proposing person 1338
or group, or if the board directly notifies the proposing person 1339
or group at any time that it does not wish to sponsor the 1340

community school, the person or group may instead propose the 1341
establishment of a community school to be located in the big eight 1342
school district to any of the following public entities: 1343

(a) the board of education of any joint vocational school of 1344
which the big eight district is a part; 1345

(b) The board of education of any other city, local, or 1346
exempted village school district having territory in the same 1347
county in which the big eight district has the major portion of 1348
its territory; 1349

(c) the state board of education. 1350

such joint vocational board, other school district board, or 1351
state board may enter into a preliminary agreement pursuant to 1352
division (C)(3) of this section with the proposing person or 1353
group. 1354

(3) a preliminary agreement indicates the intention of a 1355
public entity described in division (C)(1) or (2)(a), (b), or (c) 1356
of this section to sponsor the community school. a proposing 1357
person or group that has such a preliminary agreement may proceed 1358
to finalize plans for the school, establish a governing authority 1359
for the school, and negotiate a contract with the public entity. 1360
provided the proposing person or group adheres to the preliminary 1361
agreement and all provisions of this chapter, the public entity 1362
shall negotiate in good faith to enter into a contract in 1363
accordance with section 3314.03 of the revised code. 1364

(4) at any time after the expiration of a sixty-calendar-day 1365
period following the signing of a preliminary agreement by a big 1366
eight school district board, the proposing person or group may 1367
cancel the preliminary agreement and may instead propose the 1368
establishment of the school to another public entity described in 1369
division (C)(2)(a), (b), or (c) of this section unless one of the 1370
following occurs: 1371

(a) the big eight school district board and the governing authority of the proposed community school mutually agree to and sign a contract meeting the requirements of section 3314.03 Of the Revised Code; 1372
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(b) the school district board and the person or group proposing the school mutually agree to extend the period for negotiation of a contract meeting the requirements of section 3314.03 Of the Revised Code. 1376
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(5) If a person or group proposes the establishment of a community school to another public entity described in division (C)(2)(a), (b), or (c) of this section, that entity shall have the same periods of time specified in divisions (C)(2) and (4) to agree to a preliminary agreement and to negotiate a contract before the proposing person or group may propose the establishment of a community school to another such entity. 1380
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(D) A majority vote of a sponsoring school district board and a majority vote of the members of the governing authority of a community school shall be required to adopt a contract and convert the public school to a community school. An unlimited number of community schools may be established in any school district provided that a contract is entered into for each community school pursuant to this chapter. 1387
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Sec. 3314.03. (A) Each contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school shall specify the following: 1394
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(1) That the school shall be established as a nonprofit corporation established under Chapter 1702. of the Revised Code; 1397
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(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the 1399
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focus of the curriculum;	1402
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide proficiency tests;	1403 1404 1405
(4) Performance standards by which the success of the school will be evaluated by the sponsor;	1406 1407
(5) The admission standards of section 3314.06 of the Revised Code;	1408 1409
(6) Dismissal procedures;	1410
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	1411 1412
(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.	1413 1414 1415 1416 1417 1418
(9) The facility to be used and its location;	1419
(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;	1420 1421 1422 1423 1424 1425
(11) That the school will comply with the following requirements:	1426 1427
(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;	1428 1429 1430

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

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

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0714, 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 117., 1347., 2744., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district;

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

(f) 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;

(g) The school governing authority will submit an annual report of its activities and progress in meeting the goals and

standards of divisions (A)(3) and (4) of this section and its	1462
financial status to the sponsor and to the parents of all students	1463
enrolled in the school.	1464
(12) Arrangements for providing health and other benefits to	1465
employees;	1466
(13) The length of the contract, which shall <u>begin at the</u>	1467
<u>beginning of an academic year and shall</u> not exceed three years;	1468
(14) The governing authority of the school, which shall be	1469
responsible for carrying out the provisions of the contract;	1470
(15) A financial plan detailing an estimated school budget	1471
for each year of the period of the contract and specifying the	1472
total estimated per pupil expenditure amount for each such year.	1473
The plan shall specify for each year the base formula amount that	1474
will be used for purposes of funding calculations under section	1475
3314.08 of the Revised Code. This base formula amount for any year	1476
shall not exceed the dollar formula amount specified for the year	1477
under section 3317.022 of the Revised Code. The plan may also	1478
specify for any year a percentage figure to be used for reducing	1479
the per pupil amount of disadvantaged pupil impact aid the school	1480
is to receive that year under section 3314.08 of the Revised Code.	1481
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(16) Requirements and procedures regarding the disposition of	1483
employees of the school in the event the contract is terminated or	1484
not renewed pursuant to section 3314.07 of the Revised Code;	1485
(17) Specification <u>Whether the school is to be created by</u>	1486
<u>converting all or part of an existing public school or is to be a</u>	1487
<u>new start-up school, and if it is a converted public school,</u>	1488
<u>specification</u> of any duties or responsibilities of an employer	1489
that the board of education that operated the school before	1490
conversion is delegating to the governing board of the community	1491
school with respect to all or any specified group of employees	1492

provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees; 1493
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(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school. 1495
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(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following: 1498
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(1) The process by which the governing authority of the school will be selected in the future; 1501
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(2) The management and administration of the school; 1503

(3) ~~Alternative~~ 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; 1504
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(4) The instructional program and educational philosophy of the school; 1508
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(5) Internal financial controls. 1510

Sec. 3314.05. The contract between the community school and the sponsor shall specify the facility to be used for the community school and the method of acquisition. Any facility used for a community school shall meet all health and safety standards established by law for school buildings. 1511
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In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board 1516
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and the school.

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Sec. 3314.10. (A)(1) The governing authority of any community school established under this chapter may employ teachers and nonteaching employees necessary to carry out its mission and fulfill its contract.

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(2) Except as provided under division (A)(3) of this section, employees hired under this section may organize and collectively bargain pursuant to Chapter 4117. of the Revised Code. Notwithstanding division (D)(1) of section 4117.06 of the Revised Code, a unit containing teaching and nonteaching employees employed under this section shall be considered an appropriate unit. As applicable, employment under this section is subject to either Chapter 3307. or 3309. of the Revised Code.

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(3) ~~At~~ If a school is created by converting all or part of an existing public school rather than by establishment of a new start-up school, at the time a community school is created by converting all or part of an existing public school into the community school conversion, the employees of the community school shall remain part of any collective bargaining unit in which they were included immediately prior to the conversion and shall remain subject to any collective bargaining agreement for that unit in effect on the first day of July of the year in which the community school initially begins operation and shall be subject to any subsequent collective bargaining agreement for that unit, unless a petition is certified as sufficient under division (A)(6) of this section with regard to those employees. Any new employees of the community school shall also be included in the unit to which they would have been assigned had not the conversion taken place and shall be subject to the collective bargaining agreement for that unit unless a petition is certified as sufficient under division (A)(6) of this section with regard to those employees.

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Notwithstanding division (B) of section 4117.01 of the Revised Code, the board of education of a school district and not the governing authority of a community school shall be regarded, for purposes of Chapter 4117. of the Revised Code, as the "public employer" of the employees of ~~the~~ a conversion community school subject to a collective bargaining agreement pursuant to division (A)(3) of this section unless a petition is certified under division (A)(6) of this section with regard to those employees. Only on and after the effective date of a petition certified as sufficient under division (A)(6) of this section shall division (A)(2) of this section apply to those employees of that community school and only on and after the effective date of that petition shall Chapter 4117. of the Revised Code apply to the governing authority of that community school with regard to those employees.

(4) Notwithstanding sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school who are subject to a collective bargaining agreement pursuant to division (A)(3) of this section shall cease to be subject to that agreement and all subsequent agreements pursuant to that division and shall cease to be part of the collective bargaining unit that is subject to that and all subsequent agreements, if a majority of the employees of ~~the~~ that community school who are subject to that collective bargaining agreement sign and submit to the state employment relations board a petition requesting all of the following:

(a) That all the employees of the community school who are subject to that agreement be removed from the bargaining unit that is subject to that agreement and be designated by the state employment relations board as a new and separate bargaining unit for purposes of Chapter 4117. of the Revised Code;

(b) That the employee organization certified as the exclusive

representative of the employees of the bargaining unit from which 1586
the employees are to be removed be certified as the exclusive 1587
representative of the new and separate bargaining unit for 1588
purposes of Chapter 4117. of the Revised Code; 1589

(c) That the governing authority of the community school be 1590
regarded as the "public employer" of these employees for purposes 1591
of Chapter 4117. of the Revised Code. 1592

(5) Notwithstanding sections 4117.03 to 4117.18 of the 1593
Revised Code and Section 4 of Amended Substitute Senate Bill No. 1594
133 of the 115th general assembly, the employees of a conversion 1595
community school who are subject to a collective bargaining 1596
agreement pursuant to division (A)(3) of this section shall cease 1597
to be subject to that agreement and all subsequent agreements 1598
pursuant to that division, shall cease to be part of the 1599
collective bargaining unit that is subject to that and all 1600
subsequent agreements, and shall cease to be represented by any 1601
exclusive representative of that collective bargaining unit, if a 1602
majority of the employees of the community school who are subject 1603
to that collective bargaining agreement sign and submit to the 1604
state employment relations board a petition requesting all of the 1605
following: 1606

(a) That all the employees of the community school who are 1607
subject to that agreement be removed from the bargaining unit that 1608
is subject to that agreement; 1609

(b) That any employee organization certified as the exclusive 1610
representative of the employees of that bargaining unit be 1611
decertified as the exclusive representative of the employees of 1612
the community school who are subject to that agreement; 1613

(c) That the governing authority of the community school be 1614
regarded as the "public employer" of these employees for purposes 1615
of Chapter 4117. of the Revised Code. 1616

(6) Upon receipt of a petition under division (A)(4) or (5) 1617
of this section, the state employment relations board shall check 1618
the sufficiency of the signatures on the petition. If the 1619
signatures are found sufficient, the board shall certify the 1620
sufficiency of the petition and so notify the parties involved, 1621
including the board of education, the governing authority of the 1622
community school, and any exclusive representative of the 1623
bargaining unit. The changes requested in a certified petition 1624
shall take effect on the first day of the month immediately 1625
following the date on which the sufficiency of the petition is 1626
certified under division (A)(6) of this section. 1627

(B)(1) The board of education of each city, local, and 1628
exempted village school district sponsoring a community school and 1629
the governing board of each educational service center in which a 1630
community school is located shall adopt a policy that provides a 1631
leave of absence of at least three years to each teacher or 1632
nonteaching employee of the district or service center who is 1633
employed by a conversion or new start-up community school ~~located~~ 1634
~~in~~ sponsored by the district or located in the district or center 1635
for the period during which the teacher or employee is 1636
continuously employed by the community school. The policy shall 1637
also provide that any teacher or nonteaching employee may return 1638
to employment by the district or service center if the teacher or 1639
employee leaves or is discharged from employment with the 1640
community school for any reason, unless, in the case of a teacher, 1641
the board of the district or service center determines that the 1642
teacher was discharged for a reason for which the board would have 1643
sought to discharge the teacher under section 3319.16 Of the 1644
Revised Code, in which case the board may proceed to discharge the 1645
teacher utilizing the procedures of that section. Upon termination 1646
of such a leave of absence, any seniority that is applicable to 1647
the person shall be calculated to include all of the following: 1648

all employment by the district or service center prior to the 1649
leave of absence; all employment by the community school during 1650
the leave of absence; and all employment by the district or 1651
service center after the leave of absence. The policy shall also 1652
provide that if any teacher holding valid certification returns to 1653
employment by the district or service center upon termination of 1654
such a leave of absence, the teacher shall be restored to the 1655
previous position and salary or to a position and salary similar 1656
thereto. If, as a result of teachers returning to employment upon 1657
termination of such leaves of absence, a school district or 1658
educational service center reduces the number of teachers it 1659
employs, it shall make such reductions in accordance with section 1660
3319.17 of the Revised Code. 1661

Unless a collective bargaining agreement providing otherwise 1662
is in effect for an employee of a conversion community school 1663
pursuant to division (A)(3) of this section, an employee on a 1664
leave of absence pursuant to this division shall remain eligible 1665
for any benefits that are in addition to benefits under Chapter 1666
3307. or 3309. of the Revised Code provided by the district or 1667
service center to its employees provided the employee pays the 1668
entire cost associated with such benefits, except that personal 1669
leave and vacation leave cannot be accrued for use as an employee 1670
of a school district or service center while in the employ of a 1671
community school unless the district or service center board 1672
adopts a policy expressly permitting this accrual. 1673

(2) While on a leave of absence pursuant to division (B)(1) 1674
of this section, a conversion community school shall permit a 1675
teacher to use sick leave accrued while in the employ of the 1676
school district from which the leave of absence was taken and 1677
prior to commencing such leave. If a teacher who is on such a 1678
leave of absence uses sick leave so accrued, the cost of any 1679
salary paid by the community school to the teacher for that time 1680

shall be reported to the department of education. The cost of 1681
employing a substitute teacher for that time shall be paid by the 1682
community school. The department of education shall add amounts to 1683
the payments made to a community school under this chapter as 1684
necessary to cover the cost of salary reported by a community 1685
school as paid to a teacher using sick leave so accrued pursuant 1686
to this section. The department shall subtract the amounts of any 1687
payments made to community schools under this division from 1688
payments made to such sponsoring school district under Chapter 1689
3317. of the Revised Code. 1690

A school district providing a leave of absence and employee 1691
benefits to a person pursuant to this division is not liable for 1692
any action of that person while the person is on such leave and 1693
employed by a community school. 1694

Sec. 3314.11. The department of education shall establish a 1695
state community school commission. The commission shall provide 1696
assistance and information to persons or groups considering 1697
proposing a community school, to governing authorities of 1698
community schools, and to school district boards sponsoring or 1699
considering sponsoring a community school. 1700

Sec. 3314.20. this section does not apply to any school 1701
district declared to be effective pursuant to division (B)(1) of 1702
section 3302.03 Of the Revised Code. 1703

(A) The department of education, in consultation with the 1704
office of education accountability and productivity, shall 1705
recommend rules to the general assembly requiring school districts 1706
with average daily memberships of over five thousand, as reported 1707
pursuant to division (a) of section 3317.03 of the Revised Code, 1708
to designate one school building to be operated by a site-based 1709
management council. The rules shall specify the composition of the 1710
council and the manner in which members of the council are to be 1711
selected and removed. 1712

(B) the rules adopted under division (A) of this section shall specify those powers, duties, functions, and responsibilities that shall be vested in the management council and that would otherwise be exercised by the district board of education. the rules shall also establish a mechanism for resolving any differences between the council and the district board if there is disagreement as to their respective powers, duties, functions, and responsibilities.

(C) the board of education of any school district described by division (a) of this section may, in lieu of complying with the rules adopted under this section, propose to the superintendent of public instruction an alternative structure for a district site-based management program in at least one of its school buildings. The proposal shall specify the composition of the council, and the method of selection and removal of the council members. the proposal shall also clearly delineate the respective powers, duties, functions, and responsibilities of the district board and the council. if the state superintendent finds that a district proposal submitted under this division would create a council that is reasonably representative of the parents and classroom teachers in the school building and would assign to the council meaningful powers, duties, functions, and responsibilities, the state superintendent shall approve the district's site-based management plan and the district may utilize its plan in lieu of complying with the rules adopted under this section.

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

Sec. 3317.06. Moneys paid to school districts under division (P) of section 3317.024 of the Revised Code shall be used for the

following independent and fully severable purposes: 1744

(A) To purchase such secular textbooks as have been approved 1745
by the superintendent of public instruction for use in public 1746
schools in the state and to loan such textbooks to pupils 1747
attending nonpublic schools within the district or to their 1748
parents and to hire clerical personnel to administer such lending 1749
program. Such loans shall be based upon individual requests 1750
submitted by such nonpublic school pupils or parents. Such 1751
requests shall be submitted to the school district in which the 1752
nonpublic school is located. Such individual requests for the loan 1753
of textbooks shall, for administrative convenience, be submitted 1754
by the nonpublic school pupil or ~~his~~ the pupil's parent to the 1755
nonpublic school which shall prepare and submit collective 1756
summaries of the individual requests to the school district. As 1757
used in this section, "textbook" means any book or book substitute 1758
which a pupil uses as a text or text substitute in a particular 1759
class or program in the school ~~he~~ the pupil regularly attends. 1760

(B) To provide speech and hearing diagnostic services to 1761
pupils attending nonpublic schools within the district. Such 1762
service shall be provided in the nonpublic school attended by the 1763
pupil receiving the service. 1764

(C) To provide physician, nursing, dental, and optometric 1765
services to pupils attending nonpublic schools within the 1766
district. Such services shall be provided in the school attended 1767
by the nonpublic school pupil receiving the service. 1768

(D) To provide diagnostic psychological services to pupils 1769
attending nonpublic schools within the district. Such services 1770
shall be provided in the school attended by the pupil receiving 1771
the service. 1772

(E) To provide therapeutic psychological and speech and 1773
hearing services to pupils attending nonpublic schools within the 1774

district. Such services shall be provided in the public school, in 1775
nonpublic schools ~~that have no religious or sectarian affiliation,~~ 1776
in public centers, or in mobile units located on or off of the 1777
nonpublic premises ~~as determined by the department of education.~~ 1778
If such services are provided in the public school or in public 1779
centers, transportation to and from such facilities shall be 1780
provided by the school district in which the nonpublic school is 1781
located. 1782

(F) To provide guidance and counseling services to pupils 1783
attending nonpublic schools within the district. Such services 1784
shall be provided in the public school, in nonpublic schools ~~that~~ 1785
~~have no religious or sectarian affiliation,~~ in public centers, or 1786
in mobile units located on or off of the nonpublic premises ~~as~~ 1787
~~determined by the state department of education.~~ If such services 1788
are provided in the public school or in public centers, 1789
transportation to and from such facilities shall be provided by 1790
the school district in which the nonpublic school is located. 1791

(G) To provide remedial services to pupils attending 1792
nonpublic schools within the district. Such services shall be 1793
provided in the public school, in nonpublic schools ~~that have no~~ 1794
~~religious or sectarian affiliation,~~ in public centers, or in 1795
mobile units located on or off of the nonpublic premises ~~as~~ 1796
~~determined by the department of education.~~ If such services are 1797
provided in the public school or in public centers, transportation 1798
to and from such facilities shall be provided by the school 1799
district in which the nonpublic school is located. 1800

(H) To supply for use by pupils attending nonpublic schools 1801
within the district such standardized tests and scoring services 1802
as are in use in the public schools of the state; 1803

(I) To provide programs for children who attend nonpublic 1804
schools within the district and are handicapped children as 1805

defined in division (A) of section 3323.01 of the Revised Code or 1806
gifted children. Such programs shall be provided in the public 1807
school, in nonpublic schools ~~that have no religious or sectarian~~ 1808
~~affiliation~~, in public centers, or in mobile units located on or 1809
off of the nonpublic premises ~~as determined by the state~~ 1810
~~department of education~~. If such programs are provided in the 1811
public school or in public centers, transportation to and from 1812
such facilities shall be provided by the school district in which 1813
the nonpublic school is located. 1814

(J) To hire clerical personnel to assist in the 1815
administration of programs pursuant to divisions (B), (C), (D), 1816
(E), (F), (G), and (I) of this section and to hire supervisory 1817
personnel to supervise the providing of services and textbooks 1818
pursuant to this section. 1819

(K) To purchase any secular, neutral, and nonideological 1820
computer software, prerecorded video laserdiscs, compact discs, 1821
and video cassette cartridges and mathematics or science equipment 1822
and materials that are in general use in the public schools of the 1823
state and loan such computer software, prerecorded video 1824
laserdiscs, compact discs, and video cassette cartridges, 1825
equipment, and materials to pupils attending nonpublic schools 1826
within the district or to their parents, and to hire clerical 1827
personnel to administer the lending program. Only computer 1828
software, prerecorded video laserdiscs, compact discs, and video 1829
cassette cartridges, equipment, and materials that are incapable 1830
of diversion to religious use and that are susceptible of loan to 1831
individual pupils and are furnished for the use of individual 1832
pupils shall be purchased and loaned under this division. 1833

(L) To purchase instructional equipment, including computer 1834
hardware, for use by pupils attending nonpublic schools within the 1835
district, if such usage only occurs when these pupils are being 1836
provided the secular remedial, diagnostic, or therapeutic services 1837

~~in public schools, in nonpublic schools that have no religious or~~ 1838
~~sectarian affiliation and provide only a nonreligious educational~~ 1839
~~program, in public centers, or in mobile units located off of~~ 1840
~~nonpublic school premises as determined by the department of~~ 1841
~~education pursuant to division (B), (D), (E), (F), (G), or (I) of~~ 1842
this section. 1843

(M) To purchase mobile units ~~needed to be used~~ for the 1844
provision of services pursuant to divisions (E), (F), (G), and (I) 1845
of this section and to pay for necessary repairs and operating 1846
costs associated with these units. 1847

Clerical and supervisory personnel hired pursuant to division 1848
(J) of this section shall perform their services in the public 1849
schools, in nonpublic schools ~~that have no religious or sectarian~~ 1850
~~affiliation~~, ~~in~~ public centers, or mobile units where the services 1851
are provided to the nonpublic school pupil, except that such 1852
personnel may accompany pupils to and from ~~neutral~~ the service 1853
sites when necessary to ensure the safety of the children 1854
receiving the services. 1855

Health services provided pursuant to divisions (B), (C), (D), 1856
and (E) of this section may be provided under contract with the 1857
department of health, city or general health districts, or private 1858
agencies whose personnel are properly licensed by an appropriate 1859
state board or agency. 1860

Transportation of pupils provided pursuant to divisions (E), 1861
(F), (G), and (I) of this section shall be provided by the school 1862
district from its general funds and not from moneys paid to it 1863
under division (P) of section 3317.024 of the Revised Code unless 1864
a special transportation request is submitted by the parent of the 1865
child receiving service pursuant to such divisions. If such an 1866
application is presented to the school district, it may pay for 1867
the transportation from moneys paid to it under division (P) of 1868
section 3317.024 of the Revised Code. 1869

No school district shall provide health or remedial services 1870
to nonpublic school pupils as authorized by this section unless 1871
such services are available to pupils attending the public schools 1872
within the district. 1873

Materials, equipment, computer software, textbooks, and 1874
health and remedial services provided for the benefit of nonpublic 1875
school pupils pursuant to this section and the admission of pupils 1876
to such nonpublic schools shall be provided without distinction as 1877
to race, creed, color, or national origin of such pupils or of 1878
their teachers. 1879

No school district shall provide services for use in 1880
religious courses, devotional exercises, religious training, or 1881
any other religious activity. 1882

As used in this section, "parent" includes a person standing 1883
in loco parentis to a child. 1884

Notwithstanding section 3317.01 of the Revised Code, payments 1885
shall be made under this section to any city, local, or exempted 1886
village school district within which is located one or more 1887
nonpublic elementary or high schools. 1888

The allocation of payments for materials, equipment, 1889
textbooks, health services, and remedial services to city, local, 1890
and exempted village school districts shall be on the basis of the 1891
state board of education's estimated annual average daily 1892
membership in nonpublic elementary and high schools located in the 1893
district. 1894

Payments made to city, local, and exempted village school 1895
districts under this section shall be equal to specific 1896
appropriations made for the purpose. All interest earned by a 1897
school district on such payments shall be used by the district for 1898
the same purposes and in the same manner as the payments may be 1899
used. 1900

The department of education shall adopt guidelines and 1901
procedures under which such programs and services shall be 1902
provided, under which districts shall be reimbursed for 1903
administrative costs incurred in providing such programs and 1904
services, and under which any unexpended balance of the amounts 1905
appropriated by the general assembly to implement this section may 1906
be transferred to the auxiliary services personnel unemployment 1907
compensation fund established pursuant to section 4141.47 of the 1908
Revised Code. The department shall also adopt guidelines and 1909
procedures limiting the purchase and loan of computer software, 1910
equipment, and materials under division (K) of this section to 1911
items that are in general use in the public schools of the state, 1912
that are incapable of diversion to religious use, and that are 1913
susceptible to individual use rather than classroom use. Within 1914
thirty days after the end of each biennium, each board of 1915
education shall remit to the department all moneys paid to it 1916
under division (P) of section 3317.024 of the Revised Code and any 1917
interest earned on those moneys that are not required to pay 1918
expenses incurred under this section during the biennium for which 1919
the money was appropriated and during which the interest was 1920
earned. If a board of education subsequently determines that the 1921
remittal of moneys leaves the board with insufficient money to pay 1922
all valid expenses incurred under this section during the biennium 1923
for which the remitted money was appropriated, the board may apply 1924
to the department of education for a refund of money, not to 1925
exceed the amount of the insufficiency. If the department 1926
determines the expenses were lawfully incurred and would have been 1927
lawful expenditures of the refunded money, it shall certify its 1928
determination and the amount of the refund to be made to the 1929
administrator of the bureau of employment services who shall make 1930
a refund as provided in section 4141.47 of the Revised Code. 1931

Sec. 3317.064. (A) There is hereby established in the state 1932

treasury the auxiliary services mobile unit replacement and repair 1933
fund. By the thirtieth day of January of each odd-numbered year, 1934
the administrator of the bureau of employment services and the 1935
superintendent of public instruction shall determine the amount of 1936
any excess moneys in the auxiliary services personnel unemployment 1937
compensation fund not reasonably necessary for the purposes of 1938
section 4141.47 of the Revised Code, and shall certify such amount 1939
to the director of budget and management for transfer to the 1940
auxiliary services mobile unit replacement and repair fund. If the 1941
administrator and the superintendent disagree on such amount, the 1942
director shall determine the amount to be transferred. 1943

(B) Moneys in the auxiliary services mobile unit replacement 1944
and repair fund shall be used for the replacement and repair of 1945
mobile units ~~required~~ used to provide the services specified in 1946
division (E), (F), (G), or (I) of section 3317.06 of the Revised 1947
Code and for no other purpose. The state board of education shall 1948
adopt guidelines and procedures for replacement and repair of 1949
mobile units and the procedures under which a school district may 1950
apply to receive moneys with which to repair or replace such 1951
units. 1952

Sec. 3321.05. As used in this section, "all-day 1953
kindergarten," "extended kindergarten," and "traditional 1954
kindergarten" have the same meanings as in section 3317.02 of the 1955
Revised Code. 1956

Any school district may operate all-day kindergarten or 1957
extended kindergarten, but no district shall require any student 1958
to attend kindergarten for more than the number of clock hours 1959
required each day for traditional kindergarten by the minimum 1960
standards adopted under section 3301.07 of the Revised Code. Each 1961
school district that operates all-day or extended kindergarten 1962
shall accommodate students whose parents or guardians elect to 1963

enroll them for the minimum number of hours. 1964

Any student who attends kindergarten for the minimum number 1965
of hours shall be counted in average daily membership under 1966
sections 3317.02, 3317.023, 3317.03, and 3317.08 of the Revised 1967
Code, as traditional kindergarten students. 1968

Sec. 3333.32. No later than July 1, 1999, the Ohio board of 1969
regents shall establish and administer a program under which it 1970
shall award a scholarship to each student who both: 1971

(A) After July 1, 1998, and while the student attends twelfth 1972
grade, attains at least the applicable scores designated under 1973
division (A)(3) of section 3301.0710 Of the Revised Code on all 1974
the tests prescribed under that division; 1975

(B) Is eligible for an Ohio instructional grant pursuant to 1976
section 3333.12 Of the Revised Code. 1977

In each fiscal year appropriations are made for purpose of 1978
this section, the amount of each scholarship shall be a minimum of 1979
five hundred dollars. 1980

Each scholarship is payable to the student. Receipt of a 1981
scholarship under this division shall not affect a student's 1982
eligibility for the Ohio instructional grant program or any other 1983
post-secondary financial aid provided under the Revised Code or 1984
any appropriations act. 1985

Sec. 3333.35. The state board of education and the Ohio board 1986
of regents shall establish a joint council, which may consist of 1987
members of each board, other persons appointed by each board, or a 1988
combination of both. Working under the premise that education is a 1989
seamless process, so that changes made to one level of education 1990
affect outcomes produced by other levels, the joint council shall 1991
examine the relationship between primary and secondary education 1992
and higher education and may appoint additional panels or 1993

<u>committees to assist in this task.</u>	1994
(A) <u>The joint council shall study practices throughout the</u>	1995
<u>United States that best promote a seamless elementary to secondary</u>	1996
<u>to higher education continuum, select the most appropriate for</u>	1997
<u>Ohio, and recommend a timetable for Ohio to become a national</u>	1998
<u>leader in:</u>	1999
(1) <u>Increasing high school graduation rates and access of all</u>	2000
<u>students to successful experiences in careers and higher</u>	2001
<u>education;</u>	2002
(2) <u>Improving the quality both of student learning</u>	2003
<u>experiences and teacher preparation through simultaneous reform of</u>	2004
<u>teacher education and school practices;</u>	2005
(3) <u>Enabling students to experience successful transitions as</u>	2006
<u>they move from one education system to another and from education</u>	2007
<u>to career;</u>	2008
(4) <u>Promoting high expectations for student success that</u>	2009
<u>results in students meeting high academic standards.</u>	2010
(B) <u>The joint council shall cooperate with existing groups,</u>	2011
<u>and if necessary facilitate the creation of statewide committees,</u>	2012
<u>to establish common academic expectations for college</u>	2013
<u>freshman-level courses, develop a statewide improvement plan for</u>	2014
<u>early and continuous academic assessment and intervention for</u>	2015
<u>elementary and secondary students, and communicate a consistent</u>	2016
<u>set of career preparation and college readiness expectations for</u>	2017
<u>students. The joint council shall emphasize the use of technology</u>	2018
<u>as a strategy in achieving these goals.</u>	2019
(C) <u>The joint council shall design a learning extension</u>	2020
<u>program that combines the expertise of high school teachers,</u>	2021
<u>teacher education and arts and sciences faculty of Ohio colleges</u>	2022
<u>and universities, and professional development practitioners to</u>	2023
<u>provide support for best practices and technical assistance to</u>	2024

educators throughout the state. The joint council's design shall 2025
incorporate a college-to-high school tutoring and mentoring 2026
program within the big eight school districts, emphasize 2027
technology as a delivery mode, and support programs that 2028
demonstrate positive impact on student achievement, such as the 2029
Ohio systemic initiative (formerly the discovery project), tech 2030
prep, and the early English composition assessment program. 2031

(D) The joint council shall focus attention on the attainment 2032
of competencies in mathematics and science by all students and 2033
develop criteria for nonprofit institutions holding a certificate 2034
of authorization issued by the board of regents pursuant to 2035
Chapter 1713. Of the Revised Code and state-assisted colleges and 2036
universities to provide support programs to educate math and 2037
science teachers through joint efforts between their colleges of 2038
arts and sciences and colleges of education. Such support programs 2039
shall incorporate multimedia curricula and other technology 2040
approaches. 2041

(E) The joint council shall develop criteria for phasing out 2042
college remedial education for students who enter college within 2043
two years of graduating high school. It shall consider new funding 2044
approaches that provide incentives for schools, colleges, and 2045
universities to engage in collaborative programs that focus on 2046
college readiness and improved teaching and learning across the 2047
education continuum. The collaborative programs may include the 2048
use of technology within the classroom and via distance learning 2049
to share materials, teaching approaches, and other resources 2050
addressing college readiness. 2051

(F) No later than June 1, 1999, the joint council shall 2052
propose a program for implementation at one or more nonprofit 2053
institutions holding a certificate of authorization issued by the 2054
board of regents pursuant to Chapter 1713. Of the Revised Code or 2055
state-assisted colleges or universities that will provide the 2056

necessary concentrated coursework to allow a person with an 2057
alternative educator license to obtain a provisional educator 2058
license in accordance with Chapter 3319. of the Revised Code. 2059

Section 2. That existing sections 101.82, 3301.0710, 2060
3301.0711, 3301.27, 3302.07, 3313.533, 3313.61, 3313.98, 3313.981, 2061
3313.983, 3314.01, 3314.02, 3314.03, 3314.05, 3314.10, 3317.06, 2062
and 3317.064 and sections 3302.01, 3302.02, 3302.03, 3302.04, 2063
3302.05, and 3302.06 of the Revised Code are hereby repealed. 2064

Section 3. Section 3313.61 of the Revised Code is presented 2065
in this act as a composite of the section as amended by both Am. 2066
Sub. H.B. 552 and Am. Sub. H.B. 571 of the 120th General Assembly, 2067
with the new language of neither of the acts shown in capital 2068
letters. This is in recognition of the principle stated in 2069
division (B) of section 1.52 of the Revised Code that such 2070
amendments are to be harmonized where not substantively 2071
irreconcilable and constitutes a legislative finding that such is 2072
the resulting version in effect prior to the effective date of 2073
this act. 2074

Section 4. (A) The requirement of this act to begin 2075
administering tests of completion of tenth grade skills shall 2076
first apply to the school year that begins on July 1, 2002. In 2077
March of that school year, the tenth grade tests required by 2078
sections 3301.0710 and 3301.0711, as amended by this act, shall be 2079
given to tenth grade students. In the school year that begins July 2080
1, 2003, the tenth grade tests shall be given once to all tenth 2081
graders in March and twice to all eleventh graders. In the school 2082
year that begins July 1, 2004, the tenth grade tests shall be 2083
given to all tenth graders in March and to all eleventh and 2084
twelfth graders twice during the year. Thereafter, the tenth grade 2085
tests shall be given each year as required by those sections. The 2086

requirement to pass the new tenth grade tests in order to obtain 2087
diplomas shall first apply to students who graduate after 2088
September 15, 2004. 2089

(B) Notwithstanding sections 3301.0710 and 3301.0711 of the 2090
Revised Code, as amended by this act, the State Board of Education 2091
shall continue to prescribe and, through the school year that 2092
begins July 1, 2003, ninth grade tests as required by those 2093
sections prior to the effective date of this act shall continue to 2094
be administered to all students who entered the ninth grade prior 2095
to July 1, 2001. Any such student is exempt from the requirement 2096
to take any tenth grade test if any are administered to the 2097
student's grade level. Such students, and any former students, who 2098
pass all parts of the ninth grade proficiency tests prior to 2099
September 15, 2004, may receive diplomas based upon passage of 2100
such ninth grade tests. Thereafter, any such student must pass the 2101
tenth grade tests to receive diplomas. 2102

Section 5. The Ohio Board of Regents, in consultation with 2103
the Superintendent of Public Instruction, shall prepare a plan 2104
recommending strategies for increasing the number of mathematics 2105
and science teachers in this state. The Board shall submit its 2106
plan no later than December 31, 1998, to the Governor, the 2107
President and Minority Leader of the Senate, the Speaker and 2108
Minority Leader of the House of Representatives, and the 2109
chairpersons of the Senate and House Education Committees. 2110

Section 6. Sections 1 through 5 of this act, except for 2111
sections 3313.6010, 3317.06, 3317.064, and 3333.35 of the Revised 2112
Code, shall take effect on July 1, 1998. Sections 3313.6010, 2113
3317.06, 3317.064, and 3333.35 of the Revised Code, as amended or 2114
enacted by this act, shall take effect at the earliest time 2115
permitted by law. 2116

Section 7. No later than 30 days after the effective date of this section, the State Board of Education and the Ohio Board of Regents shall establish the Joint Council required by section 3333.35 of the Revised Code. The Joint Council may proceed to explore the topics specified in that section immediately. However, it is not the intent of the General Assembly that the Joint Council be required to take any actions that might incur any expenses until after July 1, 1998.

No later than December 31, 1998, the Joint Council shall issue a report and recommendations for expanding the post-secondary enrollment options program of Chapter 3365. of the Revised Code, increasing the number of school districts participating in the program, and additional strategies for increasing academic achievement and student motivation. In determining its recommendations, the Joint Council shall consider post-secondary tuition vouchers as incentives for student success on the state proficiency tests. The Joint Council shall issue its report under this division to the Speaker and Minority Leader of the House of Representatives, the President and Minority Leader of the Senate, the Director of the Legislative Office of Education Oversight, the State Board of Education, and the Ohio Board of Regents.

Section 8. That Section 50.16 of Am. Sub. H.B. 215 of the 122nd General Assembly be amended to read as follows:

"Sec. 50.16. Property Tax Allocation

The Superintendent of Public Instruction shall not request and the Controlling Board shall not approve the transfer of funds from appropriation item 200-901, Property Tax Allocation--Education, to any other appropriation line item.

Textbooks/Instructional Materials

As used in this section, "valuation per pupil" means a district's total taxable value of the preceding fiscal year as defined in section 3317.02 of the Revised Code divided by the district's ADM of the preceding fiscal year as defined in division (A) of section ~~3317.021~~ 3317.02 of the Revised Code.

Money in the foregoing appropriation item 200-645, Textbooks/Instructional Materials, shall be distributed on a per pupil basis to all city, exempted village, and local school districts with a valuation per pupil less than \$200,000. City, exempted village, and local school districts shall use moneys received from the appropriation item for textbooks, instructional software, instructional materials, and any other materials the district deems to be helpful in providing appropriate instruction to students in the following subject areas: reading, writing, mathematics, science, and citizenship."

Section 9. That existing Section 50.16 of Am. Sub. H.B. 215 of the 122nd General Assembly is hereby repealed.

Section 10. That sections 3317.02, 3317.023, and 3317.08 be amended and section 3319.60 of the Revised Code be enacted to read as follows:

Sec. 3317.02. As used in sections 3317.02 to 3317.023 and section 3317.16 of the Revised Code:

(A) Except as used in division (B) of section 3317.023 of the Revised Code, "ADM" means the average daily membership determined pursuant to section 3317.03 of the Revised Code, including the average daily membership certified under division (A)(4) of section 3317.03 of the Revised Code but not including the average daily membership of pupils attending a joint vocational school or counted in a unit funded under division (M) or (N) of section

3317.024 of the Revised Code; minus one-half of the kindergarten 2176
average daily membership in the case of any school district other 2177
than an urban ~~or~~, big eight, or disadvantaged rural school 2178
district; minus one-fourth of the extended kindergarten average 2179
daily membership and one-half of the traditional kindergarten 2180
average daily membership in the case of any urban, big eight, or 2181
disadvantaged rural school district; ~~minus one-fourth of the~~ 2182
~~all day and extended kindergarten average daily membership and~~ 2183
~~one-half of the traditional kindergarten average daily membership~~ 2184
~~in the case of any urban district;~~ plus one-fourth of the average 2185
daily membership of pupils enrolled in the district and attending 2186
a joint vocational school, or a vocational school, or a compact or 2187
contract vocational school. Except for purposes of divisions (C), 2188
(D), and (E) of section 3317.023 of the Revised Code, if the 2189
average of the average daily membership of a district for the 2190
current year and the two immediately preceding years is larger 2191
than the sum for the current year, such average shall be used as 2192
the ADM for that district for the current year after: deducting 2193
the number of pupils attending a joint vocational school or 2194
counted in division (M) or (N) of section 3317.024 of the Revised 2195
Code; and, in the case of any school district other than an urban 2196
~~or~~, big eight, or disadvantaged rural school district, deducting 2197
one-half of the kindergarten average daily membership, and, in the 2198
case of any urban, big eight, or disadvantaged rural school 2199
district, deducting one-fourth of the extended kindergarten 2200
average daily membership and one-half of the traditional 2201
kindergarten average daily membership, ~~and in the case of any~~ 2202
~~urban district, deducting one-fourth of the all day and extended~~ 2203
~~kindergarten average daily membership and one-half of the~~ 2204
~~traditional kindergarten average daily membership;~~ and adding 2205
one-fourth of the pupils residing in the district and attending a 2206
joint vocational school. 2207

(B) "Per pupil" means the amount to which the term refers 2208
 divided by the district's ADM for the fiscal year for which the 2209
 amount was computed. 2210

(C) "Taxes charged and payable" means the taxes charged and 2211
 payable against real and public utility property after making the 2212
 reduction required by section 319.301 of the Revised Code, plus 2213
 the taxes levied against tangible personal property. 2214

(D) Except as provided in division (B)(2) of section 3317.022 2215
 of the Revised Code, "total taxable value" means the sum of the 2216
 amounts certified for a city, local, exempted village, or joint 2217
 vocational school district under divisions (A)(1) and (2) of 2218
 section 3317.021 of the Revised Code. 2219

(E)(1) "Cost-of-doing-business factor" means the amount 2220
 indicated in this division for the county in which the district is 2221
 located, adjusted in accordance with division (E)(2) of this 2222
 section. If the district is located in more than one county, the 2223
 factor is the amount indicated for the county to which the 2224
 district is assigned by the state department of education. 2225

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 2317
for the corresponding fiscal year as follows: 2318

FISCAL YEAR OF THE

COMPUTATION

MULTIPLIER

1998	9.6/7.5
1999	10.3/7.5
2000	11.0/7.5
2001	11.7/7.5
2002	12.4/7.5
2003	13.1/7.5
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 2334
adjust the cost-of-doing-business factor for each county in 2335
accordance with the following formula: 2336

[(The cost-of-doing-business factor specified under division 2337

(E)(1) of this section - $1) X$ (the multiplier for the fiscal year 2338
of the calculation) $\frac{1}{1} + 1$ 2339

The result of such formula shall be the adjusted 2340
cost-of-doing-business factor for that fiscal year. 2341

(F) "Tax exempt value" of a school district means the amount 2342
certified for a school district under division (A)(4) of section 2343
3317.021 of the Revised Code. 2344

(G) "Potential value" of a school district means the adjusted 2345
total taxable value of a school district plus the tax exempt value 2346
of the district. 2347

(H) "District median income" means the median Ohio adjusted 2348
gross income certified for a school district. On or before the 2349
first day of July of each year, the tax commissioner shall certify 2350
to the department of education for each city, exempted village, 2351
and local school district the median Ohio adjusted gross income of 2352
the residents of the school district determined on the basis of 2353
tax returns filed for the second preceding tax year by the 2354
residents of the district. 2355

(I) "Statewide median income" means the median district 2356
median income of all city, exempted village, and local school 2357
districts in the state. 2358

(J) "Income factor" for a city, exempted village, or local 2359
school district means the quotient obtained by dividing that 2360
district's median income by the statewide median income. 2361

(K) "Valuation per pupil" for a city, exempted village, or 2362
local school district means the district's recognized valuation 2363
divided by the district's ADM. 2364

(L) "Adjusted valuation per pupil" means the amount 2365
calculated in accordance with the following formula: 2366

District valuation per pupil - $[\$60,000 X (1 - \text{district income}$ 2367

factor) \downarrow 2368

If the result of such formula is negative, the adjusted 2369
valuation per pupil shall be zero. 2370

(M) "Adjusted total taxable value" means one of the 2371
following: 2372

(1) In any fiscal year that a district's income factor is 2373
less than or equal to one, the product obtained by multiplying the 2374
district's adjusted valuation per pupil by the district's ADM 2375
except that the adjusted total taxable value for such a district 2376
in fiscal years 1998 through 2009 shall be recalculated in 2377
accordance with the following formula: 2378

(Adjusted total taxable value X multiple) + [recognized valuation 2379
 $X (1 - \text{multiple}) \downarrow$ 2380

(2) In any fiscal year that a district's income factor is 2381
greater than one, the product obtained by multiplying the 2382
district's adjusted valuation per pupil by the district's ADM, 2383
except that the adjusted total taxable value for such a district 2384
in that fiscal year shall be recalculated in accordance with the 2385
following formula: 2386

(Adjusted total taxable value X 2/15) + (recognized valuation X 2387
13/15) 2388

(N) "Multiple" means the number for the corresponding fiscal 2389
year as follows: 2390

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, other 2405
than a big eight school district, that in fiscal year 1997 met 2406
either of the following conditions: 2407

(1) Had a percentage of children residing in the district and 2408
~~receiving aid to dependent children participating in Ohio works~~ 2409
first greater than fifteen and one-half per cent, as reported 2410
pursuant to section 3317.10 of the Revised Code, and had an 2411
average daily membership greater than five thousand five hundred, 2412
as reported pursuant to division (A) of section 3317.03 of the 2413
Revised Code; 2414

(2) Had a percentage of children residing in the district and 2415
~~receiving aid to dependent children participating in Ohio works~~ 2416
first greater than five per cent, as reported pursuant to section 2417
3317.10 of the Revised Code, and had an average daily membership 2418
greater than twelve thousand, as reported pursuant to division (A) 2419
of section 3317.03 of the Revised Code. 2420

(P) "Big eight school district" means a school district that 2421
for fiscal year 1997 had a percentage of children residing in the 2422
district and ~~receiving aid to dependent children participating in~~ 2423
Ohio works first greater than thirty per cent, as reported 2424
pursuant to section 3317.10 of the Revised Code, and had an 2425
average daily membership greater than twelve thousand, as reported 2426
pursuant to division (A) of section 3317.03 of the Revised Code. 2427

(Q) "All-day kindergarten" means a kindergarten class that is 2428
in session five days per week for not less than the same number of 2429

clock hours each day as for pupils in grades one through six. 2430

(R) "Extended kindergarten" means a kindergarten class that 2431
is in session five days per week for not less than one hour longer 2432
each day than the number of clock hours required for kindergarten 2433
by the minimum standards adopted under section 3301.07 of the 2434
Revised Code. 2435

(S) "Traditional kindergarten" means kindergarten that is 2436
neither all-day kindergarten nor extended kindergarten. 2437

(T) "Recognized valuation" means the amount calculated for a 2438
school district pursuant to section 3317.015 of the Revised Code. 2439

(U) "Disadvantaged rural school district" means any of the 2440
rural school districts with the lowest socioeconomic status, as 2441
determined by the department of education. 2442

Sec. 3317.023. (A) Notwithstanding section 3317.022 of the 2443
Revised Code, the amounts required to be paid to a district under 2444
that section shall be adjusted by the amount of the computations 2445
made under divisions (B) to (L) of this section. 2446

As used in this section: 2447

(1) "Classroom teacher" means a licensed employee who 2448
provides direct instruction to pupils, excluding teachers funded 2449
from money paid to the district from federal sources; educational 2450
service personnel; and vocational and special education teachers. 2451

(2) "Educational service personnel" shall not include such 2452
specialists funded from money paid to the district from federal 2453
sources or assigned full-time to vocational or special education 2454
students and classes and may only include those persons employed 2455
in the eight specialist areas in a pattern approved by the 2456
department of education under guidelines established by the state 2457
board of education. 2458

(3) "Annual salary" means the annual base salary stated in 2459
the state minimum salary schedule for the performance of the 2460
teacher's regular teaching duties that the teacher earns for 2461
services rendered for the first full week of October of the fiscal 2462
year for which the adjustment is made under division (D) of this 2463
section. It shall not include any salary payments for supplemental 2464
teachers contracts. 2465

(4) As used in division (B) of this section, "average daily 2466
membership" means the three-year average number of pupils in 2467
grades one through twelve plus one-half the kindergarten average 2468
daily membership certified under section 3317.03 of the Revised 2469
Code for the current and preceding two fiscal years, except that+ 2470

~~(a) In in the case of a an urban, big eight, or disadvantaged 2471
rural school district, "average daily membership" means the 2472
three-year average number of pupils in grades one through twelve, 2473
plus the three-year average number of pupils in all-day 2474
kindergarten, plus three-fourths of the three-year average number 2475
of pupils in extended kindergarten, plus one-half of the 2476
three-year average number of pupils in traditional kindergarten, 2477
all as certified under division (A) of that section for the 2478
current and preceding two fiscal years+ 2479~~

~~(b) In the case of an urban district, "average daily 2480
membership" means the three year average number of pupils in 2481
grades one through twelve, plus three fourths of the three year 2482
average number of pupils in all day or extended kindergarten, plus 2483
one half of the three year average number of pupils in traditional 2484
kindergarten, all as certified under division (A) of that section 2485
for the current and preceding two fiscal years. 2486~~

(5) As used in division (B) of this section, "per cent 2487
figure" means a school district's three-year average number of 2488
children participating in Ohio works first (OWF) under Chapter 2489

5107. of the Revised Code divided by the average daily membership,	2490
multiplied by one hundred.	2491
(6) As used in divisions (A)(5) and (B) of this section, "aid to dependent children" and "ADC" mean:	2492
	2493
(a) Aid provided under Chapter 5107. of the Revised Code prior to October 1, 1996:	2494
	2495
(b) 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.	2496
	2497
	2498
	2499
(B)(1)(a) If the three-year average of the number of children ages five to seventeen residing in the district and living in a family participating in Ohio works first, as certified or adjusted under section 3317.10 of the Revised Code for the current and preceding two fiscal years, is equal to five per cent or more of the number of pupils in the average daily membership, add the amount computed for the district in accordance with the following schedule, as adjusted by division (B)(1)(b) of this section:	2500
	2501
	2502
	2503
	2504
	2505
	2506
	2507
	2508
THREE-YEAR AVERAGE NUMBER OF	2509
OWF CHILDREN DIVIDED BY	PAYMENT PER OWF CHILD IN
THE AVERAGE DAILY MEMBERSHIP	THE THREE-YEAR AVERAGE
At least 5%, but less than 10%	\$198.00 OWF
At least 10%, but less than 20%	(\$101.50 x per cent figure) minus \$817.00 OWF
At least 20%, but less than 30%	(\$7.50 x per cent figure) plus \$1,063.00 OWF
At least 30%	\$1,288.00 OWF
(b) In fiscal year 1998, for school districts with a per cent	2516

figure of at least five, increase the amount determined under 2517
division (B)(1)(a) of this section by four per cent. In fiscal 2518
year 1999, determine the ~~per-ADC-child~~ per-OWF-child amount the 2519
district would have received in fiscal year 1998 under divisions 2520
(B)(1)(a) and (b) of this section, based on its per cent figure 2521
for fiscal year 1999, and increase that amount by five per cent. 2522

(2) If in any year the sum of the additions made under this 2523
division is less than ninety-seven per cent of the amount 2524
appropriated for this division for that year, the department of 2525
education shall increase the amount added for each district under 2526
this division. The amount so added for each district shall equal 2527
(1) the difference between ninety-seven per cent of the amount 2528
appropriated and the total amount of the additions prior to such 2529
increase, times (2) the percentage that the amount added for the 2530
district prior to the increase was of the total of such amount 2531
added for all districts. 2532

(3) Except as provided in division (B)(4) of this section, a 2533
district shall expend at least seventy per cent of any addition 2534
received under this division for any of the following: 2535

- (a) The purchase of technology for instructional purposes; 2536
- (b) All-day kindergarten; 2537
- (c) Reduction of class sizes; 2538
- (d) Summer school remediation or other remedial programs; 2539
- (e) Dropout prevention programs; 2540
- (f) Guaranteeing that all third graders are ready to progress 2541
to more advanced work; 2542
- (g) Summer education and work programs; 2543
- (h) Adolescent pregnancy programs; 2544
- (i) Head start or preschool programs; 2545

(j) Reading improvement programs described by the department 2546
of education; 2547

(k) Programs designed to ensure that schools are free of 2548
drugs and violence and have a disciplined environment conducive to 2549
learning; 2550

(l) Furnishing free of charge materials used in courses of 2551
instruction, except for the necessary textbooks required to be 2552
furnished without charge pursuant to section 3329.06 of the 2553
Revised Code, to pupils living in families participating in Ohio 2554
works first in accordance with section 3313.642 of the Revised 2555
Code; 2556

(m) School breakfasts provided pursuant to section 3313.813 2557
of the Revised Code. 2558

(4) Except as provided in division (B) of section 3301.0719 2559
of the Revised Code, each at-risk school district, as defined in 2560
division (A)~~(3)~~(2) of section 3301.0719 of the Revised Code, that 2561
receives at least three hundred thousand dollars under divisions 2562
(B)(1) and (2) of this section shall expend at least one-tenth of 2563
the amount described in division (B)(3) of this section for either 2564
all-day kindergarten classes with a student teacher ratio of 2565
fifteen to one or for reduction of class sizes in grades 2566
kindergarten to four to a fifteen to one student teacher ratio, or 2567
both. Such districts shall also expend such funds to provide 2568
training for teachers participating in such programs on an ongoing 2569
basis, including at least six days of training each school year. 2570
Amounts expended for all-day kindergarten under this section shall 2571
only be expended to provide additional all-day kindergarten 2572
classes not in existence on July 26, 1991. Upon the request of a 2573
board of education, the state board of education may grant an 2574
exemption from the requirement of division (B)(4) of this section 2575
if the district board satisfies the state board that the district 2576

has insufficient physical facilities to implement this 2577
requirement. 2578

(5) Each district shall maintain the portion required to be 2579
spent under division (B)(3) of this section in a separate district 2580
account. Each district shall submit to the department, in such 2581
format and at such time as the department shall specify, a report 2582
on the programs for which it expended funds under this division. 2583

(C) If the district employs less than one full-time 2584
equivalent classroom teacher for each twenty-five pupils in ADM in 2585
any school district, deduct the sum of the amounts obtained from 2586
the following computations: 2587

(1) Divide the number of the district's full-time equivalent 2588
classroom teachers employed by one twenty-fifth; 2589

(2) Subtract the quotient in (1) from the district's ADM; 2590

(3) Multiply the difference in (2) by seven hundred fifty-two 2591
dollars. 2592

(D) If a positive amount, add one-half of the amount obtained 2593
by multiplying the number of full-time equivalent classroom 2594
teachers by: 2595

(1) The mean annual salary of all full-time equivalent 2596
classroom teachers employed by the district at their respective 2597
training and experience levels minus; 2598

(2) The mean annual salary of all such teachers at their 2599
respective levels in all school districts receiving payments under 2600
this section. 2601

The number of full-time equivalent classroom teachers used in 2602
this computation shall not exceed one twenty-fifth of the 2603
district's ADM. In calculating the district's mean salary under 2604
this division, those full-time equivalent classroom teachers with 2605
the highest training level shall be counted first, those with the 2606

next highest training level second, and so on, in descending 2607
order. Within the respective training levels, teachers with the 2608
highest years of service shall be counted first, the next highest 2609
years of service second, and so on, in descending order. 2610

(E) This division does not apply to a school district that 2611
has entered into an agreement under division (A) of section 2612
3313.42 of the Revised Code. Deduct the amount obtained from the 2613
following computations if the district employs fewer than five 2614
full-time equivalent educational service personnel, including 2615
elementary school art, music, and physical education teachers, 2616
counselors, librarians, visiting teachers, school social workers, 2617
and school nurses for each one thousand pupils in ADM: 2618

(1) Divide the number of full-time equivalent educational 2619
service personnel employed by the district by five 2620
one-thousandths; 2621

(2) Subtract the quotient in (1) from the district's ADM; 2622

(3) Multiply the difference in (2) by ninety-four dollars. 2623

(F) If a local school district, or a city or exempted village 2624
school district to which a governing board of an educational 2625
service center provides services pursuant to section 3313.843 of 2626
the Revised Code, deduct the amount of the payment required for 2627
the reimbursement of the governing board under section 3317.11 of 2628
the Revised Code. 2629

(G)(1) If the district is required to pay to or entitled to 2630
receive tuition from another school district under division (C)(2) 2631
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 2632
or if the superintendent of public instruction is required to 2633
determine the correct amount of tuition and make a deduction or 2634
credit under section 3317.08 of the Revised Code, deduct and 2635
credit such amounts as provided in division (I) of section 3313.64 2636
or section 3317.08 of the Revised Code. 2637

(2) For each child for whom the district is responsible for 2638
tuition under division (A)(1) of section 3317.082 or under 2639
division (B)(1) of section 3323.091 of the Revised Code, deduct 2640
the amount of tuition for which the district is responsible. 2641

(H) If the district has been certified by the superintendent 2642
of public instruction under section 3313.90 of the Revised Code as 2643
not in compliance with the requirements of that section, deduct an 2644
amount equal to ten per cent of the amount computed for the 2645
district under section 3317.022 of the Revised Code. 2646

(I) If the amount computed by the department of education 2647
under division (I)(1) of this section is less than the amount 2648
computed under division (I)(2) of this section, add an amount 2649
equal to the result obtained by subtracting the amount computed 2650
under division (I)(1) from the amount computed under division 2651
(I)(2) of this section. 2652

The department of education shall compute both of the 2653
following for each district: 2654

(1) The sum of the amounts computed for the district under 2655
section 3317.022 and division (N) of section 3317.024 of the 2656
Revised Code for units approved under division (B) of section 2657
3317.05 of the Revised Code. 2658

(2) The amount the district would be entitled to receive 2659
under section 3317.022 of the Revised Code if the ADM used in the 2660
computation required by that section included the number of 2661
full-time equivalent pupils enrolled in the units for handicapped 2662
children approved under division (B) of section 3317.05 of the 2663
Revised Code that are used to make the computation required by 2664
division (N)(1)(a) of section 3317.024 of the Revised Code. 2665

(J) If the district has received a loan from a commercial 2666
lending institution for which payments are made by the 2667
superintendent of public instruction pursuant to division (E)(3) 2668

of section 3313.483 of the Revised Code, deduct an amount equal to 2669
such payments. 2670

(K)(1) If the district is a party to an agreement entered 2671
into under division (D), (E), or (F) of section 3311.06 or 2672
division (B) of section 3311.24 of the Revised Code and is 2673
obligated to make payments to another district under such an 2674
agreement, deduct an amount equal to such payments if the district 2675
school board notifies the department in writing that it wishes to 2676
have such payments deducted. 2677

(2) If the district is entitled to receive payments from 2678
another district that has notified the department to deduct such 2679
payments under division (K)(1) of this section, add the amount of 2680
such payments. 2681

(L) If the district is required to pay an amount of funds to 2682
a cooperative education district pursuant to a provision described 2683
by division (B)(4) of section 3311.52 or division (B)(8) of 2684
section 3311.521 of the Revised Code, deduct such amounts as 2685
provided under that provision and credit those amounts to the 2686
cooperative education district for payment to the district under 2687
division (B)(1) of section 3317.19 of the Revised Code. 2688

Sec. 3317.08. As used in this section, "urban school" 2689
district," "big eight school district," "disadvantaged rural" 2690
school district," "all-day kindergarten," "extended kindergarten," 2691
and "traditional kindergarten" have the same meanings as in 2692
section 3317.02 of the Revised Code. 2693

A board of education may admit to its schools a child it is 2694
not required by section 3313.64 or 3313.65 of the Revised Code to 2695
admit, if tuition is paid for the child. 2696

Unless otherwise provided by law, tuition shall be computed 2697
in accordance with this section. A district's tuition charge for a 2698

school year shall be one of the following:	2699
(A) For any child, except a handicapped preschool child	2700
described in division (B) of this section, the quotient obtained	2701
by dividing the sum of the amounts described in divisions (A)(1)	2702
and (2) of this section by the amount described in division (A)(3)	2703
of this section.	2704
(1) The district's total taxes charged and payable for	2705
current expenses for the tax year preceding the tax year in which	2706
the school year begins as certified under division (A)(3) of	2707
section 3317.021 of the Revised Code.	2708
(2) The district's total taxes collected for current expenses	2709
under a school district income tax adopted pursuant to section	2710
5748.03 or 5748.08 of the Revised Code that are disbursed to the	2711
district during the fiscal year. On or before the first day of	2712
June of each year, the tax commissioner shall certify the amount	2713
to be used in the calculation under this division for the next	2714
fiscal year to the department of education for each city, local,	2715
and exempted village school district that levies a school district	2716
income tax.	2717
(3) The district's average daily membership:	2718
(a) Minus, in the case of a school district other than an	2719
urban district or , <u>big eight, or disadvantaged rural school</u>	2720
district, one-half the kindergarten average daily membership	2721
certified pursuant to section 3317.03 of the Revised Code for the	2722
preceding school year;	2723
(b) Minus, in the case of a <u>an urban, big eight, or</u>	2724
<u>disadvantaged rural school</u> district, one-fourth of the extended	2725
kindergarten average daily membership and one-half of the	2726
traditional kindergarten average daily membership certified	2727
pursuant to section 3317.03 of the Revised Code;	2728

~~(c) Minus, in the case of an urban district, one fourth of 2729
the all day kindergarten average daily membership, one fourth of 2730
the extended kindergarten average daily membership, and one half 2731
of the traditional kindergarten average daily membership certified 2732
pursuant to section 3317.03 of the Revised Code. 2733~~

(B) For any handicapped preschool child not included in a 2734
unit approved under division (E) of section 3317.05 of the Revised 2735
Code, an amount computed for the school year as follows: 2736

(1) For each type of special education service provided to 2737
the child for whom tuition is being calculated, determine the 2738
amount of the district's operating expenses in providing that type 2739
of service to all handicapped preschool children not included in 2740
units approved under division (E) of section 3317.05 of the 2741
Revised Code; 2742

(2) For each type of special education service for which 2743
operating expenses are determined under division (B)(1) of this 2744
section, determine the amount of such operating expenses that was 2745
paid from any state funds received under this chapter; 2746

(3) For each type of special education service for which 2747
operating expenses are determined under division (B)(1) of this 2748
section, divide the difference between the amount determined under 2749
division (B)(1) of this section and the amount determined under 2750
division (B)(2) of this section by the total number of handicapped 2751
preschool children not included in units approved under division 2752
(E) of section 3317.05 of the Revised Code who received that type 2753
of service; 2754

(4) Determine the sum of the quotients obtained under 2755
division (B)(3) of this section for all types of special education 2756
services provided to the child for whom tuition is being 2757
calculated. 2758

The state board of education shall adopt rules defining the 2759

types of special education services and specifying the operating 2760
expenses to be used in the computation under this section. 2761

If any child for whom a tuition charge is computed under this 2762
section for any school year is enrolled in a district for only 2763
part of that school year, the amount of the district's tuition 2764
charge for the child for the school year shall be computed in 2765
proportion to the number of school days the child is enrolled in 2766
the district during the school year. 2767

Except as otherwise provided in division (I) of section 2768
3313.64 of the Revised Code, whenever a district admits a child to 2769
its schools for whom tuition computed in accordance with this 2770
section is an obligation of another school district, the amount of 2771
the tuition shall be certified by the treasurer of the board of 2772
education of the district of attendance, to the board of education 2773
of the district required to pay tuition for its approval and 2774
payment. If agreement as to the amount payable or the district 2775
required to pay the tuition cannot be reached, or the board of 2776
education of the district required to pay the tuition refuses to 2777
pay that amount, the board of education of the district of 2778
attendance shall notify the superintendent of public instruction. 2779
The superintendent shall determine the correct amount and the 2780
district required to pay the tuition and shall deduct that amount, 2781
if any, under division (G) of section 3317.023 of the Revised 2782
Code, from the district required to pay the tuition and add that 2783
amount to the amount allocated to the district attended under such 2784
division. The superintendent of public instruction shall send to 2785
the district required to pay the tuition an itemized statement 2786
showing such deductions at the time of such deduction. 2787

When a political subdivision owns and operates an airport, 2788
welfare, or correctional institution or other project or facility 2789
outside its corporate limits, the territory within which the 2790
facility is located is exempt from taxation by the school district 2791

within which such territory is located, and there are school age
children residing within such territory, the political subdivision
owning such tax exempt territory shall pay tuition to the district
in which such children attend school. The tuition for these
children shall be computed as provided for in this section.

Sec. 3319.60. (A) As used in this section:

(1) "Average daily membership" means:

(a) For grades one, two, and three, the average daily
membership reported for those grades under division (A) of section
3313.03 of the Revised Code;

(b) For kindergarten, one-half of the traditional
kindergarten average daily membership, plus three-fourths of the
extended kindergarten average daily membership, plus the all-day
kindergarten average daily membership reported under that
division.

(2) "Big eight school district," "all-day kindergarten,"
"extended kindergarten," and "traditional kindergarten" have the
same meanings as in section 3317.02 Of the Revised Code.

(B) There is hereby established the third grade guarantee,
consisting of the teacher-to-pupil ratios established in this
section and the enhanced funding provided for all-day kindergarten
and extended kindergarten through the amendments to section
3317.02 Of the Revised Code by the act that enacted this section.

(C) Each big eight school district shall either:

(1) Maintain, in each grade from kindergarten through grade
three, not less than one full-time equivalent classroom teacher
per the applicable number, as specified in division (D) of this
section, of students reported in average daily membership for that
grade;

(2) In any individual kindergarten or first, second, or third

grade class that has more than the applicable number of students 2822
specified in division (D) of this section, institute a 2823
team-teaching method approved by the state board of education or 2824
hire for that class full-time an educational aide or educational 2825
paraprofessional issued a permit or license under section 3319.088 2826
Of the Revised Code. 2827

(D) The applicable number of students for purposes of 2828
division (C) of this section are: 2829

(1) For the school year that starts July 1, 1998, 2830
twenty-three; 2831

(2) For the school year that starts July 1, 1999, twenty-one; 2832
2833

(3) For the school year that starts July 1, 2000, nineteen; 2834

(4) For the school year that starts July 1, 2001, seventeen; 2835

(5) For school years that start after June 30, 2002, fifteen. 2836
2837

(E) Beginning in the school year that starts July 1, 1998, 2838
any integrated instructional program conducted in a kindergarten 2839
or first, second, or third grade class in a big eight school 2840
district shall be conducted either by an individual who is 2841
licensed in all of the curriculum areas covered by the program or 2842
by a team whose members collectively are licensed in all of those 2843
areas. 2844

Section 11. That existing sections 3317.02, 3317.023, and 2845
3317.08 of the Revised Code are hereby repealed. 2846

Section 12. Section 3317.023 of the Revised Code is presented 2847
in this act as a composite of the section as amended by both Am. 2848
Sub. H.B. 215 and Sub. H.B. 408 of the 122nd General Assembly, 2849
with the new language of neither of the acts shown in capital 2850

letters. This is in recognition of the principle stated in 2851
division (B) of section 1.52 of the Revised Code that such 2852
amendments are to be harmonized where not substantively 2853
irreconcilable and constitutes a legislative finding that such is 2854
the resulting version in effect prior to the effective date of 2855
this act. 2856

Section 13. That Section 50.26 of Am. Sub. H.B. 215 of the 2857
122nd General Assembly be amended to read as follows: 2858

"Sec. 50.26.* ~~For~~ (A) Except as provided in division (B) of 2859
this section, for the school year commencing July 1, 1997, or the 2860
school year commencing July 1, 1998, or both, the Superintendent 2861
of Public Instruction may waive for the board of education of any 2862
school district the ratio of teachers to pupils in kindergarten 2863
through fourth grade required under paragraph (A)(3) of rule 2864
3301-35-03 of the Administrative Code if the following conditions 2865
apply: 2866

~~(A)~~(1) The board of education requests the waiver; 2867

~~(B)~~(2) After the Department of Education conducts an on-site 2868
evaluation of the district related to meeting the required ratio, 2869
the board of education demonstrates to the satisfaction of the 2870
Superintendent of Public Instruction either of the following: 2871

~~(1)~~(a) That providing the facilities necessary to meet the 2872
required ratio during the district's regular school hours with 2873
pupils in attendance would impose an extreme hardship on the 2874
district; 2875

~~(2)~~(b) That the cost of providing the necessary facilities or 2876
personnel to meet the required ratio would require the board of 2877
education to take action under division (E) of section 3313.483 of 2878
the Revised Code. 2879

~~(C)~~(3) The board of education provides assurances that are 2880

satisfactory to the Superintendent of Public Instruction that the board will act in good faith to meet the required ratio as soon as possible.

(B) The Department shall not waive the teacher-to-pupil ratios established for kindergarten through grade three in the big eight school districts by section 3319.60 Of the Revised Code."

Section 14. That existing Section 50.26 of Am. Sub. H.B. 215 of the 122nd General Assembly is hereby repealed.

Section 15. It is the intention of the General Assembly that the Department of Education, when determining which rural school districts qualify as "disadvantaged rural school districts" for purposes of sections 3317.02, 3317.023, and 3317.08 of the Revised Code as amended by this act, employ criteria substantially similar to those in its District Typology dated June 7, 1996.

Section 16. As used in this section, "urban school district" and "disadvantaged rural school district" have the same meanings as in section 3317.02 of the Revised Code as amended by this act.

Notwithstanding the changes made by this act to the provisions for determining a district's average daily membership under sections 3317.02, 3317.023, and 3317.08 of the Revised Code:

(A) For fiscal year 1999, urban school districts shall determine their average daily membership under those sections in accordance with the versions of those sections as amended by Am. Sub. H.B. 215 of the 122nd General Assembly. Thereafter, urban school districts shall determine average daily membership as provided in sections 3317.02, 3317.023, and 3317.08 of the Revised Code, as amended by this act.

(B) For fiscal year 1999, rural disadvantaged school districts shall determine their average daily membership under

those sections in the same manner as urban school districts in 2910
that fiscal year. Thereafter, rural disadvantaged school districts 2911
shall determine average daily membership as provided in sections 2912
3317.02, 3317.023, and 3317.08 of the Revised Code, as amended by 2913
this act. 2914

Section 17. Pursuant to Section 26, Article II, of the Ohio 2915
Constitution, Sections 10 through 16 of this act shall take effect 2916
on July 1, 1998, but only if there is approval by a majority of 2917
the electors voting on the provisions of Section 14, Article XII, 2918
of the Ohio Constitution, as proposed to the voters on November 4, 2919
1997, and only if such section, as approved, imposes a one cent 2920
sales tax and provides for the proceeds of that tax to be 2921
deposited into the School Trust Fund. 2922