

AN ACT

To amend sections 3301.0710, 3301.0711, 3302.07, 3313.533, 3313.61, 3313.98, 3313.981, 3313.983, 3314.01, 3314.02, 3314.03, 3314.05, 3314.10, 3317.06, and 3317.064; to enact new sections 3302.01, 3302.02, 3302.03, 3302.04, and 3302.05 and sections 3313.534, 3313.603, 3313.608, 3313.609, 3313.6010, 3314.11, 3314.20, 3321.05, 3333.35, and 3365.15; and to repeal sections 3301.85, 3302.01, 3302.02, 3302.03, 3302.04, 3302.05, and 3302.06 of the Revised Code; to amend Section 50.16 of Am. Sub. H.B. 215 of the 122nd General Assembly; contingently to amend sections 3317.02, 3317.023, and 3317.08 of the Revised Code; to revise and establish student academic accountability measures and school district accountability and governance measures, and to provide for cooperation between elementary and secondary and higher education institutions.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3301.0710, 3301.0711, 3302.07, 3313.533, 3313.61, 3313.98, 3313.981, 3313.983, 3314.01, 3314.02, 3314.03, 3314.05, 3314.10, 3317.06, and 3317.064 be amended and new sections 3302.01, 3302.02, 3302.03, 3302.04, and 3302.05 and sections 3313.534, 3313.603, 3313.608, 3313.609, 3313.6010, 3314.11, 3314.20, 3321.05, 3333.35, and 3365.15 of the Revised Code be enacted to read as follows:

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

appropriate for tenth grade proficiency level in each of the specified areas.

(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 appropriate for tenth grade.

The state board may enter into a reciprocal agreement with the appropriate body or agency of any other state that has similar statewide proficiency testing requirements for receiving high school diplomas, under which any student who has met a proficiency testing requirement of one state is recognized as having met the similar proficiency testing requirement of the other state for purposes of receiving a high school diploma. For purposes of this section and sections 3301.0711 and 3313.61 of the Revised Code, any student enrolled in any public high school in this state and who has met a proficiency testing requirement specified in a reciprocal agreement entered into under this division shall be deemed to have attained

at least the applicable score designated under this division on each test required by this division that is specified in the agreement.

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

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

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

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

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

(ii) Any dates prescribed under division (C)(2) of this section for the tests prescribed under division (A)(1) of this section to measure skill in writing, mathematics, science, and citizenship;

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

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

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

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

(D) In prescribing test dates pursuant to division (C)(3)(4) of this section, the board shall, to the greatest extent practicable, provide options to school districts in the case of tests administered under that division to tenth, eleventh, and twelfth grade students; and in the case of tests administered to students pursuant to division (C)(2) of section 3301.0711 of the Revised Code; ~~and in the case of tests administered to ninth grade students under division (C)(3) of this section by school districts administering tests pursuant to division (M) of section 3301.0711 of the Revised Code.~~ Such

options shall include at least an opportunity for school districts to give such tests outside of regular school hours.

(E) In prescribing test dates pursuant to this section, the state board of education shall designate the dates in such a way as to allow a reasonable length of time between the administration of tests prescribed under this section and any administration of the National Assessment of Education Progress Test given to students in the same grade level pursuant to section 3301.27 Of the Revised Code.

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

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

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

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

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

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

(b) For students entering fourth grade beginning with the school year that starts July 1, 2001, twice annually to all students in the fourth grade who have not attained the score designated for that test under division (A)(1) of section 3301.0710 of the Revised Code and once each summer to students receiving summer remediation services under division (B)(3) of section 3313.608 Of the Revised Code.

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

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

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

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

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

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

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

(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

demonstrate at least fourth-grade levels of literacy and basic competency. This division does not apply to any student receiving services pursuant to an individualized education program developed for the student pursuant to section 3323.08 of the Revised Code.

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

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

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

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

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

(J) Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section does not apply to the board of education of any joint vocational or cooperative education school district except as provided under rules adopted pursuant to this division.

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

(2) In accordance with rules that the state board of education shall adopt, the board of education of any city, exempted village, or local school

district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any test prescribed under this section to both of the following:

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

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

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

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

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

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

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

(3) Any student enrolled in the state school for the blind or the state school for the deaf shall be excused from taking any particular test required to be administered under division (L)(1) of 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 superintendent of the school shall not prohibit the student from taking the test.

(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~~

~~f 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.~~

~~(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.~~

~~As used in this division, "summer school" means a six-week remedial course in the areas covered by the proficiency tests on which the student did not attain the score designated pursuant to division (A)(1) or (2) or (B), as applicable, of section 3301.0710 of the Revised Code.~~

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

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

~~Sec. 3302.01. As used in this chapter:~~

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

~~(B) "Graduation rate" means a calculation of the per cent of ninth grade students who graduate by the end of the summer following their twelfth grade year. The graduation rate is the ratio of the students entering ninth~~

grade to the number of those students receiving a diploma four years later. Students who transfer into the district are added to the calculation. students who transfer out of the district for reasons other than dropout are subtracted from the calculation. students who do not graduate but who continue their high school education in the following year in the same school district are removed from the calculation for that year and are added to the calculation for the subsequent year.

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

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

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

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

(A) A three per cent dropout rate;

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

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

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

(E) At least seventy-five per cent of fourth graders proficient on the citizenship test prescribed by division (A)(1) of section 3301.0710 of the Revised Code;

(F) At least seventy-five per cent of ninth graders proficient on the mathematics test prescribed by division (B) of section 3301.0710 of the Revised Code;

(G) At least seventy-five per cent of ninth graders proficient on the reading test prescribed by division (B) of section 3301.0710 of the Revised Code;

(H) At least seventy-five per cent of ninth graders proficient on the writing test prescribed by division (B) of section 3301.0710 of the Revised

Code:

(I) At least seventy-five per cent of ninth graders proficient on the citizenship test prescribed by division (B) of section 3301.0710 of the Revised Code;

(J) At least eighty-five per cent of tenth graders proficient on the mathematics test prescribed by division (B) of section 3301.0710 of the Revised Code;

(K) At least eighty-five per cent of tenth graders proficient on the reading test prescribed by division (B) of section 3301.0710 of the Revised Code;

(L) At least eighty-five per cent of tenth graders proficient on the writing test prescribed by division (B) of section 3301.0710 of the Revised Code;

(M) At least eighty-five per cent of tenth graders proficient on the citizenship test prescribed by division (B) of section 3301.0710 of the Revised Code;

(N) At least sixty per cent of twelfth graders proficient on the mathematics test prescribed by division (A)(3) of section 3301.0710 of the Revised Code;

(O) At least sixty per cent of twelfth graders proficient on the reading test prescribed by division (A)(3) of section 3301.0710 of the Revised Code;

(P) At least sixty per cent of twelfth graders proficient on the writing test prescribed by division (A)(3) of section 3301.0710 of the Revised Code;

(Q) At least sixty per cent of twelfth graders proficient on the citizenship test prescribed by division (A)(3) of section 3301.0710 of the Revised Code;

(R) At least a ninety-three per cent attendance rate.

When sufficient data concerning the tests given pursuant to division (A)(2) of section 3301.0710 of the Revised Code and the science tests given pursuant to divisions (A)(1), (3), and (B) of section 3301.0710 of the Revised Code are available for the department of education to establish performance standards for those tests, the department shall recommend a rule adding standards to reflect these additional tests. The department shall also recommend a rule when necessary to allow for the phasing out of the ninth grade proficiency test and its replacement with a high school proficiency test pursuant to section 3301.0710 of the Revised Code as amended by this act. The rules shall not recommend any standard be established for passage of the fourth grade reading test that is solely based on the test given in the fall for the purpose of determining whether students have met the fourth grade guarantee provisions of section 3313.608 of the

Revised Code.

Rules recommended by the department under this section shall not take effect unless approved by joint resolution of the general assembly.

Sec. 3302.03. (A) Beginning with the fiscal year that starts on July 1, 1999, every three years the department of education shall calculate and report for each school district its percentages on each of the performance indicators listed in section 3302.02 Of the Revised Code and shall specify for each such district the extent to which the acceptable performance indicator has been achieved and whether the district is an effective school district, needs continuous improvement, is under an academic watch, or is in a state of academic emergency.

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

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

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

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

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

(C) The department shall issue annual report cards for each shool district and for the state as a whole based on education and fiscal performance data.

Sec. 3302.04. (A) By March 1, 1998, the state board of education shall recommend to the general assembly a rule establishing both of the following:

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

(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.

Upon approval of the general assembly, the rule shall apply to

determinations of school district improvement under division (B) of this section.

(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, is under an academic watch, or is in a state of academic emergency, 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. Copies of the plan shall be made available to the public.

No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the territory of the affected school district concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district.

(C) 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 is under an academic watch or in a state of academic emergency, the district shall be subject to any rules establishing intervention in academic watch or emergency school districts that have been recommended to the general assembly by the department of education and approved by joint resolution of the general assembly. The department shall recommend such rules by July 1, 1998.

Sec. 3302.05. By March 1, 1998, the department of education shall recommend rules to the general assembly freeing school districts declared to be effective under division (B)(1) or in need of continuous improvement under division (B)(2) of section 3302.03 Of the Revised Code from specified state mandates. Any mandates included in the recommended rules shall be only those statutes or rules pertaining to state education requirements. The rules shall take effect upon their approval through passage of a joint resolution by the general assembly.

Sec. 3302.07. (A) The board of education of any school district or the governing board of any educational service center may submit to the state board of education an application proposing an innovative education pilot program the implementation of which requires exemptions from specific statutory provisions or rules. If a district or service center board employs teachers under a collective bargaining agreement adopted pursuant to Chapter 4117. of the Revised Code, any application submitted under this division shall include the written consent of the teachers' employee

representative designated under division (B) of section 4117.04 of the Revised Code. The exemptions requested in the application shall be limited to any requirement of Title XXXIII of the Revised Code or of any rule of the state board adopted pursuant to that title except that the application may not propose an exemption from any requirement of or rule adopted pursuant to Chapter 3307, or 3309., sections 3319.07 to 3319.21, or Chapter 3323. of the Revised Code.

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

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

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

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

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

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

(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)~~(B) Notwithstanding any of ~~the~~ 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)~~(C) 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.

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

(E) 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.

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.

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 shall also establish such an alternative school under that section.

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

(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.

(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.

(B) Beginning September 15, 2001, the requirements for graduation from every high school shall include twenty-one units earned in grades nine through twelve and shall be distributed as follows:

(1) English language arts, four units;

(2) Health, one-half unit;

(3) Mathematics, three units;

(4) Physical education, one-half unit;

(5) Science, two units until September 15, 2003, and three units thereafter, which at all times shall include both of the following:

(a) Biological sciences, one unit;

(b) Physical sciences, one unit.

(6) Social studies, three units, which shall include both of the following:

(a) American history, one-half unit;

(b) American government, one-half unit.

(7) Elective units, eight units until September 15, 2003, and seven units thereafter.

Each student's electives shall include at least one unit, or two half units, chosen from among the areas of business/technology, fine arts, and/or foreign language.

(C) Every high school may permit students below the ninth grade to take advanced work for credit. A high school shall count such advanced work toward the graduation requirements of division (B) of this section if the advanced work was both:

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

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

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

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

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

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

(B)(1) To assist students in meeting this fourth grade guarantee established by this section, each city, exempted village, and local school district shall adopt policies and procedures with which it shall, beginning in the school year that starts July 1, 1998, annually assess the reading skills of each student at the end of first, second, and third grade and identify students who are reading below their grade level. The policy and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level. The district shall notify the parent or guardian of each student whose reading skills are below grade level and, in accordance with division (C) of this section, provide intervention services to each student reading below grade level.

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

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

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

(D) Beginning in the summer of 1999, in addition to the remediation requirements of divisions (B) and (C) of this section, every city, exempted village, or local school district shall offer summer remediation to any 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.

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

(1) "Truant" means absent without excuse.

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

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

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

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

Sec. 3313.61. (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply:

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

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

to the person;

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

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

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

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

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

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

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

- (1) The person is not a citizen of the United States;
- (2) The person is not a permanent resident of the United States;
- (3) The person indicates ~~he does not intend~~ no intention to reside in the United States after the completion of high school.

(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.

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.

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

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

(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.

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

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

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

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

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

(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section 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 and does contain the territory of the city, exempted village, or local district in which the student enrolls.

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

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

(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 applicable district whenever an adjacent or other district student's application is approved.

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

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

(b) A requirement that all native students wishing to be enrolled in the district will be enrolled and that any adjacent or other district students

previously enrolled in the district shall receive preference over first-time applicants;

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

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

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

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

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

(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the ~~adjacent~~ student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

adjusted formula amount of the city, exempted village, or local school district in which the student is also enrolled ~~as an adjacent district student~~.

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

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

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

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

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

(F) Notwithstanding section 3317.03 of the Revised Code:

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

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

(3) No joint vocational school district shall count any adjacent or other district joint vocational student enrolled in the district in its ADM certified under section 3317.03 of the Revised Code.

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

(H) Upon request of a parent, and provided the board offers transportation to native students of the same grade level and distance from school under section 3327.01 of the Revised Code, a city, exempted village, or local school board enrolling an adjacent or other district student shall provide transportation for the student within the boundaries of the board's

district, except that the board shall be required to pick up and drop off a nonhandicapped student only at a regular school bus stop designated in accordance with the board's transportation policy. Pursuant to rules of the state board of education, such board may reimburse the parent from funds received under division (K) of section 3317.024 of the Revised Code for the reasonable cost of transportation from the student's home to the designated school bus stop if the student's family has an income below the federal poverty line.

Sec. 3313.983. (A) The board of education of each joint vocational school district shall adopt a policy pertaining to enrollment of students who, upon enrollment, will be adjacent district joint vocational students. ~~The except that, in lieu of such a policy, a board may adopt a policy pertaining to enrollment of students who, upon enrollment, will be other district joint vocational students. Any such policy to enroll other district joint vocational students shall apply beginning with the school year that commences July 1, 1993, and 1998.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) "Sponsor" means ~~the~~ a city, local, exempted village, or joint vocational board of education of the school district in which a proposed community school is located and or the state board of education with which the governing authority of the proposed community school enters into a

contract pursuant to this section.

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

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

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

~~(B) Prior to July 1, 2002, any~~ Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of a city, local, or exempted village school district, other than a pilot project district, in which the public school is proposed to be converted. Upon receipt of a proposal, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school, indicating the intention of the board of education to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board of education. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board of education shall negotiate in good faith to enter into a contract in accordance with section 3314.03 of the Revised Code and division (C) of this section.

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

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

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

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

(d) the state board of education.

Such big eight district board, joint vocational board, other school district

board, or state board may enter into a preliminary agreement pursuant to division (C)(2) of this section with the proposing person or group.

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

(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 or establish the new start-up 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.

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:

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

(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 focus of the curriculum;

(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;

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

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

(6) Dismissal procedures;

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(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.

(9) The facility to be used and its location;

(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;

(11) That the school will comply with the following requirements:

(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;

(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 XXXIII 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 financial status to the sponsor and to the parents of all students enrolled in the school.

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

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

(14) The governing authority of the school, which shall be responsible

for carrying out the provisions of the contract;

(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. The plan shall specify for each year the base formula amount that will be used for purposes of funding calculations under section 3314.08 of the Revised Code. This base formula amount for any year shall not exceed the dollar formula amount specified for the year under section 3317.022 of the Revised Code. The plan may also specify for any year a percentage figure to be used for reducing the per pupil amount of disadvantaged pupil impact aid the school is to receive that year under section 3314.08 of the Revised Code.

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

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

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

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

(1) The process by which the governing authority of the school will be selected in the future;

(2) The management and administration of the school;

(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;

(4) The instructional program and educational philosophy of the school;

(5) Internal financial controls.

(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set

forth in the contract between the governing authority and the sponsor.

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.

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 and the school.

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.

(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.

(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.

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

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

(5) 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, shall cease to be part of the collective

bargaining unit that is subject to that and all subsequent agreements, and shall cease to be represented by any exclusive representative of that collective bargaining unit, if a majority of the employees of the 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;

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

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

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

(B)(1) The board of education of each city, local, and exempted village school district sponsoring a community school and the governing board of each educational service center in which a community school is located shall adopt a policy that provides a leave of absence of at least three years to each teacher or nonteaching employee of the district or service center who is employed by a conversion or new start-up community school ~~located in~~ sponsored by the district or located in the district or center for the period during which the teacher or employee is continuously employed by the community school. The policy shall also provide that any teacher or nonteaching employee may return to employment by the district or service center if the teacher or employee leaves or is discharged from employment with the community school for any reason, unless, in the case of a teacher, the board of the district or service center determines that the teacher was discharged for a reason for which the board would have sought to discharge the teacher under section 3319.16 Of the Revised Code, in which case the

board may proceed to discharge the teacher utilizing the procedures of that section. Upon termination of such a leave of absence, any seniority that is applicable to the person shall be calculated to include all of the following: all employment by the district or service center prior to the leave of absence; all employment by the community school during the leave of absence; and all employment by the district or service center after the leave of absence. The policy shall also provide that if any teacher holding valid certification returns to employment by the district or service center upon termination of such a leave of absence, the teacher shall be restored to the previous position and salary or to a position and salary similar thereto. If, as a result of teachers returning to employment upon termination of such leaves of absence, a school district or educational service center reduces the number of teachers it employs, it shall make such reductions in accordance with section 3319.17 of the Revised Code.

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

(2) While on a leave of absence pursuant to division (B)(1) of this section, a conversion community school shall permit a teacher to use sick leave accrued while in the employ of the school district from which the leave of absence was taken and prior to commencing such leave. If a teacher who is on such a leave of absence uses sick leave so accrued, the cost of any salary paid by the community school to the teacher for that time shall be reported to the department of education. The cost of employing a substitute teacher for that time shall be paid by the community school. The department of education shall add amounts to the payments made to a community school under this chapter as necessary to cover the cost of salary reported by a community school as paid to a teacher using sick leave so accrued pursuant to this section. The department shall subtract the amounts of any payments made to community schools under this division from payments made to such sponsoring school district under Chapter 3317. of the Revised Code.

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

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

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

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

(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, file with the department of education 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, which shall include an equal number of parents and teachers and the building principal, 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. The district's proposal shall comply substantially with the rules approved by the general assembly.

(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:

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

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

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

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

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools ~~that have no religious or sectarian affiliation~~, in public centers, or in mobile units located on or off of the nonpublic premises ~~as determined by the department of education~~. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

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

strict in which the nonpublic school is located.

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

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

(I) To provide programs for children who attend nonpublic schools within the district and are handicapped children as defined in division (A) of section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools ~~that have no religious or sectarian affiliation~~, in public centers, or in mobile units located on or off of the nonpublic premises ~~as determined by the state department of education~~. If such programs are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

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

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

(L) To purchase instructional equipment, including computer hardware, for use by pupils attending nonpublic schools within the district, if such usage only occurs when these pupils are being provided the secular

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

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

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

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

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

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

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

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

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

Notwithstanding section 3317.01 of the Revised Code, payments shall

be made under this section to any city, local, or exempted village school district within which is located one or more nonpublic elementary or high schools.

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

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

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

Sec. 3317.064. (A) There is hereby established in the state treasury the auxiliary services mobile unit replacement and repair fund. By the thirtieth day of January of each odd-numbered year, the administrator of the bureau of employment services and the superintendent of public instruction shall determine the amount of any excess moneys in the auxiliary services personnel unemployment compensation fund not reasonably necessary for the purposes of section 4141.47 of the Revised Code, and shall certify such amount to the director of budget and management for transfer to the auxiliary services mobile unit replacement and repair fund. If the administrator and the superintendent disagree on such amount, the director shall determine the amount to be transferred.

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

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

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

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

Sec. 3333.35. The state board of education and the Ohio board of regents shall strive to reduce unnecessary student remediation costs incurred by colleges and universities in this state, increase overall access for students to higher education, enhance the post-secondary enrollment options program in accordance with Chapter 3365. Of the Revised Code, and enhance the alternative educator licensure program in accordance with section 3319.26 Of the Revised Code.

Sec. 3365.15. No later than July 1, 1999, the board of regents shall

adopt rules under which it shall award at least a five-hundred dollar scholarship to each student who both:

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

(B) Submits to the board of regents, in the form and manner and by any deadline prescribed by the rules, evidence of having enrolled in a state-assisted college or university, a nonprofit INSTITUTION holding a certificate of AUTHORIZATION pursuant to chapter 1713. of the Revised Code, or an institution registered by the state board of proprietary school REGISTRATION that has program authorization to award an associate or bachelor's degree.

The board of regents shall pay each scholarship awarded under this section to the student. It may be used to defray any educational expenses.

SECTION 2. That existing sections 3301.0710, 3301.0711, 3302.07, 3313.533, 3313.61, 3313.98, 3313.981, 3313.983, 3314.01, 3314.02, 3314.03, 3314.05, 3314.10, 3317.06, and 3317.064 and sections 3301.85, 3302.01, 3302.02, 3302.03, 3302.04, 3302.05, and 3302.06 of the Revised Code are hereby repealed.

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

SECTION 4. (A) The requirement of this act to begin administering tests of completion of tenth grade skills shall first apply to the school year that begins on July 1, 2002. In March of that school year, the tenth grade tests required by sections 3301.0710 and 3301.0711, as amended by this act, shall be given to tenth grade students. In the school year that begins July 1, 2003, the tenth grade tests shall be given once to all tenth graders in March and twice to all eleventh graders. In the school year that begins July 1, 2004, the

tenth grade tests shall be given to all tenth graders in March and to all eleventh and twelfth graders twice during the year. Thereafter, the tenth grade tests shall be given each year as required by those sections. The requirement to pass the new tenth grade tests in order to obtain diplomas shall first apply to students who graduate after September 15, 2004.

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

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

SECTION 6. Sections 1 through 5 of this act, except for sections 3302.05, 3313.6010, 3317.06, 3317.064, and 3333.35 and the repeal of section 3301.85 of the Revised Code, shall take effect on July 1, 1998. Sections 3302.05, 3313.6010, 3317.06, 3317.064, and 3333.35 of the Revised Code, as amended or enacted by this act, and the repeal of section 3301.85 of the Revised Code by this act, shall take effect at the earliest time permitted by law.

SECTION 7. 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 8. That existing Section 50.16 of Am. Sub. H.B. 215 of the 122nd General Assembly is hereby repealed.

SECTION 9. That sections 3317.02, 3317.023, and 3317.08 of the Revised Code be amended 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 average daily membership in the case of any school district other than an urban ~~or~~ big eight, or disadvantaged rural school district; minus one-fourth of the extended kindergarten average daily membership and one-half of the traditional kindergarten average daily membership in the case of any urban, big eight, or disadvantaged rural school district; ~~minus one-fourth of the all-day and extended kindergarten average daily membership and one-half of the traditional kindergarten average daily membership in the case of any urban district;~~ plus one-fourth

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

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

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

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

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

nl/ql,160,35	cm,324,175	COST-OF-DOING-BUSINESS	nl/ql,160,35
COUNTY	cm,324,175	FACTOR AMOUNT	nl/ql,160,35
nl/ql,160,35	Adams	cm,324,175	1.0100
nl/ql,160,35	Allen	cm,324,175	1.0272
nl/ql,160,35	Ashland	cm,324,175	1.0362
nl/ql,160,35	Ashtabula	cm,324,175	1.0540
nl/ql,160,35	Athens	cm,324,175	1.0040
nl/ql,160,35	Auglaize	cm,324,175	1.0300
nl/ql,160,35	Belmont	cm,324,175	1.0101

ql,160,35 Brown cm,324,175 1.0218 nl/ql,160,35 Butler cm,324,175 1.0662
nl/ql,160,35 Carroll cm,324,175 1.0180 nl/ql,160,35 Champaign
cm,324,175 1.0432 nl/ql,160,35 Clark cm,324,175 1.0489 nl/ql,160,35
Clermont cm,324,175 1.0498 nl/ql,160,35 Clinton cm,324,175 1.0287
nl/ql,160,35 Columbiana cm,324,175 1.0320 nl/ql,160,35 Coshocton
cm,324,175 1.0224 nl/ql,160,35 Crawford cm,324,175 1.0174 nl/ql,160,35
Cuyahoga cm,324,175 1.0725 nl/ql,160,35 Darke cm,324,175 1.0360
nl/ql,160,35 Defiance cm,324,175 1.0214 nl/ql,160,35 Delaware
cm,324,175 1.0512 nl/ql,160,35 Erie cm,324,175 1.0414 nl/ql,160,35
Fairfield cm,324,175 1.0383 nl/ql,160,35 Fayette cm,324,175 1.0281
nl/ql,160,35 Franklin cm,324,175 1.0548 nl/ql,160,35 Fulton cm,324,175
1.0382 nl/ql,160,35 Gallia cm,324,175 1.0000 nl/ql,160,35 Geauga
cm,324,175 1.0608 nl/ql,160,35 Greene cm,324,175 1.0418 nl/ql,160,35
Guernsey cm,324,175 1.0091 nl/ql,160,35 Hamilton cm,324,175 1.0750
nl/ql,160,35 Hancock cm,324,175 1.0270 nl/ql,160,35 Hardin cm,324,175
1.0384 nl/ql,160,35 Harrison cm,324,175 1.0111 nl/ql,160,35 Henry
cm,324,175 1.0389 nl/ql,160,35 Highland cm,324,175 1.0177 nl/ql,160,35
Hocking cm,324,175 1.0164 nl/ql,160,35 Holmes cm,324,175 1.0275
nl/ql,160,35 Huron cm,324,175 1.0348 nl/ql,160,35 Jackson cm,324,175
1.0176 nl/ql,160,35 Jefferson cm,324,175 1.0090 nl/ql,160,35 Knox
cm,324,175 1.0276 nl/ql,160,35 Lake cm,324,175 1.0627 nl/ql,160,35
Lawrence cm,324,175 1.0154 nl/ql,160,35 Licking cm,324,175 1.0418
nl/ql,160,35 Logan cm,324,175 1.0376 nl/ql,160,35 Lorain cm,324,175
1.0573 nl/ql,160,35 Lucas cm,324,175 1.0449 nl/ql,160,35 Madison
cm,324,175 1.0475 nl/ql,160,35 Mahoning cm,324,175 1.0465 nl/ql,160,35
Marion cm,324,175 1.0289 nl/ql,160,35 Medina cm,324,175 1.0656
nl/ql,160,35 Meigs cm,324,175 1.0016 nl/ql,160,35 Mercer cm,324,175
1.0209 nl/ql,160,35 Miami cm,324,175 1.0456 nl/ql,160,35 Monroe
cm,324,175 1.0152 nl/ql,160,35 Montgomery cm,324,175 1.0484
nl/ql,160,35 Morgan cm,324,175 1.0168 nl/ql,160,35 Morrow cm,324,175
1.0293 nl/ql,160,35 Muskingum cm,324,175 1.0194 nl/ql,160,35 Noble
cm,324,175 1.0150 nl/ql,160,35 Ottawa cm,324,175 1.0529 nl/ql,160,35
Paulding cm,324,175 1.0216 nl/ql,160,35 Perry cm,324,175 1.0185
nl/ql,160,35 Pickaway cm,324,175 1.0350 nl/ql,160,35 Pike cm,324,175
1.0146 nl/ql,160,35 Portage cm,324,175 1.0595 nl/ql,160,35 Preble
cm,324,175 1.0523 nl/ql,160,35 Putnam cm,324,175 1.0308 nl/ql,160,35
Richland cm,324,175 1.0232 nl/ql,160,35 Ross cm,324,175 1.0111
nl/ql,160,35 Sandusky cm,324,175 1.0361 nl/ql,160,35 Scioto cm,324,175
1.0082 nl/ql,160,35 Seneca cm,324,175 1.0265 nl/ql,160,35 Shelby
cm,324,175 1.0274 nl/ql,160,35 Stark cm,324,175 1.0330 nl/ql,160,35

Summit cm,324,175 1.0642 nl/ql,160,35 Trumbull cm,324,175 1.0465 nl/ql,160,35 Tuscarawas cm,324,175 1.0109 nl/ql,160,35 Union cm,324,175 1.0488 nl/ql,160,35 Van Wert cm,324,175 1.0181 nl/ql,160,35 Vinton cm,324,175 1.0065 nl/ql,160,35 Warren cm,324,175 1.0678 nl/ql,160,35 Washington cm,324,175 1.0124 nl/ql,160,35 Wayne cm,324,175 1.0446 nl/ql,160,35 Williams cm,324,175 1.0316 nl/ql,160,35 Wood cm,324,175 1.0431 nl/ql,160,35 Wyandot cm,324,175 1.0227

(2) As used in this division, "multiplier" means the number for the corresponding fiscal year as follows: nl/cm,130,35 FISCAL YEAR OF THE cm,250,200 nl/cm,130,35 COMPUTATION cm,250,200 MULTIPLIER nl/cm,130,35 1998 cm,250,200 9.6/7.5 nl/cm,130,35 1999 cm,250,200 10.3/7.5 nl/cm,130,35 2000 cm,250,200 11.0/7.5 nl/cm,130,35 2001 cm,250,200 11.7/7.5 nl/cm,130,35 2002 cm,250,200 12.4/7.5 nl/cm,130,35 2003 cm,250,200 13.1/7.5 nl/cm,130,35 2004 cm,250,200 13.8/7.5 nl/cm,130,35 2005 cm,250,200 14.5/7.5 nl/cm,130,35 2006 cm,250,200 15.2/7.5 nl/cm,130,35 2007 cm,250,200 15.9/7.5 nl/cm,130,35 2008 cm,250,200 16.6/7.5 nl/cm,130,35 2009 cm,250,200 17.3/7.5 nl/cm,130,35 2010 and thereafter cm,250,200 18.0/7.5

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

[(The cost-of-doing-business factor specified under division (E)(1) of this section - 1) X (the multiplier for the fiscal year of the calculation)] + 1

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

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

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

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

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

(J) "Income factor" for a city, exempted village, or local school district

means the quotient obtained by dividing that district's median income by the statewide median income.

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

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

District valuation per pupil - [\$60,000 X (1 - district income factor)]

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

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

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

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

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

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

(N) "Multiple" means the number for the corresponding fiscal year as follows: nl/cm,130,35 FISCAL YEAR OF THE cm,275,225 nl/cm,130,35 COMPUTATION cm,275,225 MULTIPLE nl/cm,130,35 1998 cm,275,225 1/5 nl/cm,130,35 1999 cm,275,225 4/15 nl/cm,130,35 2000 cm,275,225 1/3 nl/cm,130,35 2001 cm,275,225 2/5 nl/cm,130,35 2002 cm,275,225 7/15 nl/cm,130,35 2003 cm,275,225 8/15 nl/cm,130,35 2004 cm,275,225 3/5 nl/cm,130,35 2005 cm,275,225 2/3 nl/cm,130,35 2006 cm,275,225 11/15 nl/cm,130,35 2007 cm,275,225 4/5 nl/cm,130,35 2008 cm,275,225 13/15 nl/cm,130,35 2009 cm,275,225 14/15

(O) "Urban school district" means a school district, other than a big eight school district, that in fiscal year 1997 met either of the following conditions:

(1) Had a percentage of children residing in the district and ~~receiving aid to dependent children~~ participating in Ohio works first greater than fifteen and one-half per cent, as reported pursuant to section 3317.10 of the Revised Code, and had an average daily membership greater than five

thousand five hundred, as reported pursuant to division (A) of section 3317.03 of the Revised Code;

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

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

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

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

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

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

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

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

As used in this section:

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

(2) "Educational service personnel" shall not include such specialists funded from money paid to the district from federal sources or assigned full-time to vocational or special education students and classes and may only include those persons employed in the eight specialist areas in a pattern

approved by the department of education under guidelines established by the state board of education.

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

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

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

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

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

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

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

~~(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.~~

(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: nl/cm,200,0 THREE-YEAR AVERAGE NUMBER OF nl/cm,200,0 OWF CHILDREN DIVIDED BY cm,325,210 PAYMENT PER OWF CHILD IN nl/cm,200,0 THE AVERAGE DAILY MEMBERSHIP cm,325,210 THE THREE-YEAR AVERAGE nl/cm,200,0 At least 5%, but less than 10% cm,325,210 \$198.00 ~~OWF~~ nl/cm,200,0 At least 10%, but less than 20% cm,325,210 (\$101.50 x per cent figure) minus \$817.00 ~~OWF~~ nl/cm,200,0 At least 20%, but less than 30% cm,325,210 (\$7.50 x per cent figure) plus \$1,063.00 ~~OWF~~ nl/cm,200,0 At least 30% cm,325,210 \$1,288.00 ~~OWF~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(D) If a positive amount, add one-half of the amount obtained by

multiplying the number of full-time equivalent classroom teachers by:

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

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

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

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

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

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

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

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

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

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

strict is responsible.

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

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

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

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

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

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

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

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

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

nder division (B)(1) of section 3317.19 of the Revised Code.

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

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

Unless otherwise provided by law, tuition shall be computed in accordance with this section. A district's tuition charge for a school year shall be one of the following:

(A) For any child, except a handicapped preschool child described in division (B) of this section, the quotient obtained by dividing the sum of the amounts described in divisions (A)(1) and (2) of this section by the amount described in division (A)(3) of this section.

(1) The district's total taxes charged and payable for current expenses for the tax year preceding the tax year in which the school year begins as certified under division (A)(3) of section 3317.021 of the Revised Code.

(2) The district's total taxes collected for current expenses under a school district income tax adopted pursuant to section 5748.03 or 5748.08 of the Revised Code that are disbursed to the district during the fiscal year. On or before the first day of June of each year, the tax commissioner shall certify the amount to be used in the calculation under this division for the next fiscal year to the department of education for each city, local, and exempted village school district that levies a school district income tax.

(3) The district's average daily membership:

(a) Minus, in the case of a school district other than an urban ~~district or~~, big eight, or disadvantaged rural school district, one-half the kindergarten average daily membership certified pursuant to section 3317.03 of the Revised Code for the preceding school year;

(b) Minus, in the case of a an urban, big eight, or disadvantaged rural school district, one-fourth of the extended kindergarten average daily membership and one-half of the traditional kindergarten average daily membership certified pursuant to section 3317.03 of the Revised Code;

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

(B) For any handicapped preschool child not included in a unit approved

under division (E) of section 3317.05 of the Revised Code, an amount computed for the school year as follows:

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

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

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

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

The state board of education shall adopt rules defining the types of special education services and specifying the operating expenses to be used in the computation under this section.

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

Except as otherwise provided in division (I) of section 3313.64 of the Revised Code, whenever a district admits a child to its schools for whom tuition computed in accordance with this section is an obligation of another school district, the amount of the tuition shall be certified by the treasurer of the board of education of the district of attendance, to the board of education of the district required to pay tuition for its approval and payment. If agreement as to the amount payable or the district required to pay the tuition cannot be reached, or the board of education of the district required to pay the tuition refuses to pay that amount, the board of education of the district of attendance shall notify the superintendent of public instruction. The superintendent shall determine the correct amount and the district required

to pay the tuition and shall deduct that amount, if any, under division (G) of section 3317.023 of the Revised Code, from the district required to pay the tuition and add that amount to the amount allocated to the district attended under such division. The superintendent of public instruction shall send to the district required to pay the tuition an itemized statement showing such deductions at the time of such deduction.

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

SECTION 10. That existing sections 3317.02, 3317.023, and 3317.08 of the Revised Code are hereby repealed.

SECTION 11. Section 3317.023 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 215 and Sub. H.B. 408 of the 122nd General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

SECTION 12. 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 13. 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 that fiscal year. Thereafter, rural disadvantaged 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.

SECTION 14. Pursuant to Section 26, Article II, of the Ohio Constitution, Sections 9 through 14 of this act shall take effect on July 1, 1998, but only if there is approval by a majority of the electors voting on the provisions of Section 14, Article XII, of the Ohio Constitution, as proposed to the voters on November 4, 1997, and only if such section, as approved, imposes a one cent sales tax and provides for the proceeds of that tax to be deposited into the School Trust Fund.

SECTION 15. Nothing in this act shall be construed as approving the standards or competencies as proposed by the State Board of Education in May of 1997.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____