

**As Passed by the Senate**

**124th General Assembly**

**Regular Session**

**2001-2002**

**Sub. H. B. No. 364**

**REPRESENTATIVES Husted, Clancy, Calvert, Raga, DeWine, Seitz, Setzer,  
White, Goodman, Gilb, Faber, Webster, Schaffer, Brinkman, Flowers,  
Callender, Schmidt, Williams, Grendell, Young, Widowfield, Schneider,  
Wolpert, Blasdel, Allen, Reidelbach, Evans, Cates, Lendrum, Niehaus  
SENATORS Robert Gardner, Harris, Blessing, Jacobson**

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**A B I L L**

To amend sections 2901.01, 2925.01, 3301.0714, 1  
3302.03, 3309.51, 3313.375, 3314.011, 3314.013, 2  
3314.02, 3314.03, 3314.05, 3314.06, 3314.07, 3  
3314.072, 3314.08, 3314.09, 3314.091, 3314.11, 4  
3314.13, 3317.029, 3317.03, 3318.50, 3327.01, 5  
3327.02, 3331.01, 3365.08, and 4117.101; to enact 6  
sections 3313.648, 3314.015, 3314.022, 3314.023, 7  
3314.024, 3314.031, 3314.032, 3314.041, 3314.073, 8  
3314.074, 3314.081, 3314.082, 3314.111, 3314.17, 9  
3314.30, and 3314.31; to repeal section 3314.021 of 10  
the Revised Code; and to amend Sections 44.05 and 11  
189 of Am. Sub. H.B. 94 of the 124th General 12  
Assembly to expand the sponsorship of community 13  
schools, to add "academic watch" school districts 14  
to those districts in which start-up community 15  
schools may be established, to make changes in the 16  
oversight and management of community schools, to 17  
establish the Community School Revolving Loan Fund 18  
and the Community School Security Fund, and to make 19  
other changes in the community school law; to 20  
clarify that certain crimes carry enhanced 21

penalties when committed on community school 22  
property or at community school activities; to 23  
prohibit school districts and community schools 24  
from offering certain monetary incentives for 25  
students to enroll in their schools; to require the 26  
Legislative Office of Education Oversight to study 27  
the cost of E-schools; to permit a local school 28  
district superintendent to designate the 29  
superintendent of the educational service center to 30  
which the district belongs as the authority to 31  
issue age and schooling certificates to students 32  
residing in the district; to require that 33  
Disadvantaged Pupil Impact Aid payments be 34  
calculated using single-year district and statewide 35  
totals of the number of students living in families 36  
with incomes not exceeding federal poverty 37  
guidelines and receiving family assistance rather 38  
than the five-year average of such district and 39  
statewide totals; to change the deadline for the 40  
correction of reporting errors to the Education 41  
Management Information System; to add a 42  
representative from the Auditor of State's Office 43  
to the Alternative Education Advisory Council; and 44  
to amend the version of section 2925.01 of the 45  
Revised Code that is scheduled to take effect 46  
January 1, 2004, to continue the provisions of this 47  
act on and after that effective date. 48

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

**Section 1.** That sections 2901.01, 2925.01, 3301.0714, 49  
3302.03, 3309.51, 3313.375, 3314.011, 3314.013, 3314.02, 3314.03, 50  
3314.05, 3314.06, 3314.07, 3314.072, 3314.08, 3314.09, 3314.091, 51

3314.11, 3314.13, 3317.029, 3317.03, 3318.50, 3327.01, 3327.02, 52  
3331.01, 3365.08, and 4117.101 be amended and sections 3313.648, 53  
3314.015, 3314.022, 3314.023, 3314.024, 3314.031, 3314.032, 54  
3314.041, 3314.073, 3314.074, 3314.081, 3314.082, 3314.111, 55  
3314.17, 3314.30, and 3314.31 of the Revised Code be enacted to 56  
read as follows: 57

**Sec. 2901.01.** (A) As used in the Revised Code: 58

(1) "Force" means any violence, compulsion, or constraint 59  
physically exerted by any means upon or against a person or thing. 60

(2) "Deadly force" means any force that carries a substantial 61  
risk that it will proximately result in the death of any person. 62  
63

(3) "Physical harm to persons" means any injury, illness, or 64  
other physiological impairment, regardless of its gravity or 65  
duration. 66

(4) "Physical harm to property" means any tangible or 67  
intangible damage to property that, in any degree, results in loss 68  
to its value or interferes with its use or enjoyment. "Physical 69  
harm to property" does not include wear and tear occasioned by 70  
normal use. 71

(5) "Serious physical harm to persons" means any of the 72  
following: 73

(a) Any mental illness or condition of such gravity as would 74  
normally require hospitalization or prolonged psychiatric 75  
treatment; 76

(b) Any physical harm that carries a substantial risk of 77  
death; 78

(c) Any physical harm that involves some permanent 79  
incapacity, whether partial or total, or that involves some 80

temporary, substantial incapacity;	81
(d) Any physical harm that involves some permanent	82
disfigurement or that involves some temporary, serious	83
disfigurement;	84
(e) Any physical harm that involves acute pain of such	85
duration as to result in substantial suffering or that involves	86
any degree of prolonged or intractable pain.	87
(6) "Serious physical harm to property" means any physical	88
harm to property that does either of the following:	89
(a) Results in substantial loss to the value of the property	90
or requires a substantial amount of time, effort, or money to	91
repair or replace;	92
(b) Temporarily prevents the use or enjoyment of the property	93
or substantially interferes with its use or enjoyment for an	94
extended period of time.	95
(7) "Risk" means a significant possibility, as contrasted	96
with a remote possibility, that a certain result may occur or that	97
certain circumstances may exist.	98
(8) "Substantial risk" means a strong possibility, as	99
contrasted with a remote or significant possibility, that a	100
certain result may occur or that certain circumstances may exist.	101
(9) "Offense of violence" means any of the following:	102
(a) A violation of section 2903.01, 2903.02, 2903.03,	103
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211,	104
2903.22, 2905.01, 2905.02, 2905.11, 2907.02, 2907.03, 2907.05,	105
2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11, 2917.01,	106
2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04, 2921.34, or	107
2923.161, of division (A)(1), (2), or (3) of section 2911.12, or	108
of division (B)(1), (2), (3), or (4) of section 2919.22 of the	109
Revised Code or felonious sexual penetration in violation of	110

former section 2907.12 of the Revised Code; 111

(b) A violation of an existing or former municipal ordinance 112  
or law of this or any other state or the United States, 113  
substantially equivalent to any section, division, or offense 114  
listed in division (A)(9)(a) of this section; 115

(c) An offense, other than a traffic offense, under an 116  
existing or former municipal ordinance or law of this or any other 117  
state or the United States, committed purposely or knowingly, and 118  
involving physical harm to persons or a risk of serious physical 119  
harm to persons; 120

(d) A conspiracy or attempt to commit, or complicity in 121  
committing, any offense under division (A)(9)(a), (b), or (c) of 122  
this section. 123

(10)(a) "Property" means any property, real or personal, 124  
tangible or intangible, and any interest or license in that 125  
property. "Property" includes, but is not limited to, cable 126  
television service, other telecommunications service, 127  
telecommunications devices, information service, computers, data, 128  
computer software, financial instruments associated with 129  
computers, other documents associated with computers, or copies of 130  
the documents, whether in machine or human readable form, trade 131  
secrets, trademarks, copyrights, patents, and property protected 132  
by a trademark, copyright, or patent. "Financial instruments 133  
associated with computers" include, but are not limited to, 134  
checks, drafts, warrants, money orders, notes of indebtedness, 135  
certificates of deposit, letters of credit, bills of credit or 136  
debit cards, financial transaction authorization mechanisms, 137  
marketable securities, or any computer system representations of 138  
any of them. 139

(b) As used in division (A)(10) of this section, "trade 140  
secret" has the same meaning as in section 1333.61 of the Revised 141

Code, and "telecommunications service" and "information service" 142  
have the same meanings as in section 2913.01 of the Revised Code. 143

(c) As used in divisions (A)(10) and (13) of this section, 144  
"cable television service," "computer," "computer software," 145  
"computer system," "computer network," "data," and 146  
"telecommunications device" have the same meanings as in section 147  
2913.01 of the Revised Code. 148

(11) "Law enforcement officer" means any of the following: 149

(a) A sheriff, deputy sheriff, constable, police officer of a 150  
township or joint township police district, marshal, deputy 151  
marshal, municipal police officer, member of a police force 152  
employed by a metropolitan housing authority under division (D) of 153  
section 3735.31 of the Revised Code, or state highway patrol 154  
trooper; 155

(b) An officer, agent, or employee of the state or any of its 156  
agencies, instrumentalities, or political subdivisions, upon whom, 157  
by statute, a duty to conserve the peace or to enforce all or 158  
certain laws is imposed and the authority to arrest violators is 159  
conferred, within the limits of that statutory duty and authority; 160  
161

(c) A mayor, in the mayor's capacity as chief conservator of 162  
the peace within the mayor's municipal corporation; 163

(d) A member of an auxiliary police force organized by 164  
county, township, or municipal law enforcement authorities, within 165  
the scope of the member's appointment or commission; 166

(e) A person lawfully called pursuant to section 311.07 of 167  
the Revised Code to aid a sheriff in keeping the peace, for the 168  
purposes and during the time when the person is called; 169

(f) A person appointed by a mayor pursuant to section 737.01 170  
of the Revised Code as a special patrolling officer during riot or 171

emergency, for the purposes and during the time when the person is appointed;	172 173
(g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;	174 175 176 177
(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;	178 179
(i) An Ohio veterans' home police officer appointed under section 5907.02 of the Revised Code;	180 181
(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;	182 183 184
(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	185 186
(l) The house sergeant at arms if the house sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house sergeant at arms.	187 188 189 190
(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.	191 192 193 194
(13) "Contraband" means any property described in the following categories:	195 196
(a) Property that in and of itself is unlawful for a person to acquire or possess;	197 198
(b) Property that is not in and of itself unlawful for a person to acquire or possess, but that has been determined by a court of this state, in accordance with law, to be contraband	199 200 201

because of its use in an unlawful activity or manner, of its  
nature, or of the circumstances of the person who acquires or  
possesses it, including, but not limited to, goods and personal  
property described in division (D) of section 2913.34 of the  
Revised Code;

(c) Property that is specifically stated to be contraband by  
a section of the Revised Code or by an ordinance, regulation, or  
resolution;

(d) Property that is forfeitable pursuant to a section of the  
Revised Code, or an ordinance, regulation, or resolution,  
including, but not limited to, forfeitable firearms, dangerous  
ordnance, obscene materials, and goods and personal property  
described in division (D) of section 2913.34 of the Revised Code;

(e) Any controlled substance, as defined in section 3719.01  
of the Revised Code, or any device, paraphernalia, money as  
defined in section 1301.01 of the Revised Code, or other means of  
exchange that has been, is being, or is intended to be used in an  
attempt or conspiracy to violate, or in a violation of, Chapter  
2925. or 3719. of the Revised Code;

(f) Any gambling device, paraphernalia, money as defined in  
section 1301.01 of the Revised Code, or other means of exchange  
that has been, is being, or is intended to be used in an attempt  
or conspiracy to violate, or in the violation of, Chapter 2915. of  
the Revised Code;

(g) Any equipment, machine, device, apparatus, vehicle,  
vessel, container, liquid, or substance that has been, is being,  
or is intended to be used in an attempt or conspiracy to violate,  
or in the violation of, any law of this state relating to alcohol  
or tobacco;

(h) Any personal property that has been, is being, or is  
intended to be used in an attempt or conspiracy to commit, or in

the commission of, any offense or in the transportation of the	233
fruits of any offense;	234
(i) Any property that is acquired through the sale or other	235
transfer of contraband or through the proceeds of contraband,	236
other than by a court or a law enforcement agency acting within	237
the scope of its duties;	238
(j) Any computer, computer system, computer network, computer	239
software, or other telecommunications device that is used in a	240
conspiracy to commit, an attempt to commit, or the commission of	241
any offense, if the owner of the computer, computer system,	242
computer network, computer software, or other telecommunications	243
device is convicted of or pleads guilty to the offense in which it	244
is used;	245
(k) Any property that is material support or resources and	246
that has been, is being, or is intended to be used in an attempt	247
or conspiracy to violate, or in the violation of, section 2909.22,	248
2909.23, or 2909.24 of the Revised Code or of section 2921.32 of	249
the Revised Code when the offense or act committed by the person	250
aided or to be aided as described in that section is an act of	251
terrorism. As used in division (A)(13)(k) of this section,	252
"material support or resources" and "act of terrorism" have the	253
same meanings as in section 2909.21 of the Revised Code.	254
(14) A person is "not guilty by reason of insanity" relative	255
to a charge of an offense only if the person proves, in the manner	256
specified in section 2901.05 of the Revised Code, that at the time	257
of the commission of the offense, the person did not know, as a	258
result of a severe mental disease or defect, the wrongfulness of	259
the person's acts.	260
(B)(1)(a) Subject to division (B)(2) of this section, as used	261
in any section contained in Title XXIX of the Revised Code that	262
sets forth a criminal offense, "person" includes all of the	263

following:	264
(i) An individual, corporation, business trust, estate, trust, partnership, and association;	265 266
(ii) An unborn human who is viable.	267
(b) As used in any section contained in Title XXIX of the Revised Code that does not set forth a criminal offense, "person" includes an individual, corporation, business trust, estate, trust, partnership, and association.	268 269 270 271
(c) As used in division (B)(1)(a) of this section:	272
(i) "Unborn human" means an individual organism of the species Homo sapiens from fertilization until live birth.	273 274
(ii) "Viable" means the stage of development of a human fetus at which there is a realistic possibility of maintaining and nourishing of a life outside the womb with or without temporary artificial life-sustaining support.	275 276 277 278
(2) Notwithstanding division (B)(1)(a) of this section, in no case shall the portion of the definition of the term "person" that is set forth in division (B)(1)(a)(ii) of this section be applied or construed in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense in any of the following manners:	279 280 281 282 283 284
(a) Except as otherwise provided in division (B)(2)(a) of this section, in a manner so that the offense prohibits or is construed as prohibiting any pregnant woman or her physician from performing an abortion with the consent of the pregnant woman, with the consent of the pregnant woman implied by law in a medical emergency, or with the approval of one otherwise authorized by law to consent to medical treatment on behalf of the pregnant woman. An abortion that violates the conditions described in the immediately preceding sentence may be punished as a violation of	285 286 287 288 289 290 291 292 293

section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 294  
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 295  
of the Revised Code, as applicable. An abortion that does not 296  
violate the conditions described in the second immediately 297  
preceding sentence, but that does violate section 2919.12, 298  
division (B) of section 2919.13, or section 2919.151, 2919.17, or 299  
2919.18 of the Revised Code, may be punished as a violation of 300  
section 2919.12, division (B) of section 2919.13, or section 301  
2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. 302  
Consent is sufficient under this division if it is of the type 303  
otherwise adequate to permit medical treatment to the pregnant 304  
woman, even if it does not comply with section 2919.12 of the 305  
Revised Code. 306

(b) In a manner so that the offense is applied or is 307  
construed as applying to a woman based on an act or omission of 308  
the woman that occurs while she is or was pregnant and that 309  
results in any of the following: 310

(i) Her delivery of a stillborn baby; 311

(ii) Her causing, in any other manner, the death in utero of 312  
a viable, unborn human that she is carrying; 313

(iii) Her causing the death of her child who is born alive 314  
but who dies from one or more injuries that are sustained while 315  
the child is a viable, unborn human; 316

(iv) Her causing her child who is born alive to sustain one 317  
or more injuries while the child is a viable, unborn human; 318

(v) Her causing, threatening to cause, or attempting to 319  
cause, in any other manner, an injury, illness, or other 320  
physiological impairment, regardless of its duration or gravity, 321  
or a mental illness or condition, regardless of its duration or 322  
gravity, to a viable, unborn human that she is carrying. 323

(C) As used in Title XXIX of the Revised Code: 324

(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.

(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code.

(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school district; a governing authority of a community school established under Chapter 3314. of the Revised Code; a governing board of an educational service center; or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code.

(4) "School bus" has the same meaning as in section 4511.01 of the Revised Code.

**Sec. 2925.01.** As used in this chapter:

(A) "Administer," "controlled substance," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.

(B) "Drug dependent person" and "drug of abuse" have the same meanings as in section 3719.011 of the Revised Code.

(C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.

(D) "Bulk amount" of a controlled substance means any of the following:

(1) For any compound, mixture, preparation, or substance

included in schedule I, schedule II, or schedule III, with the  
exception of marihuana, cocaine, L.S.D., heroin, and hashish and  
except as provided in division (D)(2) or (5) of this section,  
whichever of the following is applicable:

(a) An amount equal to or exceeding ten grams or twenty-five  
unit doses of a compound, mixture, preparation, or substance that  
is or contains any amount of a schedule I opiate or opium  
derivative;

(b) An amount equal to or exceeding ten grams of a compound,  
mixture, preparation, or substance that is or contains any amount  
of raw or gum opium;

(c) An amount equal to or exceeding thirty grams or ten unit  
doses of a compound, mixture, preparation, or substance that is or  
contains any amount of a schedule I hallucinogen other than  
tetrahydrocannabinol or lysergic acid amide, or a schedule I  
stimulant or depressant;

(d) An amount equal to or exceeding twenty grams or five  
times the maximum daily dose in the usual dose range specified in  
a standard pharmaceutical reference manual of a compound, mixture,  
preparation, or substance that is or contains any amount of a  
schedule II opiate or opium derivative;

(e) An amount equal to or exceeding five grams or ten unit  
doses of a compound, mixture, preparation, or substance that is or  
contains any amount of phencyclidine;

(f) An amount equal to or exceeding one hundred twenty grams  
or thirty times the maximum daily dose in the usual dose range  
specified in a standard pharmaceutical reference manual of a  
compound, mixture, preparation, or substance that is or contains  
any amount of a schedule II stimulant that is in a final dosage  
form manufactured by a person authorized by the "Federal Food,  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as

amended, and the federal drug abuse control laws, as defined in 385  
section 3719.01 of the Revised Code, that is or contains any 386  
amount of a schedule II depressant substance or a schedule II 387  
hallucinogenic substance; 388

(g) An amount equal to or exceeding three grams of a 389  
compound, mixture, preparation, or substance that is or contains 390  
any amount of a schedule II stimulant, or any of its salts or 391  
isomers, that is not in a final dosage form manufactured by a 392  
person authorized by the Federal Food, Drug, and Cosmetic Act and 393  
the federal drug abuse control laws. 394

(2) An amount equal to or exceeding one hundred twenty grams 395  
or thirty times the maximum daily dose in the usual dose range 396  
specified in a standard pharmaceutical reference manual of a 397  
compound, mixture, preparation, or substance that is or contains 398  
any amount of a schedule III or IV substance other than an 399  
anabolic steroid or a schedule III opiate or opium derivative; 400

(3) An amount equal to or exceeding twenty grams or five 401  
times the maximum daily dose in the usual dose range specified in 402  
a standard pharmaceutical reference manual of a compound, mixture, 403  
preparation, or substance that is or contains any amount of a 404  
schedule III opiate or opium derivative; 405

(4) An amount equal to or exceeding two hundred fifty 406  
milliliters or two hundred fifty grams of a compound, mixture, 407  
preparation, or substance that is or contains any amount of a 408  
schedule V substance; 409

(5) An amount equal to or exceeding two hundred solid dosage 410  
units, sixteen grams, or sixteen milliliters of a compound, 411  
mixture, preparation, or substance that is or contains any amount 412  
of a schedule III anabolic steroid. 413

(E) "Unit dose" means an amount or unit of a compound, 414  
mixture, or preparation containing a controlled substance that is 415

separately identifiable and in a form that indicates that it is 416  
the amount or unit by which the controlled substance is separately 417  
administered to or taken by an individual. 418

(F) "Cultivate" includes planting, watering, fertilizing, or 419  
tilling. 420

(G) "Drug abuse offense" means any of the following: 421

(1) A violation of division (A) of section 2913.02 that 422  
constitutes theft of drugs, or a violation of section 2925.02, 423  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 424  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 425  
2925.37 of the Revised Code; 426

(2) A violation of an existing or former law of this or any 427  
other state or of the United States that is substantially 428  
equivalent to any section listed in division (G)(1) of this 429  
section; 430

(3) An offense under an existing or former law of this or any 431  
other state, or of the United States, of which planting, 432  
cultivating, harvesting, processing, making, manufacturing, 433  
producing, shipping, transporting, delivering, acquiring, 434  
possessing, storing, distributing, dispensing, selling, inducing 435  
another to use, administering to another, using, or otherwise 436  
dealing with a controlled substance is an element; 437

(4) A conspiracy to commit, attempt to commit, or complicity 438  
in committing or attempting to commit any offense under division 439  
(G)(1), (2), or (3) of this section. 440

(H) "Felony drug abuse offense" means any drug abuse offense 441  
that would constitute a felony under the laws of this state, any 442  
other state, or the United States. 443

(I) "Harmful intoxicant" does not include beer or 444  
intoxicating liquor but means any of the following: 445

(1) Any compound, mixture, preparation, or substance the gas, 446  
fumes, or vapor of which when inhaled can induce intoxication, 447  
excitement, giddiness, irrational behavior, depression, 448  
stupefaction, paralysis, unconsciousness, asphyxiation, or other 449  
harmful physiological effects, and includes, but is not limited 450  
to, any of the following: 451

(a) Any volatile organic solvent, plastic cement, model 452  
cement, fingernail polish remover, lacquer thinner, cleaning 453  
fluid, gasoline, or other preparation containing a volatile 454  
organic solvent; 455

(b) Any aerosol propellant; 456

(c) Any fluorocarbon refrigerant; 457

(d) Any anesthetic gas. 458

(2) Gamma Butyrolactone; 459

(3) 1,4 Butanediol. 460

(J) "Manufacture" means to plant, cultivate, harvest, 461  
process, make, prepare, or otherwise engage in any part of the 462  
production of a drug, by propagation, extraction, chemical 463  
synthesis, or compounding, or any combination of the same, and 464  
includes packaging, repackaging, labeling, and other activities 465  
incident to production. 466

(K) "Possess" or "possession" means having control over a 467  
thing or substance, but may not be inferred solely from mere 468  
access to the thing or substance through ownership or occupation 469  
of the premises upon which the thing or substance is found. 470

(L) "Sample drug" means a drug or pharmaceutical preparation 471  
that would be hazardous to health or safety if used without the 472  
supervision of a licensed health professional authorized to 473  
prescribe drugs, or a drug of abuse, and that, at one time, had 474  
been placed in a container plainly marked as a sample by a 475

manufacturer. 476

(M) "Standard pharmaceutical reference manual" means the 477  
current edition, with cumulative changes if any, of any of the 478  
following reference works: 479

(1) "The National Formulary"; 480

(2) "The United States Pharmacopeia," prepared by authority 481  
of the United States Pharmacopoeial Convention, Inc.; 482

(3) Other standard references that are approved by the state 483  
board of pharmacy. 484

(N) "Juvenile" means a person under eighteen years of age. 485

(O) "Counterfeit controlled substance" means any of the 486  
following: 487

(1) Any drug that bears, or whose container or label bears, a 488  
trademark, trade name, or other identifying mark used without 489  
authorization of the owner of rights to that trademark, trade 490  
name, or identifying mark; 491

(2) Any unmarked or unlabeled substance that is represented 492  
to be a controlled substance manufactured, processed, packed, or 493  
distributed by a person other than the person that manufactured, 494  
processed, packed, or distributed it; 495

(3) Any substance that is represented to be a controlled 496  
substance but is not a controlled substance or is a different 497  
controlled substance; 498

(4) Any substance other than a controlled substance that a 499  
reasonable person would believe to be a controlled substance 500  
because of its similarity in shape, size, and color, or its 501  
markings, labeling, packaging, distribution, or the price for 502  
which it is sold or offered for sale. 503

(P) An offense is "committed in the vicinity of a school" if 504

the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises.

(Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted at the time a criminal offense is committed.

(R) "School premises" means either of the following:

(1) The parcel of real property on which any school is situated, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the premises at the time a criminal offense is committed;

(2) Any other parcel of real property that is owned or leased by a board of education of a school, the governing authority of a community school established under Chapter 3314. of the Revised Code, or the governing body of a nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code and on which some of the instruction, extracurricular activities, or training of the school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted on the parcel of real property at the time a criminal offense is committed.

(S) "School building" means any building in which any of the instruction, extracurricular activities, or training provided by a school is conducted, whether or not any instruction, extracurricular activities, or training provided by the school is being conducted in the school building at the time a criminal

offense is committed. 536

(T) "Disciplinary counsel" means the disciplinary counsel 537  
appointed by the board of commissioners on grievances and 538  
discipline of the supreme court under the Rules for the Government 539  
of the Bar of Ohio. 540

(U) "Certified grievance committee" means a duly constituted 541  
and organized committee of the Ohio state bar association or of 542  
one or more local bar associations of the state of Ohio that 543  
complies with the criteria set forth in Rule V, section 6 of the 544  
Rules for the Government of the Bar of Ohio. 545

(V) "Professional license" means any license, permit, 546  
certificate, registration, qualification, admission, temporary 547  
license, temporary permit, temporary certificate, or temporary 548  
registration that is described in divisions (W)(1) to (35) of this 549  
section and that qualifies a person as a professionally licensed 550  
person. 551

(W) "Professionally licensed person" means any of the 552  
following: 553

(1) A person who has obtained a license as a manufacturer of 554  
controlled substances or a wholesaler of controlled substances 555  
under Chapter 3719. of the Revised Code; 556

(2) A person who has received a certificate or temporary 557  
certificate as a certified public accountant or who has registered 558  
as a public accountant under Chapter 4701. of the Revised Code and 559  
who holds an Ohio permit issued under that chapter; 560

(3) A person who holds a certificate of qualification to 561  
practice architecture issued or renewed and registered under 562  
Chapter 4703. of the Revised Code; 563

(4) A person who is registered as a landscape architect under 564  
Chapter 4703. of the Revised Code or who holds a permit as a 565

landscape architect issued under that chapter;	566
(5) A person licensed as an auctioneer or apprentice	567
auctioneer or licensed to operate an auction company under Chapter	568
4707. of the Revised Code;	569
(6) A person who has been issued a certificate of	570
registration as a registered barber under Chapter 4709. of the	571
Revised Code;	572
(7) A person licensed and regulated to engage in the business	573
of a debt pooling company by a legislative authority, under	574
authority of Chapter 4710. of the Revised Code;	575
(8) A person who has been issued a cosmetologist's license,	576
manicurist's license, esthetician's license, managing	577
cosmetologist's license, managing manicurist's license, managing	578
esthetician's license, cosmetology instructor's license,	579
manicurist instructor's license, esthetician instructor's license,	580
or tanning facility permit under Chapter 4713. of the Revised	581
Code;	582
(9) A person who has been issued a license to practice	583
dentistry, a general anesthesia permit, a conscious intravenous	584
sedation permit, a limited resident's license, a limited teaching	585
license, a dental hygienist's license, or a dental hygienist's	586
teacher's certificate under Chapter 4715. of the Revised Code;	587
(10) A person who has been issued an embalmer's license, a	588
funeral director's license, a funeral home license, or a crematory	589
license, or who has been registered for an embalmer's or funeral	590
director's apprenticeship under Chapter 4717. of the Revised Code;	591
(11) A person who has been licensed as a registered nurse or	592
practical nurse, or who has been issued a certificate for the	593
practice of nurse-midwifery under Chapter 4723. of the Revised	594
Code;	595

(12) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code;	596 597 598
(13) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	599 600
(14) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	601 602
(15) A person licensed as a pharmacist, a pharmacy intern, a wholesale distributor of dangerous drugs, or a terminal distributor of dangerous drugs under Chapter 4729. of the Revised Code;	603 604 605 606
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	607 608
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	609 610 611 612
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	613 614
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	615 616
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	617 618
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	619 620
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	621 622
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	623 624

(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	625 626
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	627 628
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	629 630 631 632
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	633 634 635
(28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;	636 637 638
(29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code;	639 640 641
(30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;	642 643 644
(31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;	645 646
(32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code;	647 648 649 650
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	651 652
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised	653 654

Code; 655

(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code. 656 657

(X) "Cocaine" means any of the following: 658

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 659 660

(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine; 661 662 663 664

(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 665 666 667 668 669 670

(Y) "L.S.D." means lysergic acid diethylamide. 671

(Z) "Hashish" means the resin or a preparation of the resin contained in marihuana, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. 672 673 674

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish. 675 676

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense. 677 678 679 680 681 682 683

(CC) "Presumption for a prison term" or "presumption that a 684

prison term shall be imposed" means a presumption, as described in  
division (D) of section 2929.13 of the Revised Code, that a prison  
term is a necessary sanction for a felony in order to comply with  
the purposes and principles of sentencing under section 2929.11 of  
the Revised Code.

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(DD) "Major drug offender" has the same meaning as in section  
2929.01 of the Revised Code.

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(EE) "Minor drug possession offense" means either of the  
following:

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(1) A violation of section 2925.11 of the Revised Code as it  
existed prior to July 1, 1996;

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(2) A violation of section 2925.11 of the Revised Code as it  
exists on and after July 1, 1996, that is a misdemeanor or a  
felony of the fifth degree.

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(FF) "Mandatory prison term" has the same meaning as in  
section 2929.01 of the Revised Code.

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(GG) "Crack cocaine" means a compound, mixture, preparation,  
or substance that is or contains any amount of cocaine that is  
analytically identified as the base form of cocaine or that is in  
a form that resembles rocks or pebbles generally intended for  
individual use.

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(HH) "Adulterate" means to cause a drug to be adulterated as  
described in section 3715.63 of the Revised Code.

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(II) "Public premises" means any hotel, restaurant, tavern,  
store, arena, hall, or other place of public accommodation,  
business, amusement, or resort.

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**Sec. 3301.0714.** (A) The state board of education shall adopt  
rules for a statewide education management information system. The  
rules shall require the state board to establish guidelines for

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the establishment and maintenance of the system in accordance with 714  
this section and the rules adopted under this section. The 715  
guidelines shall include: 716

(1) Standards identifying and defining the types of data in 717  
the system in accordance with divisions (B) and (C) of this 718  
section; 719

(2) Procedures for annually collecting and reporting the data 720  
to the state board in accordance with division (D) of this 721  
section; 722

(3) Procedures for annually compiling the data in accordance 723  
with division (G) of this section; 724

(4) Procedures for annually reporting the data to the public 725  
in accordance with division (H) of this section. 726

(B) The guidelines adopted under this section shall require 727  
the data maintained in the education management information system 728  
to include at least the following: 729

(1) Student participation and performance data, for each 730  
grade in each school district as a whole and for each grade in 731  
each school building in each school district, that includes: 732

(a) The numbers of students receiving each category of 733  
instructional service offered by the school district, such as 734  
regular education instruction, vocational education instruction, 735  
specialized instruction programs or enrichment instruction that is 736  
part of the educational curriculum, instruction for gifted 737  
students, instruction for handicapped students, and remedial 738  
instruction. The guidelines shall require instructional services 739  
under this division to be divided into discrete categories if an 740  
instructional service is limited to a specific subject, a specific 741  
type of student, or both, such as regular instructional services 742  
in mathematics, remedial reading instructional services, 743  
instructional services specifically for students gifted in 744

mathematics or some other subject area, or instructional services 745  
for students with a specific type of handicap. The categories of 746  
instructional services required by the guidelines under this 747  
division shall be the same as the categories of instructional 748  
services used in determining cost units pursuant to division 749  
(C)(3) of this section. 750

(b) The numbers of students receiving support or 751  
extracurricular services for each of the support services or 752  
extracurricular programs offered by the school district, such as 753  
counseling services, health services, and extracurricular sports 754  
and fine arts programs. The categories of services required by the 755  
guidelines under this division shall be the same as the categories 756  
of services used in determining cost units pursuant to division 757  
(C)(4)(a) of this section. 758

(c) Average student grades in each subject in grades nine 759  
through twelve; 760

(d) Academic achievement levels as assessed by the testing of 761  
student achievement under sections 3301.0710 and 3301.0711 of the 762  
Revised Code; 763

(e) The number of students designated as having a 764  
handicapping condition pursuant to division (C)(1) of section 765  
3301.0711 of the Revised Code; 766

(f) The numbers of students reported to the state board 767  
pursuant to division (C)(2) of section 3301.0711 of the Revised 768  
Code; 769

(g) Attendance rates and the average daily attendance for the 770  
year. For purposes of this division, a student shall be counted as 771  
present for any field trip that is approved by the school 772  
administration. 773

(h) Expulsion rates; 774

(i) Suspension rates;	775
(j) The percentage of students receiving corporal punishment;	776
	777
(k) Dropout rates;	778
(l) Rates of retention in grade;	779
(m) For pupils in grades nine through twelve, the average	780
number of carnegie units, as calculated in accordance with state	781
board of education rules;	782
(n) Graduation rates, to be calculated in a manner specified	783
by the department of education that reflects the rate at which	784
students who were in the ninth grade three years prior to the	785
current year complete school and that is consistent with	786
nationally accepted reporting requirements;	787
(o) Results of diagnostic assessments administered to	788
kindergarten students as required under section 3301.0715 of the	789
Revised Code to permit a comparison of the academic readiness of	790
kindergarten students. However, no district shall be required to	791
report to the department the results of any diagnostic assessment	792
administered to a kindergarten student if the parent of that	793
student requests the district not to report those results.	794
(2) Personnel and classroom enrollment data for each school	795
district, including:	796
(a) The total numbers of licensed employees and nonlicensed	797
employees and the numbers of full-time equivalent licensed	798
employees and nonlicensed employees providing each category of	799
instructional service, instructional support service, and	800
administrative support service used pursuant to division (C)(3) of	801
this section. The guidelines adopted under this section shall	802
require these categories of data to be maintained for the school	803
district as a whole and, wherever applicable, for each grade in	804

the school district as a whole, for each school building as a whole, and for each grade in each school building.

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

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

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

(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and

the number of years the student participated in each of these 837  
programs. 838

(C) The education management information system shall include 839  
cost accounting data for each district as a whole and for each 840  
school building in each school district. The guidelines adopted 841  
under this section shall require the cost data for each school 842  
district to be maintained in a system of mutually exclusive cost 843  
units and shall require all of the costs of each school district 844  
to be divided among the cost units. The guidelines shall require 845  
the system of mutually exclusive cost units to include at least 846  
the following: 847

(1) Administrative costs for the school district as a whole. 848  
The guidelines shall require the cost units under this division 849  
(C)(1) to be designed so that each of them may be compiled and 850  
reported in terms of average expenditure per pupil in formula ADM 851  
in the school district, as determined pursuant to section 3317.03 852  
of the Revised Code. 853

(2) Administrative costs for each school building in the 854  
school district. The guidelines shall require the cost units under 855  
this division (C)(2) to be designed so that each of them may be 856  
compiled and reported in terms of average expenditure per 857  
full-time equivalent pupil receiving instructional or support 858  
services in each building. 859

(3) Instructional services costs for each category of 860  
instructional service provided directly to students and required 861  
by guidelines adopted pursuant to division (B)(1)(a) of this 862  
section. The guidelines shall require the cost units under 863  
division (C)(3) of this section to be designed so that each of 864  
them may be compiled and reported in terms of average expenditure 865  
per pupil receiving the service in the school district as a whole 866  
and average expenditure per pupil receiving the service in each 867  
building in the school district and in terms of a total cost for 868

each category of service and, as a breakdown of the total cost, a  
cost for each of the following components:

(a) The cost of each instructional services category required  
by guidelines adopted under division (B)(1)(a) of this section  
that is provided directly to students by a classroom teacher;

(b) The cost of the instructional support services, such as  
services provided by a speech-language pathologist, classroom  
aide, multimedia aide, or librarian, provided directly to students  
in conjunction with each instructional services category;

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

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

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

supplemental contract; 900

(b) The cost of each such services category provided directly 901  
to students by a nonlicensed employee, such as janitorial 902  
services, cafeteria services, or services of a sports trainer; 903

(c) The cost of the administrative services related to each 904  
services category in division (C)(4)(a) or (b) of this section, 905  
such as the cost of any licensed or nonlicensed employees that 906  
develop, supervise, coordinate, or otherwise are involved in 907  
administering or aiding the delivery of each services category. 908

(D)(1) The guidelines adopted under this section shall 909  
require school districts to collect information about individual 910  
students, staff members, or both in connection with any data 911  
required by division (B) or (C) of this section or other reporting 912  
requirements established in the Revised Code. The guidelines may 913  
also require school districts to report information about 914  
individual staff members in connection with any data required by 915  
division (B) or (C) of this section or other reporting 916  
requirements established in the Revised Code. The guidelines shall 917  
not authorize school districts to request social security numbers 918  
of individual students. The guidelines shall prohibit the 919  
reporting under this section of a student's name, address, and 920  
social security number to the state board of education or the 921  
department of education. The guidelines shall also prohibit the 922  
reporting under this section of any personally identifiable 923  
information about any student, except for the purpose of assigning 924  
the data verification code required by division (D)(2) of this 925  
section, to any other person unless such person is employed by the 926  
school district or the data acquisition site operated under 927  
section 3301.075 of the Revised Code and is authorized by the 928  
district or acquisition site to have access to such information. 929  
The guidelines may require school districts to provide the social 930  
security numbers of individual staff members. 931

(2) The guidelines shall provide for each school district or 932  
community school to assign a data verification code that is unique 933  
on a statewide basis over time to each student whose initial Ohio 934  
enrollment is in that district or school and to report all 935  
required individual student data for that student utilizing such 936  
code. The guidelines shall also provide for assigning data 937  
verification codes to all students enrolled in districts or 938  
community schools on the effective date of the guidelines 939  
established under this section. 940

Individual student data shall be reported to the department 941  
through the data acquisition sites utilizing the code but at no 942  
time shall the state board or the department have access to 943  
information that would enable any data verification code to be 944  
matched to personally identifiable student data. 945

Each school district shall ensure that the data verification 946  
code is included in the student's records reported to any 947  
subsequent school district or community school in which the 948  
student enrolls and shall remove all references to the code in any 949  
records retained in the district or school that pertain to any 950  
student no longer enrolled. Any such subsequent district or school 951  
shall utilize the same identifier in its reporting of data under 952  
this section. 953

(E) The guidelines adopted under this section may require 954  
school districts to collect and report data, information, or 955  
reports other than that described in divisions (A), (B), and (C) 956  
of this section for the purpose of complying with other reporting 957  
requirements established in the Revised Code. The other data, 958  
information, or reports may be maintained in the education 959  
management information system but are not required to be compiled 960  
as part of the profile formats required under division (G) of this 961  
section or the annual statewide report required under division (H) 962  
of this section. 963

(F) Beginning with the school year that begins July 1, 1991, 964  
the board of education of each school district shall annually 965  
collect and report to the state board, in accordance with the 966  
guidelines established by the board, the data required pursuant to 967  
this section. A school district may collect and report these data 968  
notwithstanding section 2151.358 or 3319.321 of the Revised Code. 969

(G) The state board shall, in accordance with the procedures 970  
it adopts, annually compile the data reported by each school 971  
district pursuant to division (D) of this section. The state board 972  
shall design formats for profiling each school district as a whole 973  
and each school building within each district and shall compile 974  
the data in accordance with these formats. These profile formats 975  
shall: 976

(1) Include all of the data gathered under this section in a 977  
manner that facilitates comparison among school districts and 978  
among school buildings within each school district; 979

(2) Present the data on academic achievement levels as 980  
assessed by the testing of student achievement maintained pursuant 981  
to division (B)(1)(e) of this section so that the academic 982  
achievement levels of students who are excused from taking any 983  
such test pursuant to division (C)(1) of section 3301.0711 of the 984  
Revised Code are distinguished from the academic achievement 985  
levels of students who are not so excused. 986

(H)(1) The state board shall, in accordance with the 987  
procedures it adopts, annually prepare a statewide report for all 988  
school districts and the general public that includes the profile 989  
of each of the school districts developed pursuant to division (G) 990  
of this section. Copies of the report shall be sent to each school 991  
district. 992

(2) The state board shall, in accordance with the procedures 993  
it adopts, annually prepare an individual report for each school 994

district and the general public that includes the profiles of each 995  
of the school buildings in that school district developed pursuant 996  
to division (G) of this section. Copies of the report shall be 997  
sent to the superintendent of the district and to each member of 998  
the district board of education. 999

(3) Copies of the reports received from the state board under 1000  
divisions (H)(1) and (2) of this section shall be made available 1001  
to the general public at each school district's offices. Each 1002  
district board of education shall make copies of each report 1003  
available to any person upon request and payment of a reasonable 1004  
fee for the cost of reproducing the report. The board shall 1005  
annually publish in a newspaper of general circulation in the 1006  
school district, at least twice during the two weeks prior to the 1007  
week in which the reports will first be available, a notice 1008  
containing the address where the reports are available and the 1009  
date on which the reports will be available. 1010

(I) Any data that is collected or maintained pursuant to this 1011  
section and that identifies an individual pupil is not a public 1012  
record for the purposes of section 149.43 of the Revised Code. 1013

(J) As used in this section: 1014  
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(1) "School district" means any city, local, exempted 1016  
village, or joint vocational school district. 1017

(2) "Cost" means any expenditure for operating expenses made 1018  
by a school district excluding any expenditures for debt 1019  
retirement except for payments made to any commercial lending 1020  
institution for any loan approved pursuant to section 3313.483 of 1021  
the Revised Code. 1022

(K) Any person who removes data from the information system 1023  
established under this section for the purpose of releasing it to 1024  
any person not entitled under law to have access to such 1025

information is subject to section 2913.42 of the Revised Code 1026  
prohibiting tampering with data. 1027

(L) Any time the department of education determines that a 1028  
school district has taken any of the actions described under 1029  
division (L)(1), (2), or (3) of this section, it shall make a 1030  
report of the actions of the district, send a copy of the report 1031  
to the superintendent of such school district, and maintain a copy 1032  
of the report in its files: 1033

(1) The school district fails to meet any deadline 1034  
established pursuant to this section for the reporting of any data 1035  
to the education management information system; 1036

(2) The school district fails to meet any deadline 1037  
established pursuant to this section for the correction of any 1038  
data reported to the education management information system; 1039

(3) The school district reports data to the education 1040  
management information system in a condition, as determined by the 1041  
department, that indicates that the district did not make a good 1042  
faith effort in reporting the data to the system. 1043

Any report made under this division shall include 1044  
recommendations for corrective action by the school district. 1045

Upon making a report for the first time in a fiscal year, the 1046  
department shall withhold ten per cent of the total amount due 1047  
during that fiscal year under Chapter 3317. of the Revised Code to 1048  
the school district to which the report applies. Upon making a 1049  
second report in a fiscal year, the department shall withhold an 1050  
additional twenty per cent of such total amount due during that 1051  
fiscal year to the school district to which the report applies. 1052  
The department shall not release such funds unless it determines 1053  
that the district has taken corrective action. However, no such 1054  
release of funds shall occur if the district fails to take 1055  
corrective action within ~~ninety~~ forty-five days of the date upon 1056

which the report was made by the department. 1057

(M) The department of education, after consultation with the 1058  
Ohio education computer network, may provide at no cost to school 1059  
districts uniform computer software for use in reporting data to 1060  
the education management information system, provided that no 1061  
school district shall be required to utilize such software to 1062  
report data to the education management information system if such 1063  
district is so reporting data in an accurate, complete, and timely 1064  
manner in a format compatible with that required by the education 1065  
management information system. 1066

(N) The state board of education, in accordance with sections 1067  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 1068  
license as defined under division (A) of section 3319.31 of the 1069  
Revised Code that has been issued to any school district employee 1070  
found to have willfully reported erroneous, inaccurate, or 1071  
incomplete data to the education management information system. 1072

(O) No person shall release or maintain any information about 1073  
any student in violation of this section. Whoever violates this 1074  
division is guilty of a misdemeanor of the fourth degree. 1075

(P) The department shall disaggregate the data collected 1076  
under division (B)(1)(o) of this section according to the race and 1077  
socioeconomic status of the students assessed. No data collected 1078  
under that division shall be included on the report cards required 1079  
by section 3302.03 of the Revised Code. 1080

(Q) If the department cannot compile any of the information 1081  
required by division (D)(5) of section 3302.03 of the Revised Code 1082  
based upon the data collected under this section, the department 1083  
shall develop a plan and a reasonable timeline for the collection 1084  
of any data necessary to comply with that division. 1085

**Sec. 3302.03.** (A) Annually the department of education shall 1086  
report for each school district the extent to which it meets each 1087

of the performance indicators created by the state board of 1088  
education under section 3302.02 of the Revised Code and shall 1089  
specify for each such district the number of performance 1090  
indicators that have been achieved and whether the district is an 1091  
excellent school district, an effective school district, needs 1092  
continuous improvement, is under an academic watch, or is in a 1093  
state of academic emergency. 1094

When possible, the department shall also determine for each 1095  
school building in a district the extent to which it meets any of 1096  
the performance indicators applicable to the grade levels of the 1097  
students in that school building and whether the school building 1098  
is an excellent school, an effective school, needs continuous 1099  
improvement, is under an academic watch, or is in a state of 1100  
academic emergency. 1101

(B) If the state board establishes seventeen performance 1102  
indicators applicable to a school district or building under 1103  
section 3302.02 of the Revised Code: 1104

(1) A school district or building shall be declared excellent 1105  
if it meets at least sixteen of the applicable state performance 1106  
indicators. 1107

(2) A school district or building shall be declared effective 1108  
if it meets thirteen through fifteen of the applicable state 1109  
performance indicators. 1110

(3) A school district or building shall be declared to be in 1111  
need of continuous improvement if it meets more than eight but 1112  
less than thirteen of the applicable state performance indicators. 1113

(4) A school district or building shall be declared to be 1114  
under an academic watch if it meets more than five but not more 1115  
than eight of the applicable state performance indicators. 1116  
1117

(5) A school district or building shall be declared to be in 1118

a state of academic emergency if it does not meet more than five 1119  
of the applicable state performance indicators. 1120

(C) If the state board establishes more than seventeen 1121  
performance indicators under section 3302.02 of the Revised Code, 1122  
or if less than seventeen performance indicators are applicable to 1123  
a school building, the state board shall establish the number of 1124  
indicators that must be met in order for a district or building to 1125  
be designated as excellent, effective, needs continuous 1126  
improvement, is under an academic watch, or is in a state of 1127  
academic emergency. The number established for each such category 1128  
under this division shall bear a similar relationship to the total 1129  
number of indicators as the number of indicators required for the 1130  
respective categories stated in division (B) of this section bears 1131  
to seventeen. 1132

(D)(1) The department shall issue annual report cards for 1133  
each school district, each building within each district, and for 1134  
the state as a whole reflecting performance on the indicators 1135  
created by the state board under section 3302.02 of the Revised 1136  
Code. 1137

(2) The department shall include on the report card for each 1138  
district information pertaining to any change from the previous 1139  
year made by the school district or school buildings within the 1140  
district on any performance indicator. 1141

(3) When reporting data on student performance, the 1142  
department shall disaggregate that data according to the following 1143  
categories: 1144

(a) Performance of students by age group; 1145

(b) Performance of students by race and ethnic group; 1146

(c) Performance of students by gender; 1147

(d) Performance of students grouped by those who have been 1148

enrolled in a district or school for three or more years;	1149
(e) Performance of students grouped by those who have been	1150
enrolled in a district or school for more than one year and less	1151
than three years;	1152
(f) Performance of students grouped by those who have been	1153
enrolled in a district or school for one year or less;	1154
(g) Performance of students grouped by those who are	1155
classified as vocational education students pursuant to guidelines	1156
adopted by the department for purposes of this division;	1157
(h) Performance of students grouped by those who are	1158
economically disadvantaged, to the extent that such data is	1159
available from the education management information system	1160
<del>established</del> <u>established</u> under section 3301.0714 of the Revised	1161
Code;	1162
<u>(i) Performance of students grouped by those who are enrolled</u>	1163
<u>in a conversion community school established under Chapter 3314.</u>	1164
<u>of the Revised Code.</u>	1165
The department may disaggregate data on student performance	1166
according to other categories that the department determines are	1167
appropriate.	1168
In reporting data pursuant to division (D)(3) of this	1169
section, the department shall not include in the report cards any	1170
data statistical in nature that is statistically unreliable or	1171
that could result in the identification of individual students.	1172
(4) The department may include with the report cards any	1173
additional education and fiscal performance data it deems	1174
valuable.	1175
(5) The department shall include on each report card a list	1176
of additional information collected by the department that is	1177
available regarding the district or building for which the report	1178

card is issued. When available, such additional information shall 1179  
include student mobility data disaggregated by race and 1180  
socioeconomic status, college enrollment data, and the reports 1181  
prepared under section 3302.031 of the Revised Code. 1182

The department shall maintain a site on the world wide web. 1183  
The report card shall include the address of the site and shall 1184  
specify that such additional information is available to the 1185  
public at that site. The department shall also provide a copy of 1186  
each item on the list to the superintendent of each school 1187  
district. The district superintendent shall provide a copy of any 1188  
item on the list to anyone who requests it. 1189

(6) For any district that sponsors a conversion community 1190  
school under Chapter 3314. of the Revised Code, the department 1191  
shall combine data regarding the academic performance of students 1192  
enrolled in the community school with comparable data from the 1193  
schools of the district for the purpose of calculating the 1194  
performance of the district as a whole on the report card issued 1195  
for the district. 1196

(E) In calculating reading, writing, mathematics, social 1197  
studies, or science proficiency or achievement test passage rates 1198  
used to determine school district performance under this section, 1199  
the department shall include all students taking a test with 1200  
accommodation or to whom an alternate assessment is administered 1201  
pursuant to division (C)(1) of section 3301.0711 of the Revised 1202  
Code, but shall not include any student excused from taking a test 1203  
pursuant to division (C)(3) of that section, whether or not the 1204  
student chose to take the test voluntarily in spite of the 1205  
exemption granted in that division. 1206

**Sec. 3309.51.** (A) Each employer shall pay annually into the 1207  
employers' trust fund, in such monthly or less frequent 1208  
installments as the school employees retirement board requires, an 1209

amount certified by the school employees retirement board, which 1210  
shall be as required by Chapter 3309. of the Revised Code. 1211

Payments by school district boards of education ~~and governing~~ 1212  
~~authorities of community schools~~ to the employers' trust fund of 1213  
the school employees retirement system may be made from the 1214  
amounts allocated under ~~section 3314.08 or~~ Chapter 3317. of the 1215  
Revised Code prior to their distribution to the individual school 1216  
districts ~~or community schools~~. The amount due from each school 1217  
district ~~or community school~~ may be certified by the secretary of 1218  
the system to the ~~state~~ superintendent of public instruction 1219  
monthly, or at such times as is determined by the school employees 1220  
retirement board. 1221

Payments by governing authorities of community schools to the 1222  
employers' trust fund of the school employees retirement system 1223  
shall be made from the amounts allocated under section 3314.08 of 1224  
the Revised Code prior to their distribution to the individual 1225  
community schools. The amount due from each community school shall 1226  
be certified by the secretary of the system to the superintendent 1227  
of public instruction monthly, or at such times as determined by 1228  
the school employees retirement board. 1229

(B) The superintendent shall deduct from the amount allocated 1230  
to each ~~district or~~ community school under section 3314.08 or to 1231  
each school district under Chapter 3317. of the Revised Code the 1232  
entire amounts due to the system from such ~~district or school or~~ 1233  
school district upon the certification to the superintendent by 1234  
the secretary thereof. 1235

(C) Where an employer fails or has failed or refuses to make 1236  
payments to the employers' trust fund, as provided for under 1237  
Chapter 3309. of the Revised Code, ~~on a direct pay basis~~, the 1238  
secretary of the school employees retirement system may certify to 1239  
the state superintendent of public instruction, monthly or at such 1240  
times as is determined by the school employees retirement board, 1241

the amount due from such employer, and the superintendent shall 1242  
deduct from the amount allocated to each district or community 1243  
school under section 3314.08 or Chapter 3317. of the Revised Code 1244  
the entire amounts due to the system from such districts or 1245  
schools upon the certification to the superintendent by the 1246  
secretary of the school employees retirement system. 1247

(D) The superintendent shall certify to the director of 1248  
budget and management the amounts thus due the system for payment. 1249

**Sec. 3313.375.** The board of education of a city, local, 1250  
exempted village, or joint vocational school district ~~or,~~ the 1251  
governing board of an educational service center, or the governing 1252  
authority of a community school may enter into a lease-purchase 1253  
agreement providing for construction; enlarging or other 1254  
improvement, furnishing, and equipping; lease; and eventual 1255  
acquisition of a building or improvements to a building for any 1256  
school district ~~or,~~ educational service center, or community 1257  
school purpose. The agreement shall provide for a lease for a 1258  
series of one-year renewable lease terms totaling not more than 1259  
thirty years. The agreement shall provide that at the end of the 1260  
series of lease terms provided for in the agreement the title to 1261  
the leased property shall be vested in the school district or 1262  
educational service center, if all obligations of the school 1263  
district ~~or,~~ educational service center, or community school 1264  
provided for in the agreement have been satisfied. The agreement 1265  
may, in addition to the rental payments, require the school 1266  
district ~~or,~~ educational service center, or community school to 1267  
pay the lessor a lump-sum amount as a condition of obtaining title 1268  
to the leased property. In conjunction with the agreement, a 1269  
school district board of education ~~or,~~ an educational service 1270  
center governing board, or a governing authority of a community 1271  
school may grant leases, easements, or licenses for underlying 1272  
land or facilities under the board's control for terms not 1273

exceeding five years beyond the final renewal term of the 1274  
lease-purchase agreement entered into pursuant to this section. 1275  
Payments under the agreement may be deemed to be, and paid as, 1276  
current operating expenses. 1277

The obligations under a lease-purchase agreement entered into 1278  
pursuant to this section shall not be considered to be net 1279  
indebtedness of a school district under section 133.06 of the 1280  
Revised Code. 1281

Sec. 3313.648. No board of education of a city, exempted 1282  
village, or local school district shall offer a monetary payment 1283  
or other in-kind gift to any student or such student's parent or 1284  
guardian as an incentive for that student to enroll in a school 1285  
operated by the district. The prohibition in this section shall 1286  
not apply to any books, supplies, equipment, or other goods that 1287  
are necessary to enable a student to participate fully in the 1288  
course of instruction provided by the district. 1289

**Sec. 3314.011.** Every community school established under this 1290  
chapter shall have a designated fiscal officer. The auditor of 1291  
state may require by rule that the fiscal officer of any community 1292  
school, before entering upon duties as fiscal officer of the 1293  
school, execute a bond in an amount and with surety to be approved 1294  
by the governing authority of the school, payable to the state, 1295  
conditioned for the faithful performance of all the official 1296  
duties required of the fiscal officer. Any such bond shall be 1297  
deposited with the governing authority of the school, and a copy 1298  
thereof, certified by the governing authority, shall be filed with 1299  
the county auditor. 1300

Prior to assuming the duties of fiscal officer, the fiscal 1301  
officer designated under this section shall be licensed under 1302  
section 3301.074 of the Revised Code or shall complete not less 1303  
than sixteen hours of continuing education classes, courses, or 1304

workshops in the area of school accounting as approved by the sponsor of the community school. Any fiscal officer who is not licensed under section 3301.074 of the Revised Code shall complete an additional twenty-four hours of continuing education classes, courses, or workshops in the area of school accounting as approved by the sponsor of the school within one year after assuming the duties of fiscal officer of the school. However, any such classes, courses, or workshops in excess of sixteen hours completed by the fiscal officer prior to assuming the duties of fiscal officer shall count toward the additional twenty-four hours of continuing education required under this section. In each subsequent year, any fiscal officer who is not licensed under section 3301.074 of the Revised Code shall complete eight hours of continuing education classes, courses, or workshops in the area of school accounting as approved by the sponsor of the school.

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**Sec. 3314.013.** (A)(1) Until July 1, 2000, no more than seventy-five contracts between start-up schools and the state board of education may be in effect outside the pilot project area at any time under this chapter.

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(2) After July 1, 2000, and until July 1, 2001, no more than one hundred twenty-five contracts between start-up schools and the state board of education may be in effect outside the pilot project area at any time under this chapter.

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(3) This division applies only to contracts between start-up schools and the state board of education and contracts between start-up schools and entities described in divisions (C)(1)(b) to (f) of section 3314.02 of the Revised Code.

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Until July 1, 2005, not more than two hundred twenty-five contracts to which this division applies may be in effect at any time under this chapter.

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(B) Within twenty-four hours of a request by any person, the

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superintendent of public instruction shall indicate the number of 1336  
preliminary agreements for ~~state board-sponsored~~ start-up schools 1337  
currently outstanding and the number of contracts for these 1338  
schools in effect at the time of the request. 1339

(C) It is the intent of the general assembly to consider 1340  
whether to provide limitations on the number of start-up community 1341  
schools after July 1, 2001, following its examination of the 1342  
results of the studies by the legislative office of education 1343  
oversight required under ~~section~~ Section 50.39 of Am. Sub. H.B. 1344  
No. 215 of the 122nd general assembly and ~~section~~ Section 50.52.2 1345  
of Am. Sub. H.B. No. 215 of the 122nd general assembly, as amended 1346  
by Am. Sub. H.B. No. 770 of the 122nd general assembly. 1347

Sec. 3314.015. (A) The department of education shall be 1348  
responsible for the oversight of sponsors of the community schools 1349  
established under this chapter and shall provide technical 1350  
assistance to schools and sponsors in their compliance with 1351  
applicable laws and the terms of the contracts entered into under 1352  
section 3314.03 of the Revised Code and in the development and 1353  
start-up activities of those schools. In carrying out its duties 1354  
under this section, the department shall do all of the following: 1355

(1) In providing technical assistance to proposing parties, 1356  
governing authorities, and sponsors, conduct training sessions and 1357  
distribute informational materials; 1358

(2) Approve entities to be sponsors of community schools and 1359  
monitor the effectiveness of those sponsors in their oversight of 1360  
the schools with which they have contracted; 1361

(3) By December thirty-first of each year, issue a report to 1362  
the governor, the speaker of the house of representatives, the 1363  
president of the senate, and the chairpersons of the house and 1364  
senate committees principally responsible for education matters 1365  
regarding the effectiveness of academic programs, operations, and 1366

legal compliance and of the financial condition of all community 1367  
schools established under this chapter; 1368

(4) From time to time, make legislative recommendations to 1369  
the general assembly designed to enhance the operation and 1370  
performance of community schools. 1371

(B)(1) No entity listed in division (C)(1) of section 3314.02 1372  
of the Revised Code shall enter into a preliminary agreement under 1373  
division (C)(2) of section 3314.02 of the Revised Code until it 1374  
has received approval from the department of education to sponsor 1375  
community schools under this chapter and has entered into a 1376  
written agreement with the department regarding the manner in 1377  
which the entity will conduct such sponsorship. The department 1378  
shall adopt in accordance with Chapter 119. of the Revised Code 1379  
rules containing criteria, procedures, and deadlines for 1380  
processing applications for such approval, for oversight of 1381  
sponsors, for revocation of the approval of sponsors, and for 1382  
entering into written agreements with sponsors. The rules shall 1383  
require an entity to submit evidence of the entity's ability and 1384  
willingness to comply with the provisions of division (D) of 1385  
section 3314.03 of the Revised Code. 1386

An entity that is approved to sponsor community schools may 1387  
enter into any number of preliminary agreements and sponsor any 1388  
number of schools, provided each school and the contract for 1389  
sponsorship meets the requirements of this chapter. 1390

(2) The department of education shall determine, pursuant to 1391  
criteria adopted by rule of the department, whether the mission 1392  
proposed to be specified in the contract of a community school to 1393  
be sponsored by a state university board of trustees or the 1394  
board's designee under division (C)(1)(e) of section 3314.02 of 1395  
the Revised Code complies with the requirements of that division. 1396  
Such determination of the department is final. 1397

(3) The department of education shall determine, pursuant to 1398  
criteria adopted by rule of the department, if any tax-exempt 1399  
entity under section 501(c)(3) of the Internal Revenue Code that 1400  
is proposed to be a sponsor of a community school is an 1401  
education-oriented entity for purpose of satisfying the condition 1402  
prescribed in division (C)(1)(e)(iv) of section 3314.02 of the 1403  
Revised Code. Such determination of the department is final. 1404

(C) If at any time the state board of education finds that a 1405  
sponsor is not in compliance or is no longer willing to comply 1406  
with its contract with any community school or with the 1407  
department's rules for sponsorship, the state board or designee 1408  
shall conduct a hearing in accordance with Chapter 119. of the 1409  
Revised Code on that matter. If after the hearing, the state board 1410  
or designee has confirmed the original finding, the department of 1411  
education may revoke the sponsor's approval to sponsor community 1412  
schools and may assume the sponsorship of any schools with which 1413  
the sponsor has contracted until the earlier of the expiration of 1414  
two school years or until a new sponsor as described in division 1415  
(C)(1) of section 3314.02 of the Revised Code is secured by the 1416  
school's governing authority. The department may extend the term 1417  
of the contract in the case of a school for which it has assumed 1418  
sponsorship under this division as necessary to accommodate the 1419  
term of the department's authorization to sponsor the school 1420  
specified in this division. 1421

(D) The decision of the department to disapprove an entity 1422  
for sponsorship of a community school or to revoke approval for 1423  
such sponsorship, as provided in division (C) of this section, may 1424  
be appealed by the entity in accordance with section 119.12 of the 1425  
Revised Code. 1426

(E) In carrying out its duties under this chapter, the 1427  
department shall not impose requirements on community schools or 1428  
their sponsors that are not permitted by law or duly adopted 1429

rules.

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

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(1) "Sponsor" means ~~a public~~ an entity listed in division (C)(1) of this section, which has been approved by the department of education to sponsor community schools and with which the governing authority of the proposed community school enters into a contract pursuant to this section.

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(2) "Pilot project area" means the school districts included in the territory of the former community school pilot project established by former Section 50.52 of Am. Sub. H.B. No. 215 of the 122nd general assembly.

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(3) "Challenged school district" means any of the following:

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(a) A school district that is part of the pilot project area;

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(b) A school district that is either in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code;

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(c) A big eight school district;

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(d) An urban school district.

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(4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:

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

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

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(5) "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.

(6) "Urban school district" means one of the state's twenty-one urban school districts as defined in division (O) of section 3317.02 of the Revised Code as that section existed prior to July 1, 1998.

(7) "Internet- or computer-based community school" means a community school established under this chapter in which the enrolled students work primarily from their residences on assignments provided via an internet- or other computer-based instructional method that does not rely on regular classroom instruction.

(B) 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. No conversion community school shall be an internet- or computer-based community school. The proposal shall be made to the board of education of the city, local, or exempted village school 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. 1490

(C)(1) Any person or group of individuals may propose under 1491  
this division the establishment of a new start-up school to be 1492  
located in a challenged school district. The proposal may be made 1493  
to any of the following ~~public~~ entities: 1494

(a) The board of education of the district in which the 1495  
school is proposed to be located; 1496

(b) The board of education of any joint vocational school 1497  
district with territory in the county in which is located the 1498  
majority of the territory of the district in which the school is 1499  
proposed to be located; 1500

(c) The board of education of any other city, local, or 1501  
exempted village school district having territory in the same 1502  
county where the district in which the school is proposed to be 1503  
located has the major portion of its territory; 1504

(d) ~~The state board of education;~~ 1505

~~(e) If the school is proposed to be located in the pilot 1506  
project area, the governing board of the any educational service 1507  
center serving the county containing the majority of the territory 1508  
of the pilot project area as long as the proposed school will be 1509  
located in a county within the territory of the service center or 1510  
in a county contiguous to such county; 1511~~

~~(f) If the school is proposed to be located in the pilot 1512  
project area, a (e) A sponsoring authority designated by the board 1513  
of trustees of a ~~state university located in the pilot project 1514  
area,~~ any of the thirteen state universities listed in section 1515  
3345.011 of the Revised Code or the board of trustees itself as 1516  
long as a mission of the proposed school to be specified in the 1517  
contract under division (A)(2) of section 3314.03 of the Revised 1518  
Code and as approved by the department of education under division 1519  
(B)(2) of section 3314.015 of the Revised Code will be the 1520~~

practical demonstration of teaching methods, educational 1521  
technology, or other teaching practices that are included in the 1522  
curriculum of the university's teacher preparation program 1523  
approved by the state board of education; 1524

(f) Any qualified tax-exempt entity under section 501(c)(3) 1525  
of the Internal Revenue Code as long as all of the following 1526  
conditions are satisfied: 1527

(i) The entity has been in operation for at least five years 1528  
prior to applying to be a community school sponsor. 1529

(ii) The entity has assets of at least five hundred thousand 1530  
dollars. 1531

(iii) The department of education has determined that the 1532  
entity is an education-oriented entity under division (B)(3) of 1533  
section 3314.015 of the Revised Code. 1534

Until July 1, 2005, any entity described in division 1535  
(C)(1)(f) of this section may sponsor only schools that formerly 1536  
were sponsored by the state board of education under division 1537  
(C)(1)(d) of this section, as it existed prior to the effective 1538  
date of this amendment. After July 1, 2005, such entity may 1539  
sponsor any new or existing school. 1540

~~The public~~ Any entity described in division (C)(1) of this 1541  
section may enter into a preliminary agreement pursuant to 1542  
division (C)(2) of this section with the proposing person or 1543  
group. 1544

(2) A preliminary agreement indicates the intention of a 1545  
~~public~~ an entity described in division (C)(1) of this section to 1546  
sponsor the community school. A proposing person or group that has 1547  
such a preliminary agreement may proceed to finalize plans for the 1548  
school, establish a governing authority as described in division 1549  
(E) of this section for the school, and negotiate a contract with 1550  
the ~~public~~ entity. Provided the proposing person or group adheres 1551

to the preliminary agreement and all provisions of this chapter, 1552  
the ~~public~~ entity shall negotiate in good faith to enter into a 1553  
contract in accordance with section 3314.03 of the Revised Code. 1554

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(3) A new start-up school that is established in a school 1556  
district while that district is either in a state of academic 1557  
emergency or in a state of academic watch under section 3302.03 of 1558  
the Revised Code may continue in existence once the school 1559  
district is no longer in a state of academic emergency or academic 1560  
watch, provided there is a valid contract between the school and a 1561  
sponsor. 1562

(4) A copy of every preliminary agreement entered into under 1563  
this division shall be filed with the superintendent of public 1564  
instruction. 1565

(D) A majority vote of the board of a sponsoring ~~school~~ 1566  
~~district board~~ entity and a majority vote of the members of the 1567  
governing authority of a community school shall be required to 1568  
adopt a contract and convert the public school to a community 1569  
school or establish the new start-up school. ~~An~~ Up to the 1570  
statewide limit prescribed in section 3314.013 of the Revised 1571  
Code, an unlimited number of community schools may be established 1572  
in any school district provided that a contract is entered into 1573  
for each community school pursuant to this chapter. 1574

(E) As used in this division, "immediate relatives" are 1575  
limited to spouses, children, parents, grandparents, siblings, and 1576  
in-laws. 1577

Each new start-up community school established under this 1578  
chapter shall be under the direction of a governing authority 1579  
which shall consist of a board of not less than five individuals 1580  
who are not owners or employees, or immediate relatives of owners 1581  
or employees, of any for-profit firm that operates or manages a 1582  
school for the governing authority. 1583

No person shall serve on the governing authority or operate the community school under contract with the governing authority so long as the person owes the state any money or is in a dispute over whether the person owes the state any money concerning the operation of a community school that has closed. 1584  
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(F) Nothing in this chapter shall be construed to permit the establishment of a community school in more than one school district under the same contract. 1589  
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**Sec. 3314.022.** The governing authority of any community school established under this chapter may contract with the governing authority of another community school, the board of education of a school district, the governing board of an educational service center, a county MR/DD board, or the administrative authority of a nonpublic school for provision of services for any disabled student enrolled at the school. Any school district board of education or educational service center governing board shall negotiate with a community school governing authority that seeks to contract for the provision of services for a disabled student under this section in the same manner as it would with the board of education of a school district that seeks to contract for such services. 1592  
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**Sec. 3314.023.** In order to provide monitoring and technical assistance, the sponsor of a community school shall be located or have representatives located within fifty miles of the location of the community school, or in the case of an internet- or computer-based community school, within fifty miles of the school's base of operation. A representative of the sponsor shall meet with the governing authority of the school and shall review the financial records of the school at least once every two months. 1605  
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Sec. 3314.024. A management company that provides services to a community school that amounts to more than twenty per cent of the annual gross revenues of the school shall provide a detailed accounting including the nature and costs of the services it provides to the community school. This information shall be included in the footnotes of the financial statements of the school and be subject to audit during the course of the regular financial audit of the community school.

Sec. 3314.03. ~~(A)~~ A copy of every contract entered into under this section shall be filed with the superintendent of public instruction.

~~(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~~ either of the following:

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to the effective date of this amendment;

(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after the effective date of this amendment;

(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 achievement tests;

- (4) Performance standards by which the success of the school will be evaluated by the sponsor; 1643  
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- (5) The admission standards of section 3314.06 of the Revised Code; 1645  
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- (6)(a) Dismissal procedures; 1647
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five cumulative hours of the learning opportunities offered to the student. Such a policy shall provide for withdrawing the student by the end of the thirtieth day after the student has failed to participate as required under this division. 1648  
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- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 1656  
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- (8) Requirements ~~and procedures~~ for financial audits by the auditor of state. 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, and the audits shall be conducted in accordance with section 117.10 of the Revised Code. 1658  
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- (9) The facilities to be used and their locations; 1664
- (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; 1665  
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- (11) That the school will comply with the following requirements: 1671  
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(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 ~~divisions (A), (B), and (C) of section 3301.0715~~ and sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.358, 2151.421, 2313.18, 3301.0710, 3301.0711, 3301.0712, ~~3301.0714~~ 3301.0715, 3313.50, 3313.608, 3313.6012, 3313.643, 3313.648, 3313.66, 3313.661, 3313.662, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.80, 3313.96, 3319.073, 3319.321, 3319.39, 3321.01, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, ~~and~~ 4113.52, and 5705.391 and Chapters 117., 1347., 2744., 3365., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code;

(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 that is not a contract with a for-profit firm for the operation or management of a school under the auspices of the governing authority;

(f) The school will comply with sections 3313.61, 3313.611, 1705  
and 3313.614 of the Revised Code, except that the requirement in 1706  
sections 3313.61 and 3313.611 of the Revised Code that a person 1707  
must successfully complete the curriculum in any high school prior 1708  
to receiving a high school diploma may be met by completing the 1709  
curriculum adopted by the governing authority of the community 1710  
school rather than the curriculum specified in Title XXXIII of the 1711  
Revised Code or any rules of the state board of education; 1712

(g) The school governing authority will submit ~~an annual~~ 1713  
within four months after the end of each school year a report of 1714  
its activities and progress in meeting the goals and standards of 1715  
divisions (A)(3) and (4) of this section and its financial status 1716  
to the sponsor, the parents of all students enrolled in the 1717  
school, and the legislative office of education oversight. The 1718  
school will collect and provide any data that the legislative 1719  
office of education oversight requests in furtherance of any study 1720  
or research that the general assembly requires the office to 1721  
conduct, including the studies required under Section 50.39 of Am. 1722  
Sub. H.B. 215 of the 122nd general assembly and Section 50.52.2 of 1723  
Am. Sub. H.B. 215 of the 122nd general assembly, as amended. 1724

(12) Arrangements for providing health and other benefits to 1725  
employees; 1726

(13) The length of the contract, which shall begin at the 1727  
beginning of an academic year ~~and. No contract shall not exceed~~ 1728  
five years; unless such contract has been renewed pursuant to 1729  
division (E) of this section. 1730

(14) The governing authority of the school, which shall be 1731  
responsible for carrying out the provisions of the contract; 1732

(15) A financial plan detailing an estimated school budget 1733  
for each year of the period of the contract and specifying the 1734  
total estimated per pupil expenditure amount for each such year. 1735

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 formula amount defined under section 3317.02  
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 calculated pursuant to section  
3317.029 of the Revised Code 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) 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;

(19) A provision requiring the governing authority to adopt a  
policy regarding the admission of students who reside outside the  
district in which the school is located. That policy shall comply  
with the admissions procedures specified in section 3314.06 of the  
Revised Code and, at the sole discretion of the authority, shall  
do one of the following:

(a) Prohibit the enrollment of students who reside outside

the district in which the school is located; 1767

(b) Permit the enrollment of students who reside in districts 1768  
adjacent to the district in which the school is located; 1769

(c) Permit the enrollment of students who reside in any other 1770  
district in the state. 1771

(20) A provision recognizing the authority of the department 1772  
of education to take over the sponsorship of the school in 1773  
accordance with the provisions of division (C) of section 3314.015 1774  
of the Revised Code; 1775

(21) A provision recognizing the sponsor's authority to 1776  
assume the operation of a school under the conditions specified in 1777  
division (B) of section 3314.073 of the Revised Code; 1778

(22) A provision recognizing both of the following: 1779

(a) The authority of public health and safety officials to 1780  
inspect the facilities of the school and to order the facilities 1781  
closed if those officials find that the facilities are not in 1782  
compliance with health and safety laws and regulations; 1783

(b) The authority of the department of education as the 1784  
community school oversight body to suspend the operation of the 1785  
school under section 3314.072 of the Revised Code if the 1786  
department has evidence of conditions or violations of law at the 1787  
school that pose an imminent danger to the health and safety of 1788  
the school's students and employees and the sponsor refuses to 1789  
take such action; 1790

(23) A description of the learning opportunities that will be 1791  
offered to students including both classroom-based and 1792  
non-classroom-based learning opportunities that is in compliance 1793  
with criteria for student participation established by the 1794  
department under division (L)(2) of section 3314.08 of the Revised 1795  
Code. 1796

(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) 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. The total amount of such payments for oversight and monitoring of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.

(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of education under division (B) of section 3314.015 of the Revised Code and shall include the following:

(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;

(2) Monitor and evaluate the academic and fiscal performance

and the organization and operation of the community school on at 1827  
least an annual basis; 1828

(3) Report on an annual basis the results of the evaluation 1829  
conducted under division (D)(2) of this section to the department 1830  
of education and to the parents of students enrolled in the 1831  
community school; 1832

(4) Provide technical assistance to the community school in 1833  
complying with laws applicable to the school and terms of the 1834  
contract; 1835

(5) Take steps to intervene in the school's operation to 1836  
correct problems in the school's overall performance, declare the 1837  
school to be on probationary status pursuant to section 3314.073 1838  
of the Revised Code, suspend the operation of the school pursuant 1839  
to section 3314.072 of the Revised Code, or terminate the contract 1840  
of the school pursuant to section 3314.07 of the Revised Code as 1841  
determined necessary by the sponsor; 1842

(6) Have in place a plan of action to be undertaken in the 1843  
event the community school experiences financial difficulties or 1844  
closes prior to the end of a school year. 1845

(E) Upon the expiration of a contract entered into under this 1846  
section, the sponsor of a community school may, with the approval 1847  
of the governing authority of the school, renew that contract for 1848  
a period of time determined by the sponsor, but not ending earlier 1849  
than the end of any school year, if the sponsor finds that the 1850  
school's compliance with applicable laws and terms of the contract 1851  
and the school's progress in meeting the academic goals prescribed 1852  
in the contract have been satisfactory. Any contract that is 1853  
renewed under this division remains subject to the provisions of 1854  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 1855  
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<u>Sec. 3314.031. (A) As used in this section:</u>	1857
<u>(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.</u>	1858
<u>(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state.</u>	1859
<u>(B) It is the intent of the general assembly that teachers employed by internet- or computer-based community schools conduct visits with their students in person throughout the school year.</u>	1860
<u>(C) For any internet- or computer-based community school, the contract between the sponsor and the governing authority of the school described in section 3314.03 of the Revised Code shall specify each of the following:</u>	1861
<u>(1) A requirement that the school use a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use. The school shall provide such device or software at no cost to any student who works primarily from the student's residence on a computer obtained from a source other than the school.</u>	1862
<u>(2) A plan for fulfilling the intent of the general assembly specified in division (B) of this section. The plan shall indicate the number of times teachers will visit each student throughout the school year and the manner in which those visits will be conducted.</u>	1863
<u>(3) That the school will set up a central base of operation and the sponsor will maintain a representative within fifty miles of that base of operation to provide monitoring and assistance.</u>	1864
<u>Sec. 3314.032. (A)(1) Each child enrolled in an internet- or computer-based community school is entitled to a computer supplied</u>	1865
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by the school.

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(2) Notwithstanding division (A)(1) of this section, if more than one child living in a single household is enrolled in an internet- or computer-based community school, at the option of the parent of those children, the school may supply less than one computer per child, as long as at least one computer is supplied to the household. The parent may amend the decision to accept less than one computer per child anytime during the school year, and, in such case, within thirty days after the parent notifies the school of such amendment, the school shall provide any additional computers requested by the parent up to the number necessary to comply with division (A)(1) of this section.

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(B) Each internet- or computer-based community school shall provide to each parent who is considering enrolling the parent's child in the school and to the parent of each child already enrolled in the school a written notice of the provisions prescribed in divisions (A)(1) and (2) of this section.

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**Sec. 3314.041.** The governing authority of each community school and any operator of such school shall place in a conspicuous manner in all documents that are distributed to parents of students of the school or to the general public the following statement:

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"The ..... (here fill in name of the school) school is a community school established under Chapter 3314. of the Revised Code. The school is a public school and students enrolled in and attending the school are required to take proficiency tests and other examinations prescribed by law. In addition, there may be other requirements for students at the school that are prescribed by law. Students who have been excused from the compulsory attendance law for the purpose of home education as defined by the Administrative Code shall no longer be excused for

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that purpose upon their enrollment in a community school. For more 1918  
information about this matter contact the school administration or 1919  
the Ohio Department of Education." 1920

**Sec. 3314.05.** The Division (A) of this section shall not 1921  
apply to internet- or computer-based community schools. 1922

The contract between the community school and the sponsor 1923  
shall specify the facilities to be used for the community school 1924  
and the method of acquisition. ~~A~~ 1925

(A) A school may be located in multiple facilities under the 1926  
same contract only if the limitations on availability of space 1927  
prohibit serving all the grade levels specified in the contract in 1928  
a single facility. The school shall not offer the same grade level 1929  
classrooms in more than one facility. 1930

Any facility used for a community school shall meet all 1931  
health and safety standards established by law for school 1932  
buildings. 1933

(B) In the case where a community school is proposed to be 1934  
located in a facility owned by a school district or educational 1935  
service center, the facility may not be used for such community 1936  
school unless the district or service center board owning the 1937  
facility enters into an agreement for the community school to 1938  
utilize the facility. Use of the facility may be under any terms 1939  
and conditions agreed to by the district or service center board 1940  
and the school. 1941

**Sec. 3314.06.** The governing authority of each community 1942  
school established under this chapter shall adopt admission 1943  
procedures that specify the following: 1944

(A) That except as otherwise provided in this section, 1945  
admission to the school shall be open to any individual age five 1946

to twenty-two entitled to attend school pursuant to section 1947  
3313.64 or 3313.65 of the Revised Code in a school district in the 1948  
state. 1949

(B)(1) That admission to the school may be limited to 1950  
students who have attained a specific grade level or are within a 1951  
specific age group; to students that meet a definition of 1952  
"at-risk," as defined in the contract; or to residents of a 1953  
specific geographic area within the district, as defined in the 1954  
contract. 1955

(2) For purposes of division (B)(1) of this section, 1956  
"at-risk" students may include those students identified as gifted 1957  
students under section 3324.03 of the Revised Code. 1958

(C) Whether enrollment is limited to students who reside in 1959  
the district in which the school is located or is open to 1960  
residents of other districts, as provided in the policy adopted 1961  
pursuant to the contract. 1962

(D)(1) That there will be no discrimination in the admission 1963  
of students to the school on the basis of race, creed, color, 1964  
handicapping condition, or sex; ~~and that,~~ except that the 1965  
governing authority may establish single-gender schools for the 1966  
purpose described in division (G) of this section provided 1967  
comparable facilities and learning opportunities are offered for 1968  
both boys and girls. Such comparable facilities and opportunities 1969  
may be offered for each sex at separate locations. 1970

(2) That upon admission of any handicapped student, the 1971  
community school will comply with all federal and state laws 1972  
regarding the education of handicapped students. 1973

(E) That the school may not limit admission to students on 1974  
the basis of intellectual ability, measures of achievement or 1975  
aptitude, or athletic ability, except that a school may limit its 1976  
enrollment to students as described in division (B)(2) of this 1977

<u>section.</u>	1978
(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities.	1979 1980 1981
(G) <u>That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education.</u>	1982 1983 1984 1985 1986
(H) That, except as otherwise provided under division (B) of this section, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year.	1987 1988 1989 1990 1991 1992 1993 1994
Notwithstanding divisions (A) <del>through (G)</del> <u>to (H)</u> of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order.	1995 1996 1997 1998 1999
<b>Sec. 3314.07.</b> (A) The expiration of the contract for a community school between a sponsor and a school shall be the date provided in the contract. A successor contract may be entered into <u>pursuant to division (E) of section 3314.03 of the Revised Code</u> unless the contract is terminated or not renewed pursuant to this section.	2000 2001 2002 2003 2004 2005
(B)(1) A sponsor may choose not to renew a contract at its expiration or may choose to terminate a contract prior to its expiration for any of the following reasons:	2006 2007 2008

(a) Failure to meet student performance requirements stated in the contract;	2009 2010
(b) Failure to meet generally accepted standards of fiscal management;	2011 2012
(c) Violation of any provision of the contract or applicable state or federal law;	2013 2014
(d) Other good cause.	2015
(2) A sponsor may choose to terminate a contract prior to its expiration if the sponsor has suspended the operation of the contract under section 3314.072 of the Revised Code.	2016 2017 2018
(3) At least ninety days prior to the termination or nonrenewal of a contract, the sponsor shall notify the school of the proposed action in writing. The notice shall include the reasons for the proposed action in detail, the effective date of the termination or nonrenewal, and a statement that the school may, within fourteen days of receiving the notice, request an informal hearing before the sponsor. Such request must be in writing. The informal hearing shall be held within seventy days of the receipt of a request for the hearing. Promptly following the informal hearing, the sponsor shall issue a written decision either affirming or rescinding the decision to terminate or not renew the contract.	2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030
(4) A decision by the sponsor to terminate a contract may be appealed to the state board of education. The decision by the state board pertaining to an appeal under this division is final. If the sponsor is the state board, its decision to terminate a contract under division (B) <del>(4)</del> (3) of this section shall be final.	2031 2032 2033 2034 2035
(5) The termination of a contract under this section shall be effective upon the occurrence of the later of the following events:	2036 2037 2038

(a) Ninety days following the date the sponsor notifies the school of its decision to terminate the contract as prescribed in division (B)(3) of this section;

(b) If an informal hearing is requested under division (B)(3) of this section and as a result of that hearing the sponsor affirms its decision to terminate the contract, the effective date of the termination specified in the notice issued under division (B)(3) of this section, or if that decision is appealed to the state board under division (B)(4) of this section and the state board affirms that decision, the date established in the resolution of the state board affirming the sponsor's decision.

(C) A child attending a community school whose contract has been terminated, nonrenewed, or suspended or that closes for any reason shall be admitted to the schools of the district in which the child is entitled to attend under section 3313.64 or 3313.65 of the Revised Code. Any deadlines established for the purpose of admitting students under section 3313.97 or 3313.98 of the Revised Code shall be waived for students to whom this division pertains.

(D) A sponsor of a community school and the officers, directors, or employees of such a sponsor are not liable in damages in a tort or other civil action for harm allegedly arising from either of the following:

(1) A failure of the community school or any of its officers, directors, or employees to perform any statutory or common law duty or responsibility or any other legal obligation;

(2) An action or omission of the community school or any of its officers, directors, or employees that results in harm.

(E) As used in this section:

(1) "Harm" means injury, death, or loss to person or property.

(2) "Tort action" means a civil action for damages for injury, death, or loss to person or property other than a civil action for damages for a breach of contract or another agreement between persons.

**Sec. 3314.072.** The provisions of this section are enacted to promote the public health, safety, and welfare by establishing procedures under which the governing authorities of community schools established under this chapter will be held accountable for their compliance with the terms of the contracts they enter into with their school's sponsors and the law relating to the school's operation. Suspension of the operation of a school imposed under this section is intended to encourage the governing authority's compliance with the terms of the school's contract and the law and is not intended to be an alteration of the terms of that contract.

(A) If a sponsor of a community school established under this chapter suspends the operation of that school pursuant to procedures set forth in this section, the governing authority shall not operate that school while the suspension is in effect. Any such suspension shall remain in effect until the sponsor notifies the governing authority that it is no longer in effect. The contract of a school of which operation is suspended under this section also may be subject to termination or nonrenewal under section 3314.07 of the Revised Code.

(B) If at any time ~~the sponsor of a community school established under this chapter determines that~~ conditions at the school do not comply with a health and safety standard established by law for school buildings, the sponsor shall immediately suspend the operation of the school pursuant to procedures set forth in division (D) of this section. If the sponsor fails to take action to suspend the operation of a school to which this division

applies, the department of education may take such action. 2100

(C)(1) For any of the reasons prescribed in division 2101  
(B)(1)(a) to (d) of section 3314.07 of the Revised Code, the 2102  
sponsor of a community school established under this chapter may 2103  
suspend the operation of the school only if it first issues to the 2104  
governing authority notice of the sponsor's intent to suspend the 2105  
operation of the contract. Such notice shall explain the reasons 2106  
for the sponsor's intent to suspend operation of the contract and 2107  
shall provide the school's governing authority with five business 2108  
days to submit to the sponsor a proposal to remedy the conditions 2109  
cited as reasons for the suspension. 2110

(2) The sponsor shall promptly review any proposed remedy 2111  
timely submitted by the governing authority and either approve or 2112  
disapprove the remedy. If the sponsor disapproves the remedy 2113  
proposed by the governing authority, if the governing authority 2114  
fails to submit a proposed remedy in the manner prescribed by the 2115  
sponsor, or if the governing authority fails to implement the 2116  
remedy as approved by the sponsor, the sponsor may suspend 2117  
operation of the school pursuant to procedures set forth in 2118  
division (D) of this section. 2119

(D)(1) If division (B) of this section applies or if the 2120  
sponsor of a community school established under this chapter 2121  
decides to suspend the operation of a school as permitted in 2122  
division (C)(2) of this section, the sponsor shall promptly send 2123  
written notice to the governing authority stating that the 2124  
operation of the school is immediately suspended, and explaining 2125  
the specific reasons for the suspension. The notice shall state 2126  
that the governing authority has five business days to submit a 2127  
proposed remedy to the conditions cited as reasons for the 2128  
suspension or face potential contract termination. 2129

(2) Upon receipt of the notice of suspension prescribed under 2130  
division (D)(1) of this section, the governing authority shall 2131

immediately notify the employees of the school and the parents of  
the students enrolled in the school of the suspension and the  
reasons therefore, and shall cease all school operations on the  
next business day.

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Sec. 3314.073. (A) In lieu of termination of a contract or  
suspension of the operation of a school as provided for in  
sections 3314.07 and 3314.072 of the Revised Code, respectively,  
after consultation with the governing authority of a community  
school under its sponsorship, if a sponsor finds that any of the  
conditions prescribed in division (B)(1) of section 3314.07 of the  
Revised Code apply to the school, the sponsor may declare in  
written notice to the governing authority that the school is in a  
probationary status which shall not extend beyond the end of the  
current school year. The notice shall specify the conditions that  
warrant probationary status. The sponsor may declare a school to  
be in such status only if it has received from the governing  
authority reasonable assurances to the satisfaction of the sponsor  
that the governing authority can and will take actions necessary  
to remedy the conditions that have warranted such probationary  
status as specified by the sponsor.

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(B) The sponsor shall monitor the actions taken by the  
governing authority to remedy the conditions that have warranted  
probationary status as specified by the sponsor and may take over  
the operation of the school as provided in the contract or may  
take steps to terminate the contract with the governing authority  
or to suspend operation of the school if the sponsor at any time  
finds that the governing authority is no longer able or willing to  
remedy those conditions to the satisfaction of the sponsor.

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Sec. 3314.074. Divisions (A) and (B) of this section apply  
only to the extent permitted under Chapter 1702. of the Revised  
Code.

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(A) If any community school established under this chapter permanently closes and ceases its operation as a community school, the assets of that school shall be distributed first to the retirement funds of employees of the school, employees of the school, and private creditors who are owed compensation and then any remaining funds shall be paid to the state treasury to the credit of the general revenue fund. 2163  
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(B) If a community school closes and ceases to operate as a community school and the school has received computer hardware or software from the Ohio SchoolNet commission, such hardware or software shall be returned to the commission, and the commission shall redistribute the hardware and software, to the extent such redistribution is possible, to school districts in conformance with the provisions of the programs operated and administered by the commission. 2170  
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(C) If the assets of the school are insufficient to pay all persons or entities to whom compensation is owed, the prioritization of the distribution of the assets to individual persons or entities within each class of payees may be determined by decree of a court in accordance with this section and Chapter 1702. of the Revised Code. 2178  
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**Sec. 3314.08.** (A) As used in this section: 2184

(1) "Base formula amount" means the amount specified as such in a community school's financial plan for a school year pursuant to division (A)(15) of section 3314.03 of the Revised Code. 2185  
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(2) "Cost-of-doing-business factor" has the same meaning as in section 3317.02 of the Revised Code. 2188  
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(3) "IEP" means an individualized education program as defined in section 3323.01 of the Revised Code. 2190  
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(4) "Applicable special education weight" means the multiple 2192

specified in section 3317.013 of the Revised Code for a handicap described in that section.	2193 2194
(5) "Applicable vocational education weight" means:	2195
(a) For a student enrolled in vocational education programs or classes described in division (A) of section 3317.014 of the Revised Code, the multiple specified in that division;	2196 2197 2198
(b) For a student enrolled in vocational education programs or classes described in division (B) of section 3317.014 of the Revised Code, the multiple specified in that division.	2199 2200 2201
(6) "Entitled to attend school" means entitled to attend school in a district under section 3313.64 or 3313.65 of the Revised Code.	2202 2203 2204
(7) A community school student is "included in the DPIA student count" of a school district if the student is entitled to attend school in the district and:	2205 2206 2207
(a) For school years prior to fiscal year 2004, the student's family receives assistance under the Ohio works first program.	2208 2209 2210
(b) For school years in and after fiscal year 2004, the student's family income does not exceed the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, and the student's family receives family assistance, as defined in section 3317.029 of the Revised Code.	2211 2212 2213 2214 2215
(8) "DPIA reduction factor" means the percentage figure, if any, for reducing the per pupil amount of disadvantaged pupil impact aid a community school is entitled to receive pursuant to divisions (D)(5) and (6) of this section in any year, as specified in the school's financial plan for the year pursuant to division (A)(15) of section 3314.03 of the Revised Code.	2216 2217 2218 2219 2220 2221
(9) "All-day kindergarten" has the same meaning as in section	2222

3317.029 of the Revised Code.	2223
(B) The state board of education shall adopt rules requiring	2224
both of the following:	2225
(1) The board of education of each city, exempted village,	2226
and local school district to annually report the number of	2227
students entitled to attend school in the district who are	2228
enrolled in grades one through twelve in a community school	2229
established under this chapter, the number of students entitled to	2230
attend school in the district who are enrolled in kindergarten in	2231
a community school, the number of those kindergartners who are	2232
enrolled in all-day kindergarten in their community school, and	2233
for each child, the community school in which the child is	2234
enrolled.	2235
(2) The governing authority of each community school	2236
established under this chapter to annually report all of the	2237
following:	2238
(a) The number of students enrolled in grades one through	2239
twelve and the number of students enrolled in kindergarten in the	2240
school who are not receiving special education and related	2241
services pursuant to an IEP;	2242
(b) The number of enrolled students in grades one through	2243
twelve and the number of enrolled students in kindergarten, who	2244
are receiving special education and related services pursuant to	2245
an IEP;	2246
(c) The number of students reported under division (B)(2)(b)	2247
of this section receiving special education and related services	2248
pursuant to an IEP for a handicap described in each of divisions	2249
(A) to (F) of section 3317.013 of the Revised Code;	2250
(d) The full-time equivalent number of students reported	2251
under divisions (B)(2)(a) and (b) of this section who are enrolled	2252
in vocational education programs or classes described in each of	2253

divisions (A) and (B) of section 3317.014 of the Revised Code that 2254  
are provided by the community school; 2255

(e) One-fourth of the number of students reported under 2256  
divisions (B)(2)(a) and (b) of this section who are not reported 2257  
under division (B)(2)(d) of this section but who are enrolled in 2258  
vocational education programs or classes described in each of 2259  
divisions (A) and (B) of section 3317.014 of the Revised Code at a 2260  
joint vocational school district under a contract between the 2261  
community school and the joint vocational school district and are 2262  
entitled to attend school in a city, local, or exempted village 2263  
school district whose territory is part of the territory of the 2264  
joint vocational district; 2265

(f) The number of enrolled preschool handicapped students 2266  
receiving special education services in a state-funded unit; 2267

~~(f)~~(g) The community school's base formula amount; 2268

~~(g)~~(h) For each student, the city, exempted village, or local 2269  
school district in which the student is entitled to attend school; 2270  
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~~(h)~~(i) Any DPIA reduction factor that applies to a school 2272  
year. 2273

(C) From the payments made to a city, exempted village, or 2274  
local school district under Chapter 3317. of the Revised Code and, 2275  
if necessary, sections 321.14 and 323.156 of the Revised Code, the 2276  
department of education shall annually subtract all of the 2277  
following: 2278

(1) An amount equal to the sum of the amounts obtained when, 2279  
for each community school where the district's students are 2280  
enrolled, the number of the district's students reported under 2281  
divisions (B)(2)(a) ~~and~~, (b), and (e) of this section who are 2282  
enrolled in grades one through twelve, and one-half the number of 2283  
students reported under those divisions who are enrolled in 2284

kindergarten, in that community school is multiplied by the base 2285  
formula amount of that community school as adjusted by the school 2286  
district's cost-of-doing-business factor. 2287

(2) The sum of the amounts calculated under divisions 2288  
(C)(2)(a) and (b) of this section: 2289

(a) For each of the district's students reported under 2290  
division (B)(2)(c) of this section as enrolled in a community 2291  
school in grades one through twelve and receiving special 2292  
education and related services pursuant to an IEP for a handicap 2293  
described in section 3317.013 of the Revised Code, the product of 2294  
the applicable special education weight times the community 2295  
school's base formula amount; 2296

(b) For each of the district's students reported under 2297  
division (B)(2)(c) of this section as enrolled in kindergarten in 2298  
a community school and receiving special education and related 2299  
services pursuant to an IEP for a handicap described in section 2300  
3317.013 of the Revised Code, one-half of the amount calculated as 2301  
prescribed in division (C)(2)(a) of this section. 2302

(3) For each of the district's students reported under 2303  
division (B)(2)(d) of this section for whom payment is made under 2304  
division (D)(4) of this section, the amount of that payment; 2305

(4) An amount equal to the sum of the amounts obtained when, 2306  
for each community school where the district's students are 2307  
enrolled, the number of the district's students enrolled in that 2308  
community school who are included in the district's DPIA student 2309  
count is multiplied by the per pupil amount of disadvantaged pupil 2310  
impact aid the school district receives that year pursuant to 2311  
division (B) or (C) of section 3317.029 of the Revised Code, as 2312  
adjusted by any DPIA reduction factor of that community school. If 2313  
the district receives disadvantaged pupil impact aid under 2314  
division (B) of that section, the per pupil amount of that aid is 2315  
the quotient of the amount the district received under that 2316

division divided by the district's DPIA student count, as defined 2317  
in that section. If the district receives disadvantaged pupil 2318  
impact aid under division (C) of section 3317.029 of the Revised 2319  
Code, the per pupil amount of that aid is the per pupil dollar 2320  
amount prescribed for the district in division (C)(1) or (2) of 2321  
that section. 2322

(5) An amount equal to the sum of the amounts obtained when, 2323  
for each community school where the district's students are 2324  
enrolled, the district's per pupil amount of aid received under 2325  
division (E) of section 3317.029 of the Revised Code, as adjusted 2326  
by any DPIA reduction factor of the community school, is 2327  
multiplied by the sum of the following: 2328

(a) The number of the district's students reported under 2329  
division (B)(2)(a) of this section who are enrolled in grades one 2330  
to three in that community school and who are not receiving 2331  
special education and related services pursuant to an IEP; 2332

(b) One-half of the district's students who are enrolled in 2333  
all-day or any other kindergarten class in that community school 2334  
and who are not receiving special education and related services 2335  
pursuant to an IEP; 2336

(c) One-half of the district's students who are enrolled in 2337  
all-day kindergarten in that community school and who are not 2338  
receiving special education and related services pursuant to an 2339  
IEP. 2340

The district's per pupil amount of aid under division (E) of 2341  
section 3317.029 of the Revised Code is the quotient of the amount 2342  
the district received under that division divided by the 2343  
district's kindergarten through third grade ADM, as defined in 2344  
that section. 2345

(D) The department shall annually pay to a community school 2346  
established under this chapter all of the following: 2347

(1) An amount equal to the sum of the amounts obtained when 2348  
the number of students enrolled in grades one through twelve, plus 2349  
one-half of the kindergarten students in the school, reported 2350  
under divisions (B)(2)(a) ~~and~~, (b), and (e) of this section who 2351  
are not receiving special education and related services pursuant 2352  
to an IEP for a handicap described in section 3317.013 of the 2353  
Revised Code is multiplied by the community school's base formula 2354  
amount, as adjusted by the cost-of-doing-business factor of the 2355  
school district in which the student is entitled to attend school; 2356

(2) The greater of the following: 2357

(a) The aggregate amount that the department paid to the 2358  
community school in fiscal year 1999 for students receiving 2359  
special education and related services pursuant to IEPs, excluding 2360  
federal funds and state disadvantaged pupil impact aid funds; 2361

(b) The sum of the amounts calculated under divisions 2362  
(D)(2)(b)(i) and (ii) of this section: 2363

(i) For each student reported under division (B)(2)(c) of 2364  
this section as enrolled in the school in grades one through 2365  
twelve and receiving special education and related services 2366  
pursuant to an IEP for a handicap described in section 3317.013 of 2367  
the Revised Code, the following amount: 2368

(the community school's base formula amount 2369  
X the cost-of-doing-business factor 2370  
of the district where the student 2371  
is entitled to attend school) + 2372  
(the applicable special education weight X 2373  
the community school's base formula amount); 2374

(ii) For each student reported under division (B)(2)(c) of 2375  
this section as enrolled in kindergarten and receiving special 2376  
education and related services pursuant to an IEP for a handicap 2377  
described in section 3317.013 of the Revised Code, one-half of the 2378

amount calculated under the formula prescribed in division 2379  
(D)(2)(b)(i) of this section. 2380

(3) An amount received from federal funds to provide special 2381  
education and related services to students in the community 2382  
school, as determined by the superintendent of public instruction. 2383

(4) For each student reported under division (B)(2)(d) of 2384  
this section as enrolled in vocational education programs or 2385  
classes that are described in section 3317.014 of the Revised 2386  
Code, are provided by the community school, and are comparable as 2387  
determined by the superintendent of public instruction to school 2388  
district vocational education programs and classes eligible for 2389  
state weighted funding under section 3317.014 of the Revised Code, 2390  
an amount equal to the applicable vocational education weight 2391  
times the community school's base formula amount times the 2392  
percentage of time the student spends in the vocational education 2393  
programs or classes. 2394

(5) An amount equal to the sum of the amounts obtained when, 2395  
for each school district where the community school's students are 2396  
entitled to attend school, the number of that district's students 2397  
enrolled in the community school who are included in the 2398  
district's DPIA student count is multiplied by the per pupil 2399  
amount of disadvantaged pupil impact aid that school district 2400  
receives that year pursuant to division (B) or (C) of section 2401  
3317.029 of the Revised Code, as adjusted by any DPIA reduction 2402  
factor of the community school. The per pupil amount of aid shall 2403  
be determined as described in division (C)(4) of this section. 2404

(6) An amount equal to the sum of the amounts obtained when, 2405  
for each school district where the community school's students are 2406  
entitled to attend school, the district's per pupil amount of aid 2407  
received under division (E) of section 3317.029 of the Revised 2408  
Code, as adjusted by any DPIA reduction factor of the community 2409  
school, is multiplied by the sum of the following: 2410

(a) The number of the district's students reported under 2411  
division (B)(2)(a) of this section who are enrolled in grades one 2412  
to three in that community school and who are not receiving 2413  
special education and related services pursuant to an IEP; 2414

(b) One-half of the district's students who are enrolled in 2415  
all-day or any other kindergarten class in that community school 2416  
and who are not receiving special education and related services 2417  
pursuant to an IEP; 2418

(c) One-half of the district's students who are enrolled in 2419  
all-day kindergarten in that community school and who are not 2420  
receiving special education and related services pursuant to an 2421  
IEP. 2422

The district's per pupil amount of aid under division (E) of 2423  
section 3317.029 of the Revised Code shall be determined as 2424  
described in division (C)(5) of this section. 2425

(E)(1) If a community school's costs for a fiscal year for a 2426  
student receiving special education and related services pursuant 2427  
to an IEP for a handicap described in divisions (B) to (F) of 2428  
section 3317.013 of the Revised Code exceed the threshold 2429  
catastrophic cost for serving the student as specified in division 2430  
(C)(3)(b) of section 3317.022 of the Revised Code, the school may 2431  
submit to the superintendent of public instruction documentation, 2432  
as prescribed by the superintendent, of all its costs for that 2433  
student. Upon submission of documentation for a student of the 2434  
type and in the manner prescribed, the department shall pay to the 2435  
community school an amount equal to the school's costs for the 2436  
student in excess of the threshold catastrophic costs. 2437

(2) The community school shall only report under division 2438  
(E)(1) of this section, and the department shall only pay for, the 2439  
costs of educational expenses and the related services provided to 2440  
the student in accordance with the student's individualized 2441

education program. Any legal fees, court costs, or other costs 2442  
associated with any cause of action relating to the student may 2443  
not be included in the amount. 2444

(F) A community school may apply to the department of 2445  
education for preschool handicapped or gifted unit funding the 2446  
school would receive if it were a school district. Upon request of 2447  
its governing authority, a community school that received unit 2448  
funding as a school district-operated school before it became a 2449  
community school shall retain any units awarded to it as a school 2450  
district-operated school provided the school continues to meet 2451  
eligibility standards for the unit. 2452

A community school shall be considered a school district and 2453  
its governing authority shall be considered a board of education 2454  
for the purpose of applying to any state or federal agency for 2455  
grants that a school district may receive under federal or state 2456  
law or any appropriations act of the general assembly. The 2457  
governing authority of a community school may apply to any private 2458  
entity for additional funds. 2459

(G) A board of education sponsoring a community school may 2460  
utilize local funds to make enhancement grants to the school or 2461  
may agree, either as part of the contract or separately, to 2462  
provide any specific services to the community school at no cost 2463  
to the school. 2464

(H) A community school may not levy taxes or issue bonds 2465  
secured by tax revenues. 2466

(I) No community school shall charge tuition for the 2467  
enrollment of any student. 2468

(J)(1)(a) A community school may borrow money to pay any 2469  
necessary and actual expenses of the school in anticipation of the 2470  
receipt of any portion of the payments to be received by the 2471  
school pursuant to division (D) of this section. The school may 2472

issue notes to evidence such borrowing ~~to mature no later than the~~ 2473  
~~end of the fiscal year in which such money was borrowed.~~ The 2474  
proceeds of the notes shall be used only for the purposes for 2475  
which the anticipated receipts may be lawfully expended by the 2476  
school. 2477

~~(2)(b)~~ A school may also borrow money for a term not to 2478  
exceed fifteen years for the purpose of acquiring facilities, ~~as~~ 2479  
~~described in division (B) of section 3318.50 of the Revised Code.~~ 2480

(2) Except for any amount guaranteed under section 3318.50 of 2481  
the Revised Code, the state is not liable for debt incurred by the 2482  
governing authority of a community school. 2483

(K) For purposes of determining the number of students for 2484  
which divisions (D)(5) and (6) of this section applies in any 2485  
school year, a community school may submit to the department of 2486  
job and family services, no later than the first day of March, a 2487  
list of the students enrolled in the school. For each student on 2488  
the list, the community school shall indicate the student's name, 2489  
address, and date of birth and the school district where the 2490  
student is entitled to attend school. Upon receipt of a list under 2491  
this division, the department of job and family services shall 2492  
determine, for each school district where one or more students on 2493  
the list is entitled to attend school, the number of students 2494  
residing in that school district who were included in the 2495  
department's report under section 3317.10 of the Revised Code. The 2496  
department shall make this determination on the basis of 2497  
information readily available to it. Upon making this 2498  
determination and no later than ninety days after submission of 2499  
the list by the community school, the department shall report to 2500  
the state department of education the number of students on the 2501  
list who reside in each school district who were included in the 2502  
department's report under section 3317.10 of the Revised Code. In 2503  
complying with this division, the department of job and family 2504

services shall not report to the state department of education any personally identifiable information on any student.

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(L) The department of education shall adjust the amounts subtracted and paid under divisions (C) and (D) of this section to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after the effective date of this amendment shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under this section including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools and corresponding deductions from school district accounts as provided under divisions (C) and (D) of this section. For purposes of this section, ~~a:~~

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

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(2) A student shall be considered to be enrolled in a community school during a school year for the period of time between the date on which the school both has received documentation of the student's enrollment from a parent and has commenced participation in learning opportunities as defined in the contract with the sponsor. For purposes of applying this division to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-classroom-based learning opportunities and shall be in compliance with criteria and documentation requirements for student participation which shall be established by the department. Any student's instruction time in non-classroom-based learning opportunities shall be certified by an employee of the community school. A student's enrollment shall

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be considered to cease on the date on which any of the following 2537  
occur: 2538

(a) The community school receives documentation from a parent 2539  
terminating enrollment of the student. 2540

(b) The community school is provided documentation of a 2541  
student's enrollment in another public or private school. 2542

(c) The community school ceases to offer learning 2543  
opportunities to the student pursuant to the terms of the contract 2544  
with the sponsor or the operation of any provision of this 2545  
chapter. 2546

(3) A student's percentage of full-time equivalency shall be 2547  
considered to be the percentage the hours of learning opportunity 2548  
offered to that student is of nine hundred and twenty hours. 2549  
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(M) The department of education shall reduce the amounts paid 2551  
under division (D) of this section to reflect payments made to 2552  
colleges under division (B) of section 3365.07 of the Revised 2553  
Code. 2554

(N) ~~Beginning with the school year that starts on July 1,~~ 2555  
~~2001, in~~ No student shall be considered enrolled in any internet- 2556  
or computer-based community school unless the student possesses or 2557  
has been provided with all required hardware and software 2558  
materials and all such materials are fully operational and the 2559  
school is in compliance with division (A)(1) or (2) of section 2560  
3314.032 of the Revised Code, relative to such student. In 2561  
accordance with policies adopted jointly by the superintendent of 2562  
public instruction, ~~and~~ the auditor of state, the department shall 2563  
reduce the amounts otherwise payable under division (D) of this 2564  
section to any ~~internet~~ internet- or computer-based community 2565  
school that includes in its program the provision of computer 2566  
hardware and software materials to each student, if such hardware 2567

and software materials have not been delivered, installed, and 2568  
activated for all students in a timely manner or other educational 2569  
materials or services have not been provided according to the 2570  
contract between the individual community school and its sponsor. 2571

The superintendent of public instruction, and the auditor of 2572  
state, shall jointly establish a method for auditing any community 2573  
school to which this division pertains to ensure compliance with 2574  
this section. 2575

The superintendent, auditor of state, and the governor shall 2576  
jointly make recommendations to the general assembly for 2577  
legislative changes that may be required to assure fiscal and 2578  
academic accountability for such ~~internet~~ internet- or 2579  
computer-based schools. 2580

(0)(1) If the department determines that a review of a 2581  
community school's enrollment is necessary, such review shall be 2582  
completed and written notice of the findings shall be provided to 2583  
the governing authority of the community school and its sponsor 2584  
within ninety days of the end of the community school's fiscal 2585  
year, unless extended for a period not to exceed thirty additional 2586  
days for one of the following reasons: 2587

(a) The department and the community school mutually agree to 2588  
the extension. 2589

(b) Delays in data submission caused by either a community 2590  
school or its sponsor. 2591

(2) If the review results in a finding that additional 2592  
funding is owed to the school, such payment shall be made within 2593  
thirty days of the written notice. If the review results in a 2594  
finding that the community school owes moneys to the state, the 2595  
following procedure shall apply: 2596

(a) Within ten business days of the receipt of the notice of 2597  
findings, the community school may appeal the department's 2598

determination to the state board of education or its designee. 2599

(b) The board or its designee shall conduct an informal 2600  
hearing on the matter within thirty days of receipt of such an 2601  
appeal and shall issue a decision within fifteen days of the 2602  
conclusion of the hearing. 2603

(c) If the board has enlisted a designee to conduct the 2604  
hearing, the designee shall certify its decision to the board. The 2605  
board may accept the decision of the designee or may reject the 2606  
decision of the designee and issue its own decision on the matter. 2607

(d) Any decision made by the board under this division is 2608  
final. 2609

(3) If it is decided that the community school owes moneys to 2610  
the state, the department shall deduct such amount from the 2611  
school's future payments in accordance with guidelines issued by 2612  
the superintendent of public instruction. 2613

**Sec. 3314.081.** To the extent permitted by federal law, the 2614  
department of education shall include community schools 2615  
established under this chapter in its annual allocation of federal 2616  
moneys under Title I of the "Elementary and Secondary Education 2617  
Act of 1965," 20 U.S.C. 6301, et seq. 2618

**Sec. 3314.082.** It is the intent of the general assembly that 2619  
no state moneys paid to a community school under section 3314.08 2620  
of the Revised Code be used by the school to pay any taxes the 2621  
school might owe on its own behalf, including, but not limited to, 2622  
local, state, and federal income taxes, sales taxes, and personal 2623  
and real property taxes. This intent does not apply to any moneys 2624  
withheld from an employee of the community school that are payable 2625  
by the school to a government entity as taxes on behalf of the 2626  
employee. 2627

**Sec. 3314.09.** (A) As used in this section and section 2628  
3314.091 of the Revised Code, "native student" means a student 2629  
entitled to attend school in the school district under section 2630  
3313.64 or 3313.65 of the Revised Code. 2631

(B) Except as provided in section 3314.091 of the Revised 2632  
Code, the board of education of each city, local, and exempted 2633  
village school district shall provide transportation to and from 2634  
school for its district's native students ~~enrolled in a community~~ 2635  
~~school located in that district or another district on the same~~ 2636  
~~basis that it provides transportation for its native students~~ 2637  
~~enrolled in schools to which they are assigned by the board of~~ 2638  
~~education at the same grade level and who live the same distance~~ 2639  
~~from school except when, in the judgment of the board, confirmed~~ 2640  
~~by the state board of education, the transportation is unnecessary~~ 2641  
~~or unreasonable. A board shall not be required to transport~~ 2642  
~~nonhandicapped students to and from a community school located in~~ 2643  
~~another school district if the transportation would require more~~ 2644  
~~than thirty minutes of direct travel time as measured by school~~ 2645  
~~bus from the collection point designated by the district's~~ 2646  
~~coordinator of school transportation in accordance with section~~ 2647  
~~3327.01 of the Revised Code.~~ 2648

~~(C) Where it is impractical to transport a pupil to and from~~ 2649  
~~a community school by school conveyance, a board may, in lieu of~~ 2650  
~~providing the transportation, pay a parent, guardian, or other~~ 2651  
~~person in charge of the child. The amount paid per pupil shall in~~ 2652  
~~no event exceed the average transportation cost per pupil, which~~ 2653  
~~shall be based on the cost of transportation of children by all~~ 2654  
~~boards of education in this state during the next preceding year.~~ 2655

**Sec. 3314.091.** (A) A school district is not required to 2656  
provide transportation for any native student enrolled in a 2657  
community school if the district board of education has entered 2658

into an agreement with the community school's governing authority 2659  
that designates the community school as responsible for providing 2660  
or arranging for the transportation of the district's native 2661  
students to and from the community school. For any such agreement 2662  
to be effective, it must be certified by the superintendent of 2663  
public instruction as having met ~~both~~ all of the following 2664  
requirements: 2665

(1) It is submitted to the department of education by a 2666  
deadline which shall be established by the department. 2667

(2) It specifies qualifications, such as residing a minimum 2668  
distance from the school, for students to have their 2669  
transportation provided or arranged. 2670

(3) The transportation provided by the community school is 2671  
subject to all provisions of the Revised Code and all rules 2672  
adopted under the Revised Code pertaining to pupil transportation. 2673

(4) The sponsor of the community school also has signed the 2674  
agreement. 2675

(B)(1) A community school governing ~~board~~ authority that 2676  
enters into an agreement to provide transportation under this 2677  
section shall provide or arrange transportation free of any charge 2678  
for each of its enrolled students ~~in grades kindergarten through~~ 2679  
~~eight who live more than two miles from the school, except that~~ 2680  
~~the governing board may make a payment in lieu of providing~~ 2681  
~~transportation to the parent, guardian, or person in charge of the~~ 2682  
~~student at the same rate as specified for a school district board~~ 2683  
~~in division (C) of section 3314.09 of the Revised Code if the~~ 2684  
~~drive time measured by the vehicle specified by the school for~~ 2685  
~~transporting the students from the student's residence to the~~ 2686  
~~school is more than thirty minutes~~ eligible for transportation as 2687  
specified in section 3327.01 of the Revised Code. ~~The~~ 2688

The governing board authority may provide or arrange 2689

transportation for any other enrolled student who is not eligible 2690  
for transportation and may charge a fee for such service up to the 2691  
actual cost of the service. ~~The governing board may request the~~ 2692  
~~payment specified under division (C) of this section for any~~ 2693  
~~student it transports, for whom it arranges transportation, or for~~ 2694  
~~whom it makes a payment in lieu of providing transportation if the~~ 2695  
~~student lives more than one mile from the community school or is~~ 2696  
~~disabled and the individual education program requires~~ 2697  
~~transportation.~~ 2698

(2) Notwithstanding anything to the contrary in division 2699  
(B)(1) of this section, a community school governing ~~board~~ 2700  
authority shall provide or arrange transportation free of any 2701  
charge for any disabled student enrolled in the school for whom 2702  
the student's individualized education program developed under 2703  
Chapter 3323. of the Revised Code specifies transportation. 2704

(C)(1) If a school district board and a community school 2705  
governing authority elect to enter into an agreement under this 2706  
section, the department of education annually shall pay the 2707  
community school the amount specified in division (C)(2) of this 2708  
section for each of the enrolled students for whom the school's 2709  
governing authority provides or arranges transportation to and 2710  
from school. The department shall deduct the payment from the 2711  
state payment under Chapter 3317. and, if necessary, sections 2712  
321.14 and 323.156 of the Revised Code that is otherwise paid to 2713  
the school district in which the student enrolled in the community 2714  
school resides. The department shall include the number of the 2715  
district's native students for whom payment is made to a community 2716  
school under this division in the calculation of the district's 2717  
transportation payment under division (D) of section 3317.022 of 2718  
the Revised Code. 2719

A community school shall be paid under this division only for 2720  
students who ~~live more than one mile from the school~~ are eligible 2721

as specified in section 3327.01 of the Revised Code or who are  
disabled and whose individualized education program requires  
transportation and whose transportation to and from school is  
actually provided or arranged or for whom a payment in lieu of  
transportation is made by the community school's governing  
authority. To qualify for the payments, the community school shall  
report to the department, in the form and manner required by the  
department, data on the number of students transported or whose  
transportation is arranged, the number of miles traveled, cost to  
transport, and any other information requested by the department.

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A community school shall use payments received under this  
division solely to pay the costs of providing or arranging for the  
transportation of students who ~~live more than one mile from the~~  
~~school~~ are eligible as specified in section 3327.01 of the Revised  
Code or who are disabled and whose individualized education  
program requires transportation, which may include payments to a  
parent, guardian, or other person in charge of a child in lieu of  
transportation.

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(2) The payment to a community school governing authority  
under this section for ~~each student who lives more than one mile~~  
~~from the school or who is disabled and whose individualized~~  
~~education program requires transportation and for whom the school~~  
~~actually provides or arranges transportation or makes a payment in~~  
~~lieu of providing transportation,~~ eligible students shall be made  
according to the following ~~schedule~~:

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~~(a) In fiscal year 2002, four hundred fifty dollars per~~  
~~student~~:

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~~(b) In fiscal year 2003 and every fiscal year thereafter, the~~  
~~amount specified in division (C)(2)(a) of this section multiplied~~  
~~by the negative or positive percentage of change reported in the~~  
~~consumer price index (all urban consumers, transportation) by the~~

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~~bureau of labor statistics of the United States department of~~ 2754  
~~labor from the beginning of the calendar year that ended just~~ 2755  
~~prior to the beginning of the fiscal year to the end of that~~ 2756  
~~calendar year~~ terms of the agreement entered into under this 2757  
section. 2758

(D) Except when arranged through payment to a parent, 2759  
guardian, or person in charge of a child, transportation provided 2760  
or arranged for by a community school pursuant to an agreement 2761  
under this section is subject to all provisions of the Revised 2762  
Code, and all rules adopted under the Revised Code, pertaining to 2763  
the construction, design, equipment, and operation of school buses 2764  
and other vehicles transporting students to and from school. The 2765  
drivers and mechanics of the vehicles are subject to all 2766  
provisions of the Revised Code, and all rules adopted under the 2767  
Revised Code, pertaining to drivers and mechanics of such 2768  
vehicles. The community school also shall comply with sections 2769  
3313.201, 3327.09, and 3327.10 and division (B) of section 3327.16 2770  
of the Revised Code as if it were a school district. For purposes 2771  
of complying with section 3327.10 of the Revised Code, the 2772  
educational service center that serves the county in which the 2773  
community school is located shall be the certifying agency, unless 2774  
the agreement designates the school district as the certifying 2775  
agency. 2776

**Sec. 3314.11.** The department of education shall establish the 2777  
state office of ~~school options~~ community schools to provide advice 2778  
and services for the community schools program, established 2779  
pursuant to Chapter 3314. of the Revised Code, ~~and the pilot~~ 2780  
~~project scholarship program, established pursuant to sections~~ 2781  
~~3313.974 to 3313.979 of the Revised Code.~~ The office shall provide 2782  
services that facilitate the management of the community schools 2783  
program ~~and the pilot project scholarship program,~~ including 2784  
providing technical assistance and information to persons or 2785

groups considering proposing a community school, to governing 2786  
authorities of community schools, and to public entities 2787  
sponsoring or considering sponsoring a community school. 2788

Sec. 3314.111. The department of education shall establish 2789  
the state office of school options to provide advice and services 2790  
for the pilot project scholarship program, established pursuant to 2791  
sections 3313.974 to 3313.979 of the Revised Code that facilitate 2792  
the management of that program. 2793

**Sec. 3314.13.** (A) As used in this section: 2794

(1) "All-day kindergarten" has the same meaning as in section 2795  
3317.029 of the Revised Code. 2796

(2) "Formula amount" has the same meaning as in section 2797  
3317.02 of the Revised Code. 2798

(B) The department of education annually shall pay each 2799  
community school established under this chapter one-half of the 2800  
formula amount for each student to whom both of the following 2801  
apply: 2802

(1) The student is entitled to attend school under section 2803  
3313.64 or 3313.65 of the Revised Code in a school district that 2804  
is eligible to receive a payment under division (D) of section 2805  
3317.029 of the Revised Code if it provides all-day kindergarten; 2806

(2) The student is reported by the community school ~~under~~ 2807  
~~division (B)(3) of section 3314.08 of the Revised Code~~ as enrolled 2808  
in all-day kindergarten at the community school. 2809

(C) If a student for whom payment is made under division (B) 2810  
of this section is entitled to attend school in a district that 2811  
receives any payment for all-day kindergarten under division (D) 2812  
of section 3317.029 of the Revised Code, the department shall 2813  
deduct the payment to the community school under this section from 2814

the amount paid that school district under that division. If that school district does not receive payment for all-day kindergarten under that division because it does not provide all-day kindergarten, the department shall pay the community school from state funds appropriated generally for disadvantaged pupil impact aid.

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(D) The department shall adjust the amounts deducted from school districts and paid to community schools under this section to reflect any enrollments of students in all-day kindergarten in community schools for less than the equivalent of a full school year.

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Sec. 3314.17. (A) Each community school established under this chapter shall participate in the statewide education management information system established under section 3301.0714 of the Revised Code. All provisions of that section and the rules adopted under that section apply to each community school as if it were a school district, except as modified for community schools under division (B) of this section.

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(B) The rules adopted by the state board of education under section 3301.0714 of the Revised Code may distinguish methods and timelines for community schools to annually report data, which methods and timelines differ from those prescribed for school districts. Any methods and timelines prescribed for community schools shall be appropriate to the academic schedule and financing of community schools. The guidelines, however, shall not modify the actual data required to be reported under that section.

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(C) Each fiscal officer appointed under section 3314.011 of the Revised Code is responsible for annually reporting the community school's data under section 3301.0714 of the Revised Code. If the superintendent of public instruction determines that

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a community school fiscal officer has willfully failed to report 2846  
data or has willfully reported erroneous, inaccurate, or 2847  
incomplete data in any year, or has negligently reported 2848  
erroneous, inaccurate, or incomplete data in the current and any 2849  
previous year, the superintendent may impose a civil penalty of 2850  
one hundred dollars on the fiscal officer after providing the 2851  
officer with notice and an opportunity for a hearing in accordance 2852  
with Chapter 119. of the Revised Code. The superintendent's 2853  
authority to impose civil penalties under this division does not 2854  
preclude the state board of education from suspending or revoking 2855  
the license of a community school employee under division (N) of 2856  
section 3301.0714 of the Revised Code. 2857

**Sec. 3314.30.** (A) As used in this section: 2858

(1) "Start-up community school" means a "new start-up school" 2859  
as that term is defined in division (A) of section 3314.02 of the 2860  
Revised Code. 2861

(2) A "school's contract" means the contract entered into 2862  
between the governing authority and the sponsor of a community 2863  
school under section 3314.03 of the Revised Code. 2864

(B) There is hereby created in the state treasury the 2865  
community school revolving loan fund. The fund shall consist of 2866  
federal moneys allocated to the state for development and 2867  
operation of community schools. 2868

(C) The department of education may make a loan from the fund 2869  
created in division (B) of this section to the governing authority 2870  
or the sponsor of any start-up community school upon approval of 2871  
the loan by the superintendent of public instruction. Moneys 2872  
loaned from the fund shall be used only to pay the costs 2873  
associated with any provision of the school's contract. A start-up 2874  
community school may receive more than one loan from the fund; 2875  
however, no school shall receive a cumulative loan amount 2876

throughout the term of the school's contract that is greater than 2877  
two hundred fifty thousand dollars. 2878

(D) The superintendent of public instruction may consider all 2879  
of the following when determining whether to approve a loan from 2880  
the fund created in division (A) of this section: 2881

(1) Soundness of the school's business plan; 2882

(2) Availability of other sources of funding for the school; 2883  
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(3) Geographic distribution of other such loans; 2885

(4) Impact of receipt of the loan on a school's ability to 2886  
secure other public and private funding; 2887

(5) Plans for the creative use of the loan amounts to create 2888  
further financing, such as loan guarantees or other types of 2889  
credit enhancements; 2890

(6) Financial needs of the community school. 2891

(E) The superintendent of public instruction shall give 2892  
priority for loans under this section to newly established 2893  
community schools to pay start-up costs. 2894

(F) The rate of interest charged on any loan under this 2895  
section shall be the rate that would be applicable to the same 2896  
money if invested in the Ohio subdivision's fund created in 2897  
section 135.45 of the Revised Code as of the date the loan is 2898  
disbursed to the community school. 2899

(G) Commencing in the first fiscal year that next succeeds 2900  
the fiscal year that a community school receives a loan under this 2901  
section, the department shall deduct from the periodic payments 2902  
made to the school under section 3314.08 of the Revised Code a 2903  
prorated amount of the annual repayment amount due under the loan. 2904  
The amount deducted from a school's periodic payments under this 2905  
division that is attributed to the principal of the loan shall be 2906

deposited into the fund created in division (B) of this section. 2907  
The amount deducted from a school's periodic payments under this 2908  
division that is attributed to the interest on the loan shall be 2909  
deposited into the fund created in section 3314.31 of the Revised 2910  
Code. The repayment period for any loan made under this section 2911  
shall not exceed five consecutive fiscal years. 2912  
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(H) The office of budget and management and the department of 2914  
education shall monitor the adequacy of moneys on hand in the fund 2915  
created in division (B) of this section and shall report annually 2916  
to the general assembly on such adequacy and any recommended 2917  
changes in the interest rate charged on loans under this section 2918  
or changes in default recovery procedures. 2919

**Sec. 3314.31.** There is hereby created in the state treasury 2920  
the community school security fund. The fund shall consist of 2921  
moneys paid into the fund under division (G) of section 3314.30 of 2922  
the Revised Code. Moneys in the fund shall be paid into the fund 2923  
created in division (B) of section 3314.30 of the Revised Code in 2924  
the case of default on a loan made under section 3314.30 of the 2925  
Revised Code in an amount up to the amount of such default. 2926

**Sec. 3317.029.** (A) As used in this section: 2927

(1) "DPIA percentage" means: 2928

(a) In fiscal years prior to fiscal year 2004, the quotient 2929  
obtained by dividing the five-year average number of children ages 2930  
five to seventeen residing in the school district and living in a 2931  
family receiving assistance under the Ohio works first program or 2932  
an antecedent program known as TANF or ADC, as certified or 2933  
adjusted under section 3317.10 of the Revised Code, by the 2934  
district's three-year average formula ADM. 2935

(b) Beginning in fiscal year 2004, the ~~five-year average,~~ 2936

unduplicated number of children ages five to seventeen residing in 2937  
the school district and living in a family that has family income 2938  
not exceeding the federal poverty guidelines and that receives 2939  
family assistance, as certified or adjusted under section 3317.10 2940  
of the Revised Code, divided by the district's three-year average 2941  
formula ADM. 2942

(2) "Family assistance" means assistance received under one 2943  
of the following: 2944

(a) The Ohio works first program; 2945

(b) The food stamp program; 2946

(c) The medical assistance program, including the healthy 2947  
start program, established under Chapter 5111. of the Revised 2948  
Code; 2949

(d) The children's health insurance program part I 2950  
established under section 5101.50 of the Revised Code or, prior to 2951  
fiscal year 2000, an executive order issued under section 107.17 2952  
of the Revised Code; 2953

(e) The disability assistance program established under 2954  
Chapter 5115. of the Revised Code. 2955

(3) "Statewide DPIA percentage" means: 2956

(a) In fiscal years prior to fiscal year 2004, the five-year 2957  
average of the total number of children ages five to seventeen 2958  
years residing in the state and receiving assistance under the 2959  
Ohio works first program or an antecedent program known as TANF or 2960  
ADC, divided by the sum of the three-year average formula ADMs for 2961  
all school districts in the state. 2962

(b) Beginning in fiscal year 2004, the ~~five-year average of~~ 2963  
~~the~~ total, unduplicated number of children ages five to seventeen 2964  
residing in the state and living in a family that has family 2965  
income not exceeding the federal poverty guidelines and that 2966

receives family assistance, divided by the sum of the three-year average formula ADMs for all school districts in the state.

(4) "DPIA index" means the quotient obtained by dividing the school district's DPIA percentage by the statewide DPIA percentage.

(5) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code.

(6) "DPIA student count" means:

(a) In fiscal years prior to fiscal year 2004, the five-year average number of children ages five to seventeen residing in the school district and living in a family receiving assistance under the Ohio works first program or an antecedent program known as TANF or ADC, as certified under section 3317.10 of the Revised Code;

(b) Beginning in fiscal year 2004, the ~~five-year average~~, unduplicated number of children ages five to seventeen residing in the school district and living in a family that has family income not exceeding the federal poverty guidelines and that receives family assistance, as certified or adjusted under section 3317.10 of the Revised Code.

(7) "Kindergarten ADM" means the number of students reported under section 3317.03 of the Revised Code as enrolled in kindergarten.

(8) "Kindergarten through third grade ADM" means the amount calculated as follows:

(a) Multiply the kindergarten ADM by the sum of one plus the all-day kindergarten percentage;

(b) Add the number of students in grades one through three;

(c) Subtract from the sum calculated under division (A)(6)(b) of this section the number of special education students in grades

kindergarten through three. 2997

(9) "Statewide average teacher salary" means forty-two 2998  
thousand four hundred sixty-nine dollars in fiscal year 2002, and 2999  
forty-three thousand six hundred fifty-eight dollars in fiscal 3000  
year 2003, which includes an amount for the value of fringe 3001  
benefits. 3002

(10) "All-day kindergarten" means a kindergarten class that 3003  
is in session five days per week for not less than the same number 3004  
of clock hours each day as for pupils in grades one through six. 3005

(11) "All-day kindergarten percentage" means the percentage 3006  
of a district's actual total number of students enrolled in 3007  
kindergarten who are enrolled in all-day kindergarten. 3008

(12) "Buildings with the highest concentration of need" 3009  
means: 3010

(a) In fiscal years prior to fiscal year 2004, the school 3011  
buildings in a district with percentages of students in grades 3012  
kindergarten through three receiving assistance under Ohio works 3013  
first at least as high as the district-wide percentage of students 3014  
receiving such assistance. 3015

(b) Beginning in fiscal year 2004, the school buildings in a 3016  
district with percentages of students in grades kindergarten 3017  
through three receiving family assistance at least as high as the 3018  
district-wide percentage of students receiving family assistance. 3019

(c) If, in any fiscal year, the information provided by the 3020  
department of job and family services under section 3317.10 of the 3021  
Revised Code is insufficient to determine the Ohio works first or 3022  
family assistance percentage in each building, "buildings with the 3023  
highest concentration of need" has the meaning given in rules that 3024  
the department of education shall adopt. The rules shall base the 3025  
definition of "buildings with the highest concentration of need" 3026  
on family income of students in grades kindergarten through three 3027

in a manner that, to the extent possible with available data, 3028  
approximates the intent of this division and division (G) of this 3029  
section to designate buildings where the Ohio works first or 3030  
family assistance percentage in those grades equals or exceeds the 3031  
district-wide Ohio works first or family assistance percentage. 3032

(B) In addition to the amounts required to be paid to a 3033  
school district under section 3317.022 of the Revised Code, a 3034  
school district shall receive the greater of the amount the 3035  
district received in fiscal year 1998 pursuant to division (B) of 3036  
section 3317.023 of the Revised Code as it existed at that time or 3037  
the sum of the computations made under divisions (C) to (E) of 3038  
this section. 3039

(C) A supplemental payment that may be utilized for measures 3040  
related to safety and security and for remediation or similar 3041  
programs, calculated as follows: 3042

(1) If the DPIA index of the school district is greater than 3043  
or equal to thirty-five-hundredths, but less than one, an amount 3044  
obtained by multiplying the district's DPIA student count by two 3045  
hundred thirty dollars; 3046

(2) If the DPIA index of the school district is greater than 3047  
or equal to one, an amount obtained by multiplying the DPIA index 3048  
by two hundred thirty dollars and multiplying that product by the 3049  
district's DPIA student count. 3050

Except as otherwise provided in division (F) of this section, 3051  
beginning with the school year that starts July 1, 2002, each 3052  
school district annually shall use at least twenty per cent of the 3053  
funds calculated for the district under this division for 3054  
intervention services required by section 3313.608 of the Revised 3055  
Code. 3056

(D) A payment for all-day kindergarten if the DPIA index of 3057  
the school district is greater than or equal to one or if the 3058

district's three-year average formula ADM exceeded seventeen 3059  
thousand five hundred, calculated by multiplying the all-day 3060  
kindergarten percentage by the kindergarten ADM and multiplying 3061  
that product by the formula amount. 3062

(E) A class-size reduction payment based on calculating the 3063  
number of new teachers necessary to achieve a lower 3064  
student-teacher ratio, as follows: 3065

(1) Determine or calculate a formula number of teachers per 3066  
one thousand students based on the DPIA index of the school 3067  
district as follows: 3068

(a) If the DPIA index of the school district is less than 3069  
six-tenths, the formula number of teachers is 43.478, which is the 3070  
number of teachers per one thousand students at a student-teacher 3071  
ratio of twenty-three to one; 3072

(b) If the DPIA index of the school district is greater than 3073  
or equal to six-tenths, but less than two and one-half, the 3074  
formula number of teachers is calculated as follows: 3075

$$43.478 + \{[(\text{DPIA index} - 0.6) / 1.9] \times 23.188\} \quad 3076$$

Where 43.478 is the number of teachers per one thousand 3077  
students at a student-teacher ratio of twenty-three to one; 1.9 is 3078  
the interval from a DPIA index of six-tenths to a DPIA index of 3079  
two and one-half; and 23.188 is the difference in the number of 3080  
teachers per one thousand students at a student-teacher ratio of 3081  
fifteen to one and the number of teachers per one thousand 3082  
students at a student-teacher ratio of twenty-three to one. 3083

(c) If the DPIA index of the school district is greater than 3084  
or equal to two and one-half, the formula number of teachers is 3085  
66.667, which is the number of teachers per one thousand students 3086  
at a student-teacher ratio of fifteen to one. 3087

(2) Multiply the formula number of teachers determined or 3088  
calculated in division (E)(1) of this section by the kindergarten 3089

through third grade ADM for the district and divide that product 3090  
by one thousand; 3091

(3) Calculate the number of new teachers as follows: 3092

(a) Multiply the kindergarten through third grade ADM by 3093  
43.478, which is the number of teachers per one thousand students 3094  
at a student-teacher ratio of twenty-three to one, and divide that 3095  
product by one thousand; 3096

(b) Subtract the quotient obtained in division (E)(3)(a) of 3097  
this section from the product in division (E)(2) of this section. 3098

(4) Multiply the greater of the difference obtained under 3099  
division (E)(3) of this section or zero by the statewide average 3100  
teachers salary. 3101

(F) This division applies only to school districts whose DPIA 3102  
index is one or greater. 3103

(1) Each school district subject to this division shall first 3104  
utilize funds received under this section so that, when combined 3105  
with other funds of the district, sufficient funds exist to 3106  
provide all-day kindergarten to at least the number of children in 3107  
the district's all-day kindergarten percentage. 3108

(2) Up to an amount equal to the district's DPIA index 3109  
multiplied by its DPIA student count multiplied by two hundred 3110  
thirty dollars of the money distributed under this section may be 3111  
utilized for one or both of the following: 3112

(a) Programs designed to ensure that schools are free of 3113  
drugs and violence and have a disciplined environment conducive to 3114  
learning; 3115

(b) Remediation for students who have failed or are in danger 3116  
of failing any of the tests administered pursuant to section 3117  
3301.0710 of the Revised Code. 3118

Beginning with the school year that starts on July 1, 2002, 3119

each school district shall use at least twenty per cent of the 3120  
funds set aside for the purposes of divisions (F)(2)(a) and (b) of 3121  
this section to provide intervention services required by section 3122  
3313.608 of the Revised Code. 3123

(3) Except as otherwise required by division (G) or permitted 3124  
under division (K) of this section, all other funds distributed 3125  
under this section to districts subject to this division shall be 3126  
utilized for the purpose of the third grade guarantee. The third 3127  
grade guarantee consists of increasing the amount of instructional 3128  
attention received per pupil in kindergarten through third grade, 3129  
either by reducing the ratio of students to instructional 3130  
personnel or by increasing the amount of instruction and 3131  
curriculum-related activities by extending the length of the 3132  
school day or the school year. 3133

School districts may implement a reduction of the ratio of 3134  
students to instructional personnel through any or all of the 3135  
following methods: 3136

(a) Reducing the number of students in a classroom taught by 3137  
a single teacher; 3138

(b) Employing full-time educational aides or educational 3139  
paraprofessionals issued a permit or license under section 3140  
3319.088 of the Revised Code; 3141

(c) Instituting a team-teaching method that will result in a 3142  
lower student-teacher ratio in a classroom. 3143

Districts may extend the school day either by increasing the 3144  
amount of time allocated for each class, increasing the number of 3145  
classes provided per day, offering optional academic-related 3146  
after-school programs, providing curriculum-related extra 3147  
curricular activities, or establishing tutoring or remedial 3148  
services for students who have demonstrated an educational need. 3149  
In accordance with section 3319.089 of the Revised Code, a 3150

district extending the school day pursuant to this division may 3151  
utilize a participant of the work experience program who has a 3152  
child enrolled in a public school in that district and who is 3153  
fulfilling the work requirements of that program by volunteering 3154  
or working in that public school. If the work experience program 3155  
participant is compensated, the school district may use the funds 3156  
distributed under this section for all or part of the 3157  
compensation. 3158

Districts may extend the school year either through adding 3159  
regular days of instruction to the school calendar or by providing 3160  
summer programs. 3161

(G) Each district subject to division (F) of this section 3162  
shall not expend any funds received under division (E) of this 3163  
section in any school buildings that are not buildings with the 3164  
highest concentration of need, unless there is a ratio of 3165  
instructional personnel to students of no more than fifteen to one 3166  
in each kindergarten and first grade class in all buildings with 3167  
the highest concentration of need. This division does not require 3168  
that the funds used in buildings with the highest concentration of 3169  
need be spent solely to reduce the ratio of instructional 3170  
personnel to students in kindergarten and first grade. A school 3171  
district may spend the funds in those buildings in any manner 3172  
permitted by division (F)(3) of this section, but may not spend 3173  
the money in other buildings unless the fifteen-to-one ratio 3174  
required by this division is attained. 3175

(H)(1) By the first day of August of each fiscal year, each 3176  
school district wishing to receive any funds under division (D) of 3177  
this section shall submit to the department of education an 3178  
estimate of its all-day kindergarten percentage. Each district 3179  
shall update its estimate throughout the fiscal year in the form 3180  
and manner required by the department, and the department shall 3181  
adjust payments under this section to reflect the updates. 3182

(2) Annually by the end of December, the department of 3183  
education, utilizing data from the information system established 3184  
under section 3301.0714 of the Revised Code and after consultation 3185  
with the legislative office of education oversight, shall 3186  
determine for each school district subject to division (F) of this 3187  
section whether in the preceding fiscal year the district's ratio 3188  
of instructional personnel to students and its number of 3189  
kindergarten students receiving all-day kindergarten appear 3190  
reasonable, given the amounts of money the district received for 3191  
that fiscal year pursuant to divisions (D) and (E) of this 3192  
section. If the department is unable to verify from the data 3193  
available that students are receiving reasonable amounts of 3194  
instructional attention and all-day kindergarten, given the funds 3195  
the district has received under this section and that class-size 3196  
reduction funds are being used in school buildings with the 3197  
highest concentration of need as required by division (G) of this 3198  
section, the department shall conduct a more intensive 3199  
investigation to ensure that funds have been expended as required 3200  
by this section. The department shall file an annual report of its 3201  
findings under this division with the chairpersons of the 3202  
committees in each house of the general assembly dealing with 3203  
finance and education. 3204

(I) Any school district with a DPIA index less than one and a 3205  
three-year average formula ADM exceeding seventeen thousand five 3206  
hundred shall first utilize funds received under this section so 3207  
that, when combined with other funds of the district, sufficient 3208  
funds exist to provide all-day kindergarten to at least the number 3209  
of children in the district's all-day kindergarten percentage. 3210  
Such a district shall expend at least seventy per cent of the 3211  
remaining funds received under this section, and any other 3212  
district with a DPIA index less than one shall expend at least 3213  
seventy per cent of all funds received under this section, for any 3214

of the following purposes:	3215
(1) The purchase of technology for instructional purposes;	3216
(2) All-day kindergarten;	3217
(3) Reduction of class sizes;	3218
(4) Summer school remediation;	3219
(5) Dropout prevention programs;	3220
(6) Guaranteeing that all third graders are ready to progress to more advanced work;	3221 3222
(7) Summer education and work programs;	3223
(8) Adolescent pregnancy programs;	3224
(9) Head start or preschool programs;	3225
(10) Reading improvement programs described by the department of education;	3226 3227
(11) Programs designed to ensure that schools are free of drugs and violence and have a disciplined environment conducive to learning;	3228 3229 3230
(12) Furnishing, free of charge, materials used in courses of instruction, except for the necessary textbooks or electronic 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;	3231 3232 3233 3234 3235 3236
(13) School breakfasts provided pursuant to section 3313.813 of the Revised Code.	3237 3238
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.	3239 3240 3241
(J) If at any time the superintendent of public instruction	3242

determines that a school district receiving funds under division 3243  
(D) of this section has enrolled less than the all-day 3244  
kindergarten percentage reported for that fiscal year, the 3245  
superintendent shall withhold from the funds otherwise due the 3246  
district under this section a proportional amount as determined by 3247  
the difference in the certified all-day kindergarten percentage 3248  
and the percentage actually enrolled in all-day kindergarten. 3249

The superintendent shall also withhold an appropriate amount 3250  
of funds otherwise due a district for any other misuse of funds 3251  
not in accordance with this section. 3252

(K)(1) A district may use a portion of the funds calculated 3253  
for it under division (D) of this section to modify or purchase 3254  
classroom space to provide all-day kindergarten, if both of the 3255  
following conditions are met: 3256

(a) The district certifies to the department, in a manner 3257  
acceptable to the department, that it has a shortage of space for 3258  
providing all-day kindergarten. 3259

(b) The district provides all-day kindergarten to the number 3260  
of children in the all-day kindergarten percentage it certified 3261  
under this section. 3262

(2) A district may use a portion of the funds described in 3263  
division (F)(3) of this section to modify or purchase classroom 3264  
space to enable it to further reduce class size in grades 3265  
kindergarten through two with a goal of attaining class sizes of 3266  
fifteen students per licensed teacher. To do so, the district must 3267  
certify its need for additional space to the department, in a 3268  
manner satisfactory to the department. 3269

**Sec. 3317.03.** Notwithstanding divisions (A)(1), (B)(1), and 3270  
(C) of this section, any student enrolled in kindergarten more 3271  
than half time shall be reported as one-half student under this 3272

section. 3273

(A) The superintendent of each city and exempted village 3274  
school district and of each educational service center shall, for 3275  
the schools under the superintendent's supervision, certify to the 3276  
state board of education on or before the fifteenth day of October 3277  
in each year for the first full school week in October the formula 3278  
ADM, which shall consist of the average daily membership during 3279  
such week of the sum of the following: 3280

(1) On an FTE basis, the number of students in grades 3281  
kindergarten through twelve receiving any educational services 3282  
from the district, except that the following categories of 3283  
students shall not be included in the determination: 3284

(a) Students enrolled in adult education classes; 3285

(b) Adjacent or other district students enrolled in the 3286  
district under an open enrollment policy pursuant to section 3287  
3313.98 of the Revised Code; 3288

(c) Students receiving services in the district pursuant to a 3289  
compact, cooperative education agreement, or a contract, but who 3290  
are entitled to attend school in another district pursuant to 3291  
section 3313.64 or 3313.65 of the Revised Code; 3292

(d) Students for whom tuition is payable pursuant to sections 3293  
3317.081 and 3323.141 of the Revised Code. 3294

(2) On an FTE basis, the number of students entitled to 3295  
attend school in the district pursuant to section 3313.64 or 3296  
3313.65 of the Revised Code, but receiving educational services in 3297  
grades kindergarten through twelve from one or more of the 3298  
following entities: 3299

(a) A community school pursuant to Chapter 3314. of the 3300  
Revised Code, including any participation in a college pursuant to 3301  
Chapter 3365. of the Revised Code while enrolled in such community 3302  
school; 3303

(b) An alternative school pursuant to sections 3313.974 to 3304  
3313.979 of the Revised Code as described in division (I)(2)(a) or 3305  
(b) of this section; 3306

(c) A college pursuant to Chapter 3365. of the Revised Code, 3307  
except when the student is enrolled in the college while also 3308  
enrolled in a community school pursuant to Chapter 3314. of the 3309  
Revised Code; 3310

(d) An adjacent or other school district under an open 3311  
enrollment policy adopted pursuant to section 3313.98 of the 3312  
Revised Code; 3313

(e) An educational service center or cooperative education 3314  
district; 3315

(f) Another school district under a cooperative education 3316  
agreement, compact, or contract. 3317

(3) One-fourth of the number of students enrolled in a joint 3318  
vocational school district or under a vocational education 3319  
compact, excluding any students entitled to attend school in the 3320  
district under section 3313.64 or 3313.65 of the Revised Code who 3321  
are enrolled in another school district through an open enrollment 3322  
policy as reported under division (A)(2)(d) of this section and 3323  
then enroll in a joint vocational school district or under a 3324  
vocational education compact; 3325

(4) The number of handicapped children, other than 3326  
handicapped preschool children, entitled to attend school in the 3327  
district pursuant to section 3313.64 or 3313.65 of the Revised 3328  
Code who are placed with a county MR/DD board, minus the number of 3329  
such children placed with a county MR/DD board in fiscal year 3330  
1998. If this calculation produces a negative number, the number 3331  
reported under division (A)(4) of this section shall be zero. 3332

(B) To enable the department of education to obtain the data 3333  
needed to complete the calculation of payments pursuant to this 3334

chapter, in addition to the formula ADM, each superintendent shall 3335  
report separately the following student counts: 3336

(1) The total average daily membership in regular day classes 3337  
included in the report under division (A)(1) or (2) of this 3338  
section for kindergarten, and each of grades one through twelve in 3339  
schools under the superintendent's supervision; 3340

(2) The number of all handicapped preschool children enrolled 3341  
as of the first day of December in classes in the district that 3342  
are eligible for approval by the state board of education under 3343  
division (B) of section 3317.05 of the Revised Code and the number 3344  
of those classes, which shall be reported not later than the 3345  
fifteenth day of December, in accordance with rules adopted under 3346  
that section; 3347

(3) The number of children entitled to attend school in the 3348  
district pursuant to section 3313.64 or 3313.65 of the Revised 3349  
Code who are participating in a pilot project scholarship program 3350  
established under sections 3313.974 to 3313.979 of the Revised 3351  
Code as described in division (I)(2)(a) or (b) of this section, 3352  
are enrolled in a college under Chapter 3365. of the Revised Code, 3353  
except when the student is enrolled in the college while also 3354  
enrolled in a community school pursuant to Chapter 3314. of the 3355  
Revised Code, are enrolled in an adjacent or other school district 3356  
under section 3313.98 of the Revised Code, are enrolled in a 3357  
community school established under Chapter 3314. of the Revised 3358  
Code, including any participation in a college pursuant to Chapter 3359  
3365. of the Revised Code while enrolled in such community school, 3360  
or are participating in a program operated by a county MR/DD board 3361  
or a state institution; 3362

(4) The number of pupils enrolled in joint vocational 3363  
schools; 3364

(5) The average daily membership of handicapped children 3365

reported under division (A)(1) or (2) of this section receiving	3366
special education services for the category one handicap described	3367
in division (A) of section 3317.013 of the Revised Code;	3368
(6) The average daily membership of handicapped children	3369
reported under division (A)(1) or (2) of this section receiving	3370
special education services for category two handicaps described in	3371
division (B) of section 3317.013 of the Revised Code;	3372
(7) The average daily membership of handicapped children	3373
reported under division (A)(1) or (2) of this section receiving	3374
special education services for category three handicaps described	3375
in division (C) of section 3317.013 of the Revised Code;	3376
(8) The average daily membership of handicapped children	3377
reported under division (A)(1) or (2) of this section receiving	3378
special education services for category four handicaps described	3379
in division (D) of section 3317.013 of the Revised Code;	3380
(9) The average daily membership of handicapped children	3381
reported under division (A)(1) or (2) of this section receiving	3382
special education services for the category five handicap	3383
described in division (E) of section 3317.013 of the Revised Code;	3384
(10) The average daily membership of handicapped children	3385
reported under division (A)(1) or (2) of this section receiving	3386
special education services for category six handicaps described in	3387
division (F) of section 3317.013 of the Revised Code;	3388
(11) The average daily membership of pupils reported under	3389
division (A)(1) or (2) of this section enrolled in category one	3390
vocational education programs or classes, described in division	3391
(A) of section 3317.014 of the Revised Code, operated by the	3392
school district or by another district, other than a joint	3393
vocational school district, or by an educational service center;	3394
(12) The average daily membership of pupils reported under	3395
division (A)(1) or (2) of this section enrolled in category two	3396

vocational education programs or services, described in division	3397
(B) of section 3317.014 of the Revised Code, operated by the	3398
school district or another school district, other than a joint	3399
vocational school district, or by an educational service center;	3400
(13) The average number of children transported by the school	3401
district on board-owned or contractor-owned and -operated buses,	3402
reported in accordance with rules adopted by the department of	3403
education;	3404
(14)(a) The number of children, other than handicapped	3405
preschool children, the district placed with a county MR/DD board	3406
in fiscal year 1998;	3407
(b) The number of handicapped children, other than	3408
handicapped preschool children, placed with a county MR/DD board	3409
in the current fiscal year to receive special education services	3410
for the category one handicap described in division (A) of section	3411
3317.013 of the Revised Code;	3412
(c) The number of handicapped children, other than	3413
handicapped preschool children, placed with a county MR/DD board	3414
in the current fiscal year to receive special education services	3415
for category two handicaps described in division (B) of section	3416
3317.013 of the Revised Code;	3417
(d) The number of handicapped children, other than	3418
handicapped preschool children, placed with a county MR/DD board	3419
in the current fiscal year to receive special education services	3420
for category three handicaps described in division (C) of section	3421
3317.013 of the Revised Code;	3422
(e) The number of handicapped children, other than	3423
handicapped preschool children, placed with a county MR/DD board	3424
in the current fiscal year to receive special education services	3425
for category four handicaps described in division (D) of section	3426
3317.013 of the Revised Code;	3427

(f) The number of handicapped children, other than 3428  
handicapped preschool children, placed with a county MR/DD board 3429  
in the current fiscal year to receive special education services 3430  
for the category five handicap described in division (E) of 3431  
section 3317.013 of the Revised Code; 3432

(g) The number of handicapped children, other than 3433  
handicapped preschool children, placed with a county MR/DD board 3434  
in the current fiscal year to receive special education services 3435  
for category six handicaps described in division (F) of section 3436  
3317.013 of the Revised Code. 3437

(C)(1) Except as otherwise provided in this section for 3438  
kindergarten students, the average daily membership in divisions 3439  
(B)(1) to (12) of this section shall be based upon the number of 3440  
full-time equivalent students. The state board of education shall 3441  
adopt rules defining full-time equivalent students and for 3442  
determining the average daily membership therefrom for the 3443  
purposes of divisions (A), (B), and (D) of this section. ~~No~~ 3444

(2) A student enrolled in a community school established 3445  
under Chapter 3314. of the Revised Code shall be counted in the 3446  
formula ADM and, if applicable, the category one, two, three, 3447  
four, five, or six special education ADM of the school district in 3448  
which the student is entitled to attend school under section 3449  
3313.64 or 3313.65 of the Revised Code for the same proportion of 3450  
the school year that the student is counted in the enrollment of 3451  
the community school for purposes of section 3314.08 of the 3452  
Revised Code. 3453

(3) No child shall be counted as more than a total of one 3454  
child in the sum of the average daily memberships of a school 3455  
district under division (A), divisions (B)(1) to (12), or division 3456  
(D) of this section, except as follows: 3457

~~(1)~~(a) A child with a handicap described in section 3317.013 3458

of the Revised Code may be counted both in formula ADM and in 3459  
category one, two, three, four, five, or six special education ADM 3460  
and, if applicable, in category one or two vocational education 3461  
ADM. As provided in division (C) of section 3317.02 of the Revised 3462  
Code, such a child shall be counted in category one, two, three, 3463  
four, five, or six special education ADM in the same proportion 3464  
that the child is counted in formula ADM. 3465

~~(2)~~(b) A child enrolled in vocational education programs or 3466  
classes described in section ~~3314.014~~ 3317.014 of the Revised Code 3467  
may be counted both in formula ADM and category one or two 3468  
vocational education ADM and, if applicable, in category one, two, 3469  
three, four, five, or six special education ADM. Such a child 3470  
shall be counted in category one or two vocational education ADM 3471  
in the same proportion as the percentage of time that the child 3472  
spends in the vocational education programs or classes. 3473

(4) Based on the information reported under this section, the 3474  
department of education shall determine the total student count, 3475  
as defined in section 3301.011 of the Revised Code, for each 3476  
school district. 3477

(D)(1) The superintendent of each joint vocational school 3478  
district shall certify to the superintendent of public instruction 3479  
on or before the fifteenth day of October in each year for the 3480  
first full school week in October the formula ADM, which, except 3481  
as otherwise provided in this division, shall consist of the 3482  
average daily membership during such week, on an FTE basis, of the 3483  
number of students receiving any educational services from the 3484  
district, ~~except that the~~ including students enrolled in a 3485  
community school established under Chapter 3314. of the Revised 3486  
Code who are attending the joint vocational district under an 3487  
agreement between the district board of education and the 3488  
governing authority of the community school and are entitled to 3489  
attend school in a city, local, or exempted village school 3490

district whose territory is part of the territory of the joint vocational district. 3491  
3492

The following categories of students shall not be included in the determination made under division (D)(1) of this section: 3493  
3494

(a) Students enrolled in adult education classes; 3495

(b) Adjacent or other district joint vocational students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code; 3496  
3497  
3498

(c) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in a city, local, or exempted village school district whose territory is not part of the territory of the joint vocational district; 3499  
3500  
3501  
3502  
3503

(d) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code. 3504  
3505

(2) To enable the department of education to obtain the data needed to complete the calculation of payments pursuant to this chapter, in addition to the formula ADM, each superintendent shall report separately the average daily membership included in the report under division (D)(1) of this section for each of the following categories of students: 3506  
3507  
3508  
3509  
3510  
3511

(a) Students enrolled in each grade included in the joint vocational district schools; 3512  
3513

(b) Handicapped children receiving special education services for the category one handicap described in division (A) of section 3317.013 of the Revised Code; 3514  
3515  
3516

(c) Handicapped children receiving special education services for the category two handicaps described in division (B) of section 3317.013 of the Revised Code; 3517  
3518  
3519

(d) Handicapped children receiving special education services 3520

for category three handicaps described in division (C) of section	3521
3317.013 of the Revised Code;	3522
(e) Handicapped children receiving special education services	3523
for category four handicaps described in division (D) of section	3524
3317.013 of the Revised Code;	3525
(f) Handicapped children receiving special education services	3526
for the category five handicap described in division (E) of	3527
section 3317.013 of the Revised Code;	3528
(g) Handicapped children receiving special education services	3529
for category six handicaps described in division (F) of section	3530
3317.013 of the Revised Code;	3531
(h) Students receiving category one vocational education	3532
services, described in division (A) of section 3317.014 of the	3533
Revised Code;	3534
(i) Students receiving category two vocational education	3535
services, described in division (B) of section 3317.014 of the	3536
Revised Code.	3537
The superintendent of each joint vocational school district	3538
shall also indicate the city, local, or exempted village school	3539
district in which each joint vocational district pupil is entitled	3540
to attend school pursuant to section 3313.64 or 3313.65 of the	3541
Revised Code.	3542
(E) In each school of each city, local, exempted village,	3543
joint vocational, and cooperative education school district there	3544
shall be maintained a record of school membership, which record	3545
shall accurately show, for each day the school is in session, the	3546
actual membership enrolled in regular day classes. For the purpose	3547
of determining average daily membership, the membership figure of	3548
any school shall not include any pupils except those pupils	3549
described by division (A) of this section. The record of	3550
membership for each school shall be maintained in such manner that	3551

no pupil shall be counted as in membership prior to the actual 3552  
date of entry in the school and also in such manner that where for 3553  
any cause a pupil permanently withdraws from the school that pupil 3554  
shall not be counted as in membership from and after the date of 3555  
such withdrawal. There shall not be included in the membership of 3556  
any school any of the following: 3557

(1) Any pupil who has graduated from the twelfth grade of a 3558  
public high school; 3559

(2) Any pupil who is not a resident of the state; 3560

(3) Any pupil who was enrolled in the schools of the district 3561  
during the previous school year when tests were administered under 3562  
section 3301.0711 of the Revised Code but did not take one or more 3563  
of the tests required by that section and was not excused pursuant 3564  
to division (C)(1) of that section; 3565

(4) Any pupil who has attained the age of twenty-two years, 3566  
except for veterans of the armed services whose attendance was 3567  
interrupted before completing the recognized twelve-year course of 3568  
the public schools by reason of induction or enlistment in the 3569  
armed forces and who apply for reenrollment in the public school 3570  
system of their residence not later than four years after 3571  
termination of war or their honorable discharge. 3572

If, however, any veteran described by division (E)(4) of this 3573  
section elects to enroll in special courses organized for veterans 3574  
for whom tuition is paid under the provisions of federal laws, or 3575  
otherwise, that veteran shall not be included in average daily 3576  
membership. 3577

Notwithstanding division (E)(3) of this section, the 3578  
membership of any school may include a pupil who did not take a 3579  
test required by section 3301.0711 of the Revised Code if the 3580  
superintendent of public instruction grants a waiver from the 3581  
requirement to take the test to the specific pupil. The 3582

superintendent may grant such a waiver only for good cause in 3583  
accordance with rules adopted by the state board of education. 3584

Except as provided in ~~division~~ divisions (B)(2) and (F) of 3585  
this section, the average daily membership figure of any local, 3586  
city, exempted village, or joint vocational school district shall 3587  
be determined by dividing the figure representing the sum of the 3588  
number of pupils enrolled during each day the school of attendance 3589  
is actually open for instruction during the first full school week 3590  
in October by the total number of days the school was actually 3591  
open for instruction during that week. For purposes of state 3592  
funding, "enrolled" persons are only those pupils who are 3593  
attending school, those who have attended school during the 3594  
current school year and are absent for authorized reasons, and 3595  
those handicapped children currently receiving home instruction. 3596

The average daily membership figure of any cooperative 3597  
education school district shall be determined in accordance with 3598  
rules adopted by the state board of education. 3599

(F)(1) If the formula ADM for the first full school week in 3600  
February is at least three per cent greater than that certified 3601  
for the first full school week in the preceding October, the 3602  
superintendent of schools of any city, exempted village, or joint 3603  
vocational school district or educational service center shall 3604  
certify such increase to the superintendent of public instruction. 3605  
Such certification shall be submitted no later than the fifteenth 3606  
day of February. For the balance of the fiscal year, beginning 3607  
with the February payments, the superintendent of public 3608  
instruction shall use the increased formula ADM in calculating or 3609  
recalculating the amounts to be allocated in accordance with 3610  
section 3317.022 or 3317.16 of the Revised Code. In no event shall 3611  
the superintendent use an increased membership certified to the 3612  
superintendent after the fifteenth day of February. 3613

(2) If on the first school day of April the total number of 3614

classes or units for handicapped preschool children that are  
eligible for approval under division (B) of section 3317.05 of the  
Revised Code exceeds the number of units that have been approved  
for the year under that division, the superintendent of schools of  
any city, exempted village, or cooperative education school  
district or educational service center shall make the  
certifications required by this section for that day. If the state  
board of education determines additional units can be approved for  
the fiscal year within any limitations set forth in the acts  
appropriating moneys for the funding of such units, the board  
shall approve additional units for the fiscal year on the basis of  
such average daily membership. For each unit so approved, the  
department of education shall pay an amount computed in the manner  
prescribed in section 3317.052 or 3317.19 and section 3317.053 of  
the Revised Code.

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(3) If a student attending a community school under Chapter  
3314. of the Revised Code is not included in the formula ADM  
certified for the first full school week of October for the school  
district in which the student is entitled to attend school under  
section 3313.64 or 3313.65 of the Revised Code, the department of  
education shall adjust the formula ADM of that school district to  
include the community school student in accordance with division  
(C)(2) of this section, and shall recalculate the school  
district's payments under this chapter for the entire fiscal year  
on the basis of that adjusted formula ADM. This requirement  
applies regardless of whether the student was enrolled, as defined  
in division (E) of this section, in the community school during  
the first full school week in October.

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(G)(1)(a) The superintendent of an institution operating a  
special education program pursuant to section 3323.091 of the  
Revised Code shall, for the programs under such superintendent's  
supervision, certify to the state board of education the average

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daily membership of all handicapped children in classes or 3647  
programs approved annually by the state board of education, in the 3648  
manner prescribed by the superintendent of public instruction. 3649

(b) The superintendent of an institution with vocational 3650  
education units approved under division (A) of section 3317.05 of 3651  
the Revised Code shall, for the units under the superintendent's 3652  
supervision, certify to the state board of education the average 3653  
daily membership in those units, in the manner prescribed by the 3654  
superintendent of public instruction. 3655

(2) The superintendent of each county MR/DD board that 3656  
maintains special education classes under section 3317.20 of the 3657  
Revised Code or units approved by the state board of education 3658  
pursuant to section 3317.05 of the Revised Code shall do both of 3659  
the following: 3660

(a) Certify to the state board, in the manner prescribed by 3661  
the board, the average daily membership in classes under section 3662  
3317.20 of the Revised Code for each school district that has 3663  
placed children in the classes; 3664

(b) Certify to the state board, in the manner prescribed by 3665  
the board, the number of all handicapped preschool children 3666  
enrolled as of the first day of December in classes eligible for 3667  
approval under division (B) of section 3317.05 of the Revised 3668  
Code, and the number of those classes. 3669

(3)(a) If on the first school day of April the number of 3670  
classes or units maintained for handicapped preschool children by 3671  
the county MR/DD board that are eligible for approval under 3672  
division (B) of section 3317.05 of the Revised Code is greater 3673  
than the number of units approved for the year under that 3674  
division, the superintendent shall make the certification required 3675  
by this section for that day. 3676

(b) If the state board determines that additional classes or 3677

units can be approved for the fiscal year within any limitations 3678  
set forth in the acts appropriating moneys for the funding of the 3679  
classes and units described in division (G)(3)(a) of this section, 3680  
the board shall approve and fund additional units for the fiscal 3681  
year on the basis of such average daily membership. For each unit 3682  
so approved, the department of education shall pay an amount 3683  
computed in the manner prescribed in sections 3317.052 and 3684  
3317.053 of the Revised Code. 3685

(H) Except as provided in division (I) of this section, when 3686  
any city, local, or exempted village school district provides 3687  
instruction for a nonresident pupil whose attendance is 3688  
unauthorized attendance as defined in section 3327.06 of the 3689  
Revised Code, that pupil's membership shall not be included in 3690  
that district's membership figure used in the calculation of that 3691  
district's formula ADM or included in the determination of any 3692  
unit approved for the district under section 3317.05 of the 3693  
Revised Code. The reporting official shall report separately the 3694  
average daily membership of all pupils whose attendance in the 3695  
district is unauthorized attendance, and the membership of each 3696  
such pupil shall be credited to the school district in which the 3697  
pupil is entitled to attend school under division (B) of section 3698  
3313.64 or section 3313.65 of the Revised Code as determined by 3699  
the department of education. 3700

(I)(1) A city, local, exempted village, or joint vocational 3701  
school district admitting a scholarship student of a pilot project 3702  
district pursuant to division (C) of section 3313.976 of the 3703  
Revised Code may count such student in its average daily 3704  
membership. 3705

(2) In any year for which funds are appropriated for pilot 3706  
project scholarship programs, a school district implementing a 3707  
state-sponsored pilot project scholarship program that year 3708  
pursuant to sections 3313.974 through to 3313.979 of the Revised 3709

Code may count in average daily membership: 3710

(a) All children residing in the district and utilizing a 3711  
scholarship to attend kindergarten in any alternative school, as 3712  
defined in section 3313.974 of the Revised Code; 3713

(b) All children who were enrolled in the district in the 3714  
preceding year who are utilizing a scholarship to attend any such 3715  
alternative school. 3716

(J) The superintendent of each cooperative education school 3717  
district shall certify to the superintendent of public 3718  
instruction, in a manner prescribed by the state board of 3719  
education, the applicable average daily memberships for all 3720  
students in the cooperative education district, also indicating 3721  
the city, local, or exempted village district where each pupil is 3722  
entitled to attend school under section 3313.64 or 3313.65 of the 3723  
Revised Code. 3724

**Sec. 3318.50.** (A) As used in this section and in section 3725  
3318.52 of the Revised Code+ 3726

~~(1) "Start-up community school" means a "new start-up school" 3727  
as that term is defined in division (A) of section 3314.02 of the 3728  
Revised Code. 3729~~

~~(2) "Classroom, "classroom facilities" has the same meaning 3730  
as in section 3318.01 means buildings, land, grounds, equipment, 3731  
and furnishings used by a community school in furtherance of its 3732  
mission and contract entered into by the school's governing 3733  
authority under Chapter 3314. of the Revised Code. 3734~~

(B) There is hereby established the community school 3735  
classroom facilities loan guarantee program. Under the program, 3736  
the Ohio school facilities commission may guarantee for up to 3737  
fifteen years up to eighty-five per cent of the sum of the 3738  
principal and interest on a loan made to the governing authority 3739

of a ~~start-up~~ community school established under Chapter 3314. of 3740  
the Revised Code for the sole purpose of assisting the governing 3741  
~~board~~ authority in acquiring, improving, or replacing classroom 3742  
facilities for the community school by lease, purchase, remodeling 3743  
of existing facilities, or any other means ~~except by~~ including new 3744  
construction. 3745

The commission shall not make any loan guarantee under this 3746  
section unless the commission has determined both that the 3747  
applicant is creditworthy and that the classroom facilities meet 3748  
~~specifications established by the commission under section 3318.51~~ 3749  
~~of the Revised Code~~ that have been acquired, improved, or replaced 3750  
under the loan meet applicable health and safety standards 3751  
established by law for school buildings or those facilities that 3752  
will be acquired, improved, or replaced under the loan will meet 3753  
such standards. 3754

The commission shall not guarantee any loan under this 3755  
section unless the loan is obtained from a financial institution 3756  
regulated by the United States or this state. 3757

(C) At no time shall the commission exceed an aggregate 3758  
liability of ten million dollars to repay loans guaranteed under 3759  
this section. 3760

(D) Any payment made to a lending institution as a result of 3761  
default on a loan guaranteed under this section shall be made from 3762  
moneys in the community school classroom facilities loan guarantee 3763  
fund established under section 3318.52 of the Revised Code. 3764

(E) The commission may assess a fee of up to five hundred 3765  
dollars for each loan guaranteed under this section. 3766

(F) Not later than ninety days after ~~the effective date of~~ 3767  
~~this section~~ September 5, 2001, the commission shall adopt rules 3768  
that prescribe loan standards and procedures consistent with this 3769  
section that are designed to protect the state's interest in any 3770

loan guaranteed by this section and to ensure that the state has a 3771  
reasonable chance of recovering any payments made by the state in 3772  
the event of a default on any such loan. 3773

**Sec. 3327.01.** Notwithstanding division (D) of section 3311.19 3774  
and division (D) of section 3311.52 of the Revised Code, this 3775  
section and sections 3327.011 ~~and~~, 3327.012, and 3327.02 of the 3776  
Revised Code do not apply to any joint vocational or cooperative 3777  
education school district. 3778

In all city, local, and exempted village school districts 3779  
where resident school pupils in grades kindergarten through eight 3780  
live more than two miles from the school for which the state board 3781  
of education prescribes minimum standards pursuant to division (D) 3782  
of section 3301.07 of the Revised Code and to which they are 3783  
assigned by the board of education of the district of residence or 3784  
to and from the nonpublic or community school which they attend 3785  
the board of education shall provide transportation for such 3786  
pupils to and from such school ~~except when, in the judgment of~~ 3787  
~~such board, confirmed by the state board of education, such~~ 3788  
~~transportation is unnecessary or unreasonable~~ as provided in 3789  
section 3327.02 of the Revised Code. 3790

In all city, local, and exempted village school districts the 3791  
board may provide transportation for resident school pupils in 3792  
grades nine through twelve to and from the high school to which 3793  
they are assigned by the board of education of the district of 3794  
residence or to and from the ~~non-public~~ nonpublic or community 3795  
high school which they attend for which the state board of 3796  
education prescribes minimum standards pursuant to division (D) of 3797  
section 3301.07 of the Revised Code. 3798

~~In determining the necessity for transportation, availability~~ 3799  
~~of facilities and distance to the school shall be considered.~~ 3800

A board of education shall not be required to transport 3801

elementary or high school pupils to and from a ~~non-public~~ 3802  
nonpublic or community school where such transportation would 3803  
require more than thirty minutes of direct travel time as measured 3804  
by school bus from the collection point as designated by the 3805  
coordinator of school transportation, appointed under section 3806  
3327.011 of the Revised Code, for the attendance area of the 3807  
district of residence. 3808

Where it is impractical to transport a pupil by school 3809  
conveyance, a board of education may offer payment, in lieu of 3810  
providing such transportation, ~~pay a parent, guardian, or other~~ 3811  
~~person in charge of such child, an amount per pupil which shall in~~ 3812  
~~no event exceed the average transportation cost per pupil, such~~ 3813  
~~average cost to be based on the cost of transportation of children~~ 3814  
~~by all boards of education in this state during the next preceding~~ 3815  
year in accordance with section 3327.02 of the Revised Code. 3816

In all city, local, and exempted village school districts the 3817  
board shall provide transportation for all children who are so 3818  
crippled that they are unable to walk to and from the school for 3819  
which the state board of education prescribes minimum standards 3820  
pursuant to division (D) of section 3301.07 of the Revised Code 3821  
and which they attend. In case of dispute whether the child is 3822  
able to walk to and from the school, the health commissioner shall 3823  
be the judge of such ability. In all city, exempted village, and 3824  
local school districts the board shall provide transportation to 3825  
and from school or special education classes for educable mentally 3826  
retarded children in accordance with standards adopted by the 3827  
state board of education. 3828

When transportation of pupils is provided the conveyance 3829  
shall be run on a time schedule that shall be adopted and put in 3830  
force by the board not later than ten days after the beginning of 3831  
the school term. 3832

The cost of any transportation service authorized by this 3833

section shall be paid first out of federal funds, if any, 3834  
available for the purpose of pupil transportation, and secondly 3835  
out of state appropriations, in accordance with regulations 3836  
adopted by the state board of education. 3837

No transportation of any pupils shall be provided by any 3838  
board of education to or from any school which in the selection of 3839  
pupils, faculty members, or employees, practices discrimination 3840  
against any person on the grounds of race, color, religion, or 3841  
national origin. 3842

~~Sec. 3327.02. If the board of education of a local school 3843  
district deems the transportation, required under any law, of 3844  
certain children to school by school conveyances impracticable and 3845  
if it is unable to secure a reasonable offer for the 3846  
transportation of such children the local board shall so report to 3847  
the county board (A) After considering each of the following 3848  
factors, the board of education of a city, exempted village, or 3849  
local school district may determine that it is impractical to 3850  
transport a pupil who is eligible for transportation to and from a 3851  
school under section 3327.01 of the Revised Code: 3852~~

(1) The time and distance required to provide the 3853  
transportation; 3854

(2) The number of pupils to be transported; 3855

(3) The cost of providing transportation in terms of 3856  
equipment, maintenance, personnel, and administration; 3857

(4) Whether similar or equivalent service is provided to 3858  
other pupils eligible for transportation; 3859

(5) Whether and to what extent the additional service 3860  
unavoidably disrupts current transportation schedules; 3861

(6) Whether other reimbursable types of transportation are 3862  
available. 3863

(B)(1) Based on its consideration of the factors established 3864  
in division (A) of this section, the board may pass a resolution 3865  
declaring the impracticality of transportation. The resolution 3866  
shall include each pupil's name and the reason for impracticality. 3867

3868  
(2) The board shall report its determination to the state 3869  
board of education in a manner determined by the state board. 3870

(3) The board of education of a local school district 3871  
additionally shall submit the resolution for concurrence to the 3872  
educational service center that contains the local district's 3873  
territory. If the county educational service center governing 3874  
board deems such considers transportation by school conveyance 3875  
practicable or the offers reasonable, it shall so inform the local 3876  
board and transportation shall be provided by such local board. If 3877  
the county educational service center board agrees with the view 3878  
of the local board it is compliance with section 3327.01 of the 3879  
Revised Code, by such local board if such board agrees to pay the 3880  
parent or other person in charge of the child for the 3881  
transportation of such child to school at a rate determined for 3882  
the particular case by, the local board for each day of actual may 3883  
offer payment in lieu of transportation as provided in this 3884  
section. 3885

~~The teachers in charge of such children shall keep an~~ 3886  
~~accurate account of the days the children are transported to and~~ 3887  
~~from school. A failure of a parent or guardian to arrange to have~~ 3888  
~~his child transported to school, or his failure to have the child~~ 3889  
~~attend on the ground that the transportation is not supplied~~ 3890  
~~cannot be pleaded as an excuse for the failure of such parent or~~ 3891  
~~guardian to send such child to school or for the failure of the~~ 3892  
~~child to attend school.~~ 3893

(C) After passing the resolution declaring the impracticality 3894  
of transportation, the district board shall offer to provide 3895

payment in lieu of transportation by doing the following: 3896  
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(1) In accordance with guidelines established by the 3898  
department of education, informing the pupil's parent, guardian, 3899  
or other person in charge of the pupil of both of the following: 3900

(a) The board's resolution; 3901

(b) The right of the pupil's parent, guardian, or other 3902  
person in charge of the pupil to accept the offer of payment in 3903  
lieu of transportation or to reject the offer and instead request 3904  
the department to initiate mediation procedures. 3905

(2) Issuing the pupil's parent, guardian, or other person in 3906  
charge of the pupil a contract or other form on which the parent, 3907  
guardian, or other person in charge of the pupil is given the 3908  
option to accept or reject the board's offer of payment in lieu of 3909  
transportation. 3910

(D) If the parent, guardian, or other person in charge of the 3911  
pupil accepts the offer of payment in lieu of providing 3912  
transportation, the board shall pay the parent, guardian, or other 3913  
person in charge of the child an amount that shall be not less 3914  
than the amount determined by the department of education as the 3915  
minimum for payment in lieu of transportation, and not more than 3916  
the amount determined by the department as the average cost of 3917  
pupil transportation for the previous school year. Payment may be 3918  
prorated if the time period involved is only a part of the school 3919  
year. 3920

(E)(1)(a) Upon the request of a parent, guardian, or other 3921  
person in charge of the pupil who rejected the payment in lieu of 3922  
transportation, the department shall conduct mediation procedures. 3923

(b) If the mediation does not resolve the dispute, the state 3924  
board of education shall conduct a hearing in accordance with 3925  
Chapter 119. of the Revised Code. The state board may approve the 3926

payment in lieu of transportation or may order the board of 3927  
education to provide transportation. The decision of the state 3928  
board is binding in subsequent years and on future parties in 3929  
interest provided the facts of the determination remain 3930  
comparable. 3931

(2) The school district shall provide transportation for the 3932  
pupil from the time the parent, guardian, or other person in 3933  
charge of the pupil requests mediation until the matter is 3934  
resolved under division (E)(1)(a) or (b) of this section. 3935

(F)(1) If the department determines that a school district 3936  
board has failed or is failing to provide transportation as 3937  
required by division (E)(2) of this section or as ordered by the 3938  
state board under division (E)(1)(b) of this section, the 3939  
department shall order the school district board to pay to the 3940  
pupil's parent, guardian, or other person in charge of the pupil, 3941  
an amount equal to the state average daily cost of transportation 3942  
as determined by the state board of education for the previous 3943  
year. The school district board shall make payments on a schedule 3944  
ordered by the department. 3945

(2) If the department subsequently finds that a school 3946  
district board is not in compliance with an order issued under 3947  
division (F)(1) of this section and the affected pupils are 3948  
enrolled in a nonpublic or community school, the department shall 3949  
deduct the amount that the board is required to pay under that 3950  
order from any payments the department makes to the school 3951  
district board under division (D) of section 3317.022 of the 3952  
Revised Code. The department shall use the moneys so deducted to 3953  
make payments to the nonpublic or community school attended by the 3954  
pupil. The department shall continue to make the deductions and 3955  
payments required under this division until the school district 3956  
board either complies with the department's order issued under 3957  
division (F)(1) of this section or begins providing 3958

transportation. 3959

(G) A nonpublic or community school that receives payments 3960  
from the department under division (F)(2) of this section shall do 3961  
either of the following: 3962

(1) Disburse the entire amount of the payments to the parent, 3963  
guardian, or other person in control of the pupil affected by the 3964  
failure of the school district of residence to provide 3965  
transportation; 3966

(2) Use the entire amount of the payments to provide 3967  
acceptable transportation for the affected pupil. 3968

**Sec. 3331.01.** (A) As used in this chapter: 3969

(1) "Superintendent" or "superintendent of schools" of a 3970  
school district means the person employed as the superintendent or 3971  
that person's designee. In the case of a local school district, 3972  
such designee may be the superintendent of the educational service 3973  
center to which the school district belongs. 3974

(2) "Chief administrative officer" means the chief 3975  
administrative officer of a nonpublic or community school or that 3976  
person's designee. 3977

(B)(1) Except as provided in division (B)(2) of this section, 3978  
an age and schooling certificate may be issued only by the 3979  
superintendent of the city, local, joint vocational, or exempted 3980  
village school district in which the child in whose name such 3981  
certificate is issued resides or by the chief administrative 3982  
officer of the nonpublic or community school the child attends, 3983  
and only upon satisfactory proof that the child to whom the 3984  
certificate is issued is at least fourteen years of age. 3985

(2) A child who resides in this state shall apply for an age 3986  
and schooling certificate to the superintendent of the school 3987  
district in which the child resides, or to the chief 3988

administrative officer of the school that the child attends. 3989  
Residents of other states who work in Ohio shall apply to the 3990  
superintendent of the school district in which the place of 3991  
employment is located, as a condition of employment or service. 3992

(C) Any such age and schooling certificate may be issued only 3993  
upon satisfactory proof that the employment contemplated by the 3994  
child is not prohibited by any law regulating the employment of 3995  
such children. Section 4113.08 of the Revised Code does not apply 3996  
to such employer in respect to such child while engaged in an 3997  
employment legal for a child of the age stated therein. 3998

(D) Age and schooling certificate forms shall be approved by 3999  
the state board of education, including forms submitted 4000  
electronically. Forms shall not display the social security number 4001  
of the child. Except as otherwise provided in this section, every 4002  
application for an age and schooling certificate must be signed in 4003  
the presence of the officer issuing it by the child in whose name 4004  
it is issued. 4005

(E) A child shall furnish the superintendent or chief 4006  
administrative officer all information required by this chapter in 4007  
support of the issuance of a certificate. 4008

(F) On and after September 1, 2002, each superintendent and 4009  
chief administrative officer who issues an age and schooling 4010  
certificate shall file electronically the certificate with the 4011  
director of commerce in accordance with rules adopted by the 4012  
director of administrative services pursuant to section 1306.21 of 4013  
the Revised Code. On and after September 1, 2002, only 4014  
electronically filed certificates are valid to satisfy the 4015  
requirements of Chapter 4109. of the Revised Code. 4016

**Sec. 3365.08.** (A) A college that expects to receive or 4017  
receives reimbursement under section 3365.07 of the Revised Code 4018  
shall furnish to a participant all textbooks and materials 4019

directly related to a course taken by the participant under 4020  
division (B) of section 3365.04 of the Revised Code. No college 4021  
shall charge such participant for tuition, textbooks, materials, 4022  
or other fees directly related to any such course. 4023

(B) No student enrolled under this chapter in a course for 4024  
which credit toward high school graduation is awarded shall 4025  
receive direct financial aid through any state or federal program. 4026

(C) If a school district provides transportation for resident 4027  
school students in grades eleven and twelve under section 3327.01 4028  
of the Revised Code, a parent of a pupil enrolled in a course 4029  
under division (B) of section 3365.04 of the Revised Code may 4030  
apply to the board of education for full or partial reimbursement 4031  
for the necessary costs of transporting the student between the 4032  
secondary school the student attends and the college in which the 4033  
student is enrolled. Reimbursement may be paid solely from funds 4034  
received by the district under division (D) of section 3317.022 of 4035  
the Revised Code. The state board of education shall establish 4036  
guidelines, based on financial need, under which a district may 4037  
provide such reimbursement. 4038

(D) If a community school provides or arranges transportation 4039  
for its pupils in grades nine through twelve under section 4040  
3314.091 of the Revised Code, a parent of a pupil of the community 4041  
school who is enrolled in a course under division (B) of section 4042  
3365.04 of the Revised Code may apply to the governing authority 4043  
of the community school for full or partial reimbursement of the 4044  
necessary costs of transporting the student between the community 4045  
school and the college. The governing authority may pay the 4046  
reimbursement in accordance with the state board's rules adopted 4047  
under division (C) of this section solely from funds paid to it 4048  
under section 3314.091 of the Revised Code. 4049

**Sec. 4117.101.** Notwithstanding sections 4117.08 and 4117.10 4050

of the Revised Code, no agreement entered into under this chapter 4051  
may contain any provision that in any way limits the effect or 4052  
operation of Chapter 3314. of the Revised Code or limits the 4053  
authority of a school district board of education, or the 4054  
governing board of an educational service center described in 4055  
division (C)(1)~~(e)~~(d) of section 3314.02 of the Revised Code, to 4056  
enter into a contract with a community school under that chapter. 4057  
However, nothing in this section shall be construed to prohibit an 4058  
agreement entered into under this chapter from containing 4059  
requirements and procedures governing the reassignment of teachers 4060  
who are employed in a school at the time it is converted to a 4061  
community school pursuant to Chapter 3314. of the Revised Code and 4062  
who do not choose or are not chosen to teach in that community 4063  
school. 4064

**Section 2.** That existing sections 2901.01, 2925.01, 4065  
3301.0714, 3302.03, 3309.51, 3313.375, 3314.011, 3314.013, 4066  
3314.02, 3314.03, 3314.05, 3314.06, 3314.07, 3314.072, 3314.08, 4067  
3314.09, 3314.091, 3314.11, 3314.13, 3317.029, 3317.03, 3318.50, 4068  
3327.01, 3327.02, 3331.01, 3365.08, and 4117.101, and section 4069  
3314.021 of the Revised Code are hereby repealed. 4070

**Section 3.** That Sections 44.05 and 189 of Am. Sub. H.B. 94 of 4071  
the 124th General Assembly be amended to read as follows: 4072

**Sec. 44.05. VOCATIONAL EDUCATION MATCH** 4073

The foregoing appropriation item 200-416, Vocational 4074  
Education Match, shall be used by the Department of Education to 4075  
provide vocational administration matching funds pursuant to 20 4076  
U.S.C. 2311. 4077

**TECHNICAL SYSTEMS DEVELOPMENT** 4078

The foregoing appropriation item 200-420, Technical Systems 4079

Development, shall be used to support the development and  
implementation of information technology solutions designed to  
improve the performance and customer service of the Department of  
Education. Funds may be used for personnel, maintenance, and  
equipment costs related to the development and implementation of  
these technical system projects. Implementation of these systems  
shall allow the department to provide greater levels of assistance  
to school districts and to provide more timely information to the  
public, including school districts, administrators, and  
legislators.

ALTERNATIVE EDUCATION PROGRAMS 4090

There is hereby created the Alternative Education Advisory  
Council, which shall consist of one representative from each of  
the following agencies: the Ohio Department of Education; the  
Department of Youth Services; the Ohio Department of Alcohol and  
Drug Addiction Services; the Department of Mental Health; the  
Office of the Governor or, at the Governor's discretion, the  
Office of the Lieutenant Governor; ~~and~~ the Office of the Attorney  
General; and, beginning on the effective date of this section, the  
Office of the Auditor of State.

Of the foregoing appropriation item 200-421, Alternative  
Education Programs, not less than \$8,253,031 in each fiscal year  
shall be used for the renewal of successful implementation grants  
and for competitive matching grants to the 21 urban school  
districts as defined in division (O) of section 3317.02 of the  
Revised Code as it existed prior to July 1, 1998, and not less  
than \$8,163,031 in each fiscal year shall be used for the renewal  
of successful implementation of grants and for competitive  
matching grants to rural and suburban school districts for  
alternative educational programs for existing and new at-risk and  
delinquent youth. Programs shall be focused on youth in one or  
more of the following categories: those who have been expelled or

suspended, those who have dropped out of school or who are at risk 4112  
of dropping out of school, those who are habitually truant or 4113  
disruptive, or those on probation or on parole from a Department 4114  
of Youth Services facility. Grants shall be awarded according to 4115  
the criteria established by the Alternative Education Advisory 4116  
Council in 1999. Grants shall be awarded only to programs where 4117  
the grant would not serve as the program's primary source of 4118  
funding. These grants shall be administered by the Department of 4119  
Education. 4120

The Department of Education may waive compliance with any 4121  
minimum education standard established under section 3301.07 of 4122  
the Revised Code for any alternative school that receives a grant 4123  
under this section on the grounds that the waiver will enable the 4124  
program to more effectively educate students enrolled in the 4125  
alternative school. 4126

Of the foregoing appropriation item 200-421, Alternative 4127  
Education Programs, up to \$480,552 in each fiscal year may be used 4128  
for program administration, monitoring, technical assistance, 4129  
support, research, and evaluation. Any unexpended balance may be 4130  
used to provide additional matching grants to urban, suburban, or 4131  
rural school districts as outlined above. 4132

Of the foregoing appropriation item 200-421, Alternative 4133  
Education Programs, \$313,386 in each fiscal year shall be used to 4134  
contract with the Center for Learning Excellence at The Ohio State 4135  
University to provide technical support for the project and the 4136  
completion of formative and summative evaluation of the grants. 4137

Of the foregoing appropriation item 200-421, Alternative 4138  
Education Programs, up to \$700,000 in each fiscal year shall be 4139  
used to support Amer-I-Can. Of this set aside, no funds shall be 4140  
disbursed without approval of the Controlling Board. Amer-I-Can 4141  
programs shall submit to the Controlling Board a biennial spending 4142  
plan that delineates how these funds will be spent. Amer-I-can 4143

programs also shall demonstrate to the Controlling Board that they 4144  
have hired an independent evaluator and have selected valid and 4145  
reliable instruments to assess pre and post changes in student 4146  
behavior. 4147

Of the foregoing appropriation item 200-421, Alternative 4148  
Education Programs, \$75,000 in each fiscal year shall be used to 4149  
support the Turning Point Applied Learning Center. 4150

Of the foregoing appropriation item 200-421, Alternative 4151  
Education Programs, \$15,000 in each fiscal year shall be used to 4152  
support the Bucyrus After School Enrichment Program. 4153

SCHOOL MANAGEMENT ASSISTANCE 4154

Of the foregoing appropriation item 200-422, School 4155  
Management Assistance, \$700,000 in fiscal year 2002 and \$400,000 4156  
in fiscal year 2003 shall be used by the Auditor of State for 4157  
expenses incurred in the Auditor of State's role relating to 4158  
fiscal caution activities as defined in Chapter 3316. of the 4159  
Revised Code. Expenses include duties related to the completion of 4160  
performance audits for school districts that the Superintendent of 4161  
Public Instruction determines are employing fiscal practices or 4162  
experiencing budgetary conditions that could produce a state of 4163  
fiscal watch or fiscal emergency. 4164

The remainder of foregoing appropriation item 200-422, School 4165  
Management Assistance, shall be used by the Department of 4166  
Education to provide fiscal technical assistance and inservice 4167  
education for school district management personnel and to 4168  
administer, monitor, and implement the fiscal watch and fiscal 4169  
emergency provisions under Chapter 3316. of the Revised Code. 4170

POLICY ANALYSIS 4171

The foregoing appropriation item 200-424, Policy Analysis, 4172  
shall be used by the Department of Education to support a system 4173  
of administrative, statistical, and legislative education 4174

information to be used for policy analysis. Staff supported by 4175  
this appropriation shall administer the development of reports, 4176  
analyses, and briefings to inform education policymakers of 4177  
current trends in education practice, efficient and effective use 4178  
of resources, and evaluation of programs to improve education 4179  
results. The database shall be kept current at all times. These 4180  
research efforts shall be used to supply information and analysis 4181  
of data to the General Assembly and other state policymakers, 4182  
including the Office of Budget and Management and the Legislative 4183  
Service Commission. 4184

The Department of Education may use funding from this 4185  
appropriation item to purchase or contract for the development of 4186  
software systems or contract for policy studies that will assist 4187  
in the provision and analysis of policy-related information. 4188  
Funding from this appropriation item also may be used to monitor 4189  
and enhance quality assurance for research-based policy analysis 4190  
and program evaluation to enhance the effective use of education 4191  
information to inform education policymakers. 4192

TECH PREP ADMINISTRATION 4193

The foregoing appropriation item 200-425, Tech Prep 4194  
Administration, shall be used by the Department of Education to 4195  
support state-level activities designed to support, promote, and 4196  
expand tech prep programs. Use of these funds shall include, but 4197  
not be limited to, administration of grants, program evaluation, 4198  
professional development, curriculum development, assessment 4199  
development, program promotion, communications, and statewide 4200  
coordination of tech prep consortia. 4201

OHIO EDUCATIONAL COMPUTER NETWORK 4202

The foregoing appropriation item 200-426, Ohio Educational 4203  
Computer Network, shall be used by the Department of Education to 4204  
maintain a system of information technology throughout Ohio and to 4205

provide technical assistance for such a system in support of the 4206  
State Education Technology Plan pursuant to section 3301.07 of the 4207  
Revised Code. 4208

Of the foregoing appropriation item 200-426, Ohio Educational 4209  
Computer Network, up to \$20,571,198 in fiscal year 2002 and up to 4210  
\$21,188,334 in fiscal year 2003 shall be used by the Department of 4211  
Education to support connection of all public school buildings to 4212  
the state's education network, to each other, and to the Internet. 4213  
In each fiscal year the Department of Education shall use these 4214  
funds to help reimburse data acquisition sites or school districts 4215  
for the operational costs associated with this connectivity. The 4216  
Department of Education shall develop a formula and guidelines for 4217  
the distribution of these funds to the data acquisition sites or 4218  
individual school districts. As used in this section, "public 4219  
school building" means a school building of any city, local, 4220  
exempted village, or joint vocational school district, or any 4221  
community school established under Chapter 3314. of the Revised 4222  
Code, or any educational service center building used for 4223  
instructional purposes. 4224

Of the foregoing appropriation item 200-426, Ohio Educational 4225  
Computer Network, up to \$2,043,938 in fiscal year 2002 and up to 4226  
\$2,095,037 in fiscal year 2003 shall be used for the Union Catalog 4227  
and InfoOhio Network. 4228

The Department of Education shall use up to \$4,590,000 in 4229  
fiscal year 2002 and up to \$4,727,700 in fiscal year 2003 to 4230  
assist designated data acquisition sites with operational costs 4231  
associated with the increased use of the state's education network 4232  
by chartered nonpublic schools. The Department of Education shall 4233  
develop a formula and guidelines for distribution of these funds 4234  
to designated data acquisition sites. 4235

The remainder in each fiscal year of appropriation item 4236  
200-426, Ohio Educational Computer Network, shall be used to 4237

support development, maintenance, and operation of a network of 4238  
uniform and compatible computer-based information and 4239  
instructional systems. The technical assistance shall include, but 4240  
not be restricted to, development and maintenance of adequate 4241  
computer software systems to support network activities. Program 4242  
funds may be used, through a formula and guidelines devised by the 4243  
department, to subsidize the activities of not more than 24 4244  
designated data acquisition sites, as defined by State Board of 4245  
Education rules, to provide school districts and chartered 4246  
nonpublic schools with computer-based student and teacher 4247  
instructional and administrative information services, including 4248  
approved computerized financial accounting, and to ensure the 4249  
effective operation of local automated administrative and 4250  
instructional systems. To broaden the scope of the use of 4251  
technology for education, the department may use up to \$250,000 in 4252  
each fiscal year to coordinate the activities of the computer 4253  
network with other agencies funded by the department or the state. 4254  
In order to improve the efficiency of network activities, the 4255  
department and data acquisition sites may jointly purchase 4256  
equipment, materials, and services from funds provided under this 4257  
appropriation for use by the network and, when considered 4258  
practical by the department, may utilize the services of 4259  
appropriate state purchasing agencies. 4260

ACADEMIC STANDARDS 4261

The foregoing appropriation item 200-427, Academic Standards, 4262  
shall be used by the Department of Education to develop and 4263  
disseminate academic content standards. These funds shall be used 4264  
to develop academic content standards and curriculum models and to 4265  
fund communication of expectations to teachers, school districts, 4266  
parents, and communities. 4267

**Sec. 189.** Not later than March 1, 2003, the Department of Job 4268

and Family Services shall certify to the State Board of Education, 4269  
for the month of October ~~in 1998, 1999, 2000, 2001, and 2002~~, the 4270  
unduplicated number of children ages five through seventeen 4271  
residing in each school district and living in a family that had 4272  
family income not exceeding the federal poverty guidelines, as 4273  
defined in section 5101.46 of the Revised Code, and that 4274  
participated in one of the following: 4275

(A) Ohio Works First; 4276

(B) The food stamp program; 4277

(C) The medical assistance program, including the Healthy 4278  
Start program, established under Chapter 5111. of the Revised 4279  
Code; 4280

(D) The Children's Health Insurance Program Part I 4281  
established under section 5101.50 of the Revised Code or, prior to 4282  
fiscal year 2000, an executive order issued under section 107.17 4283  
of the Revised Code; 4284

(E) The disability assistance program established under 4285  
Chapter 5115. of the Revised Code. 4286

The Department of Job and Family Services shall report this 4287  
information according to the school district of residence for each 4288  
child in the same manner as required by section 3317.10 of the 4289  
Revised Code. It is the intent of the General Assembly that in 4290  
making this report, the Department of Job and Family Services will 4291  
utilize the same, or substantially similar, computer programming 4292  
as it developed to assist the Legislative Office of Education 4293  
Oversight in developing the report "A New Poverty Indicator to 4294  
Distribute Disadvantaged Pupil Impact Aid (DPIA)." 4295

The Department of Education shall use the information 4296  
reported under this section to calculate ~~five-year averages in~~ 4297  
~~order to make~~ payments to school districts under section 3317.029 4298

of the Revised Code in fiscal year 2004 ~~and subsequent fiscal~~ 4299  
~~years.~~ 4300

**Section 4.** That existing Sections 44.05 and 189 of Am. Sub. 4301  
H.B. 94 of the 124th General Assembly are hereby repealed. 4302

**Section 5.** The Legislative Office of Education Oversight 4303  
shall conduct a study of the methodologies and statutory systems 4304  
used in other states to fund independent public charter schools 4305  
that are similar to the community schools established under 4306  
Chapter 3314. of the Revised Code and determine how those 4307  
methodologies and systems compare to those codified in Chapter 4308  
3314. of the Revised Code. The Office shall issue a written report 4309  
to the General Assembly not later than January 31, 2004. 4310

**Section 6.** The State Board of Education shall continue to 4311  
sponsor any community school for which it has entered into a 4312  
contract at the time of the effective date of this section until 4313  
the earlier of the expiration of two school years or until a new 4314  
sponsor, as described in division (C)(1) of section 3314.02 of the 4315  
Revised Code, as amended by this act, is secured by the school's 4316  
governing authority. The State Board shall not thereafter sponsor 4317  
any community school except as provided in division (C) of section 4318  
3314.015 of the Revised Code. The State Board may extend the term 4319  
of any existing contract with a community school governing 4320  
authority only as necessary to accommodate the term of the Board's 4321  
authorization to sponsor the school as specified in this section. 4322

Notwithstanding the requirement for approval of sponsorship 4323  
by the Department of Education prescribed in division (B)(1) of 4324  
section 3314.015 of the Revised Code, as enacted by this act, and 4325  
any geographical restriction or mission requirement prescribed in 4326  
division (C)(1) of section 3314.02 of the Revised Code, as amended 4327  
by this act, an entity other than the State Board of Education 4328

that has entered into a contract to sponsor a community school on 4329  
the effective date of this section may continue to sponsor the 4330  
school in conformance with the terms of that contract as long as 4331  
the entity complies with all other sponsorship provisions of 4332  
Chapter 3314. of the Revised Code as amended by this act. Such an 4333  
entity also may enter into new contracts to sponsor community 4334  
schools after the effective date of this section and need not be 4335  
approved by the Department of Education for such sponsorship, as 4336  
otherwise required under division (B)(1) of section 3314.015 of 4337  
the Revised Code, as enacted by this act, as long as the contracts 4338  
conform to and the entity complies with all other provisions of 4339  
Chapter 3314. of the Revised Code as amended by this act. 4340

**Section 7.** Not later than ninety days after the effective 4341  
date of this section, the Department of Education shall adopt 4342  
rules for procedures, criteria, and deadlines for the approval, 4343  
oversight, and revocation of approval of sponsors of new start-up 4344  
community schools; for criteria for determining if a tax-exempt 4345  
entity is an education-oriented entity; for criteria for 4346  
determining whether a mission of a community school proposed for 4347  
sponsorship by a state university, board of trustees, or the 4348  
board's designee complies with the requirements of division 4349  
(C)(1)(e) of section 3314.02 of the Revised Code as amended by 4350  
this act; and for procedures for entering into written agreements 4351  
with sponsors as provided for under section 3314.015 of the 4352  
Revised Code. The rules may require sponsors to respond in a 4353  
timely manner to reasonable requests from the Department for 4354  
information, data, and documents. In developing the rules, the 4355  
Department shall consult with the other entities that on the 4356  
effective date of this section have existing contracts to sponsor 4357  
community schools. 4358

**Section 8.** That the version of section 2925.01 of the Revised 4359

Code that is scheduled to take effect January 1, 2004, be amended 4360  
to read as follows: 4361

**Sec. 2925.01.** As used in this chapter: 4362

(A) "Administer," "controlled substance," "dispense," 4363  
"distribute," "hypodermic," "manufacturer," "official written 4364  
order," "person," "pharmacist," "pharmacy," "sale," "schedule I," 4365  
"schedule II," "schedule III," "schedule IV," "schedule V," and 4366  
"wholesaler" have the same meanings as in section 3719.01 of the 4367  
Revised Code. 4368

(B) "Drug dependent person" and "drug of abuse" have the same 4369  
meanings as in section 3719.011 of the Revised Code. 4370

(C) "Drug," "dangerous drug," "licensed health professional 4371  
authorized to prescribe drugs," and "prescription" have the same 4372  
meanings as in section 4729.01 of the Revised Code. 4373

(D) "Bulk amount" of a controlled substance means any of the 4374  
following: 4375

(1) For any compound, mixture, preparation, or substance 4376  
included in schedule I, schedule II, or schedule III, with the 4377  
exception of marihuana, cocaine, L.S.D., heroin, and hashish and 4378  
except as provided in division (D)(2) or (5) of this section, 4379  
whichever of the following is applicable: 4380

(a) An amount equal to or exceeding ten grams or twenty-five 4381  
unit doses of a compound, mixture, preparation, or substance that 4382  
is or contains any amount of a schedule I opiate or opium 4383  
derivative; 4384

(b) An amount equal to or exceeding ten grams of a compound, 4385  
mixture, preparation, or substance that is or contains any amount 4386  
of raw or gum opium; 4387

(c) An amount equal to or exceeding thirty grams or ten unit 4388

doses of a compound, mixture, preparation, or substance that is or  
contains any amount of a schedule I hallucinogen other than  
tetrahydrocannabinol or lysergic acid amide, or a schedule I  
stimulant or depressant;

(d) An amount equal to or exceeding twenty grams or five  
times the maximum daily dose in the usual dose range specified in  
a standard pharmaceutical reference manual of a compound, mixture,  
preparation, or substance that is or contains any amount of a  
schedule II opiate or opium derivative;

(e) An amount equal to or exceeding five grams or ten unit  
doses of a compound, mixture, preparation, or substance that is or  
contains any amount of phencyclidine;

(f) An amount equal to or exceeding one hundred twenty grams  
or thirty times the maximum daily dose in the usual dose range  
specified in a standard pharmaceutical reference manual of a  
compound, mixture, preparation, or substance that is or contains  
any amount of a schedule II stimulant that is in a final dosage  
form manufactured by a person authorized by the "Federal Food,  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as  
amended, and the federal drug abuse control laws, as defined in  
section 3719.01 of the Revised Code, that is or contains any  
amount of a schedule II depressant substance or a schedule II  
hallucinogenic substance;

(g) An amount equal to or exceeding three grams of a  
compound, mixture, preparation, or substance that is or contains  
any amount of a schedule II stimulant, or any of its salts or  
isomers, that is not in a final dosage form manufactured by a  
person authorized by the Federal Food, Drug, and Cosmetic Act and  
the federal drug abuse control laws.

(2) An amount equal to or exceeding one hundred twenty grams  
or thirty times the maximum daily dose in the usual dose range

specified in a standard pharmaceutical reference manual of a 4420  
compound, mixture, preparation, or substance that is or contains 4421  
any amount of a schedule III or IV substance other than an 4422  
anabolic steroid or a schedule III opiate or opium derivative; 4423

(3) An amount equal to or exceeding twenty grams or five 4424  
times the maximum daily dose in the usual dose range specified in 4425  
a standard pharmaceutical reference manual of a compound, mixture, 4426  
preparation, or substance that is or contains any amount of a 4427  
schedule III opiate or opium derivative; 4428

(4) An amount equal to or exceeding two hundred fifty 4429  
milliliters or two hundred fifty grams of a compound, mixture, 4430  
preparation, or substance that is or contains any amount of a 4431  
schedule V substance; 4432

(5) An amount equal to or exceeding two hundred solid dosage 4433  
units, sixteen grams, or sixteen milliliters of a compound, 4434  
mixture, preparation, or substance that is or contains any amount 4435  
of a schedule III anabolic steroid. 4436

(E) "Unit dose" means an amount or unit of a compound, 4437  
mixture, or preparation containing a controlled substance that is 4438  
separately identifiable and in a form that indicates that it is 4439  
the amount or unit by which the controlled substance is separately 4440  
administered to or taken by an individual. 4441

(F) "Cultivate" includes planting, watering, fertilizing, or 4442  
tilling. 4443

(G) "Drug abuse offense" means any of the following: 4444

(1) A violation of division (A) of section 2913.02 that 4445  
constitutes theft of drugs, or a violation of section 2925.02, 4446  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 4447  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 4448  
2925.37 of the Revised Code; 4449

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.

(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.

(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:

(1) Any compound, mixture, preparation, or substance the gas, fumes, or vapor of which when inhaled can induce intoxication, excitement, giddiness, irrational behavior, depression, stupefaction, paralysis, unconsciousness, asphyxiation, or other harmful physiological effects, and includes, but is not limited to, any of the following:

(a) Any volatile organic solvent, plastic cement, model cement, fingernail polish remover, lacquer thinner, cleaning fluid, gasoline, or other preparation containing a volatile organic solvent;

(b) Any aerosol propellant;

(c) Any fluorocarbon refrigerant;	4480
(d) Any anesthetic gas.	4481
(2) Gamma Butyrolactone;	4482
(3) 1,4 Butanediol.	4483
(J) "Manufacture" means to plant, cultivate, harvest,	4484
process, make, prepare, or otherwise engage in any part of the	4485
production of a drug, by propagation, extraction, chemical	4486
synthesis, or compounding, or any combination of the same, and	4487
includes packaging, repackaging, labeling, and other activities	4488
incident to production.	4489
(K) "Possess" or "possession" means having control over a	4490
thing or substance, but may not be inferred solely from mere	4491
access to the thing or substance through ownership or occupation	4492
of the premises upon which the thing or substance is found.	4493
(L) "Sample drug" means a drug or pharmaceutical preparation	4494
that would be hazardous to health or safety if used without the	4495
supervision of a licensed health professional authorized to	4496
prescribe drugs, or a drug of abuse, and that, at one time, had	4497
been placed in a container plainly marked as a sample by a	4498
manufacturer.	4499
(M) "Standard pharmaceutical reference manual" means the	4500
current edition, with cumulative changes if any, of any of the	4501
following reference works:	4502
(1) "The National Formulary";	4503
(2) "The United States Pharmacopeia," prepared by authority	4504
of the United States Pharmacopeial Convention, Inc.;	4505
(3) Other standard references that are approved by the state	4506
board of pharmacy.	4507
(N) "Juvenile" means a person under eighteen years of age.	4508

(O) "Counterfeit controlled substance" means any of the 4509  
following: 4510

(1) Any drug that bears, or whose container or label bears, a 4511  
trademark, trade name, or other identifying mark used without 4512  
authorization of the owner of rights to that trademark, trade 4513  
name, or identifying mark; 4514

(2) Any unmarked or unlabeled substance that is represented 4515  
to be a controlled substance manufactured, processed, packed, or 4516  
distributed by a person other than the person that manufactured, 4517  
processed, packed, or distributed it; 4518

(3) Any substance that is represented to be a controlled 4519  
substance but is not a controlled substance or is a different 4520  
controlled substance; 4521

(4) Any substance other than a controlled substance that a 4522  
reasonable person would believe to be a controlled substance 4523  
because of its similarity in shape, size, and color, or its 4524  
markings, labeling, packaging, distribution, or the price for 4525  
which it is sold or offered for sale. 4526

(P) An offense is "committed in the vicinity of a school" if 4527  
the offender commits the offense on school premises, in a school 4528  
building, or within one thousand feet of the boundaries of any 4529  
school premises. 4530

(Q) "School" means any school operated by a board of 4531  
education, any community school established under Chapter 3314. of 4532  
the Revised Code, or any nonpublic school for which the state 4533  
board of education prescribes minimum standards under section 4534  
3301.07 of the Revised Code, whether or not any instruction, 4535  
extracurricular activities, or training provided by the school is 4536  
being conducted at the time a criminal offense is committed. 4537

(R) "School premises" means either of the following: 4538

(1) The parcel of real property on which any school is 4539  
situated, whether or not any instruction, extracurricular 4540  
activities, or training provided by the school is being conducted 4541  
on the premises at the time a criminal offense is committed; 4542

(2) Any other parcel of real property that is owned or leased 4543  
by a board of education of a school, the governing authority of a 4544  
community school established under Chapter 3314. of the Revised 4545  
Code, or the governing body of a nonpublic school for which the 4546  
state board of education prescribes minimum standards under 4547  
section 3301.07 of the Revised Code and on which some of the 4548  
instruction, extracurricular activities, or training of the school 4549  
is conducted, whether or not any instruction, extracurricular 4550  
activities, or training provided by the school is being conducted 4551  
on the parcel of real property at the time a criminal offense is 4552  
committed. 4553

(S) "School building" means any building in which any of the 4554  
instruction, extracurricular activities, or training provided by a 4555  
school is conducted, whether or not any instruction, 4556  
extracurricular activities, or training provided by the school is 4557  
being conducted in the school building at the time a criminal 4558  
offense is committed. 4559

(T) "Disciplinary counsel" means the disciplinary counsel 4560  
appointed by the board of commissioners on grievances and 4561  
discipline of the supreme court under the Rules for the Government 4562  
of the Bar of Ohio. 4563

(U) "Certified grievance committee" means a duly constituted 4564  
and organized committee of the Ohio state bar association or of 4565  
one or more local bar associations of the state of Ohio that 4566  
complies with the criteria set forth in Rule V, section 6 of the 4567  
Rules for the Government of the Bar of Ohio. 4568

(V) "Professional license" means any license, permit, 4569

certificate, registration, qualification, admission, temporary  
license, temporary permit, temporary certificate, or temporary  
registration that is described in divisions (W)(1) to (36) of this  
section and that qualifies a person as a professionally licensed  
person.

(W) "Professionally licensed person" means any of the  
following:

(1) A person who has obtained a license as a manufacturer of  
controlled substances or a wholesaler of controlled substances  
under Chapter 3719. of the Revised Code;

(2) A person who has received a certificate or temporary  
certificate as a certified public accountant or who has registered  
as a public accountant under Chapter 4701. of the Revised Code and  
who holds an Ohio permit issued under that chapter;

(3) A person who holds a certificate of qualification to  
practice architecture issued or renewed and registered under  
Chapter 4703. of the Revised Code;

(4) A person who is registered as a landscape architect under  
Chapter 4703. of the Revised Code or who holds a permit as a  
landscape architect issued under that chapter;

(5) A person licensed as an auctioneer or apprentice  
auctioneer or licensed to operate an auction company under Chapter  
4707. of the Revised Code;

(6) A person who has been issued a certificate of  
registration as a registered barber under Chapter 4709. of the  
Revised Code;

(7) A person licensed and regulated to engage in the business  
of a debt pooling company by a legislative authority, under  
authority of Chapter 4710. of the Revised Code;

(8) A person who has been issued a cosmetologist's license,

manicurist's license, esthetician's license, managing 4600  
cosmetologist's license, managing manicurist's license, managing 4601  
esthetician's license, cosmetology instructor's license, 4602  
manicurist instructor's license, esthetician instructor's license, 4603  
or tanning facility permit under Chapter 4713. of the Revised 4604  
Code; 4605

(9) A person who has been issued a license to practice 4606  
dentistry, a general anesthesia permit, a conscious intravenous 4607  
sedation permit, a limited resident's license, a limited teaching 4608  
license, a dental hygienist's license, or a dental hygienist's 4609  
teacher's certificate under Chapter 4715. of the Revised Code; 4610

(10) A person who has been issued an embalmer's license, a 4611  
funeral director's license, a funeral home license, or a crematory 4612  
license, or who has been registered for an embalmer's or funeral 4613  
director's apprenticeship under Chapter 4717. of the Revised Code; 4614

(11) A person who has been licensed as a registered nurse or 4615  
practical nurse, or who has been issued a certificate for the 4616  
practice of nurse-midwifery under Chapter 4723. of the Revised 4617  
Code; 4618

(12) A person who has been licensed to practice optometry or 4619  
to engage in optical dispensing under Chapter 4725. of the Revised 4620  
Code; 4621

(13) A person licensed to act as a pawnbroker under Chapter 4622  
4727. of the Revised Code; 4623

(14) A person licensed to act as a precious metals dealer 4624  
under Chapter 4728. of the Revised Code; 4625

(15) A person licensed as a pharmacist, a pharmacy intern, a 4626  
wholesale distributor of dangerous drugs, or a terminal 4627  
distributor of dangerous drugs under Chapter 4729. of the Revised 4628  
Code; 4629

(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	4630 4631
(17) A person who has been issued a certificate to practice medicine and surgery, osteopathic medicine and surgery, a limited branch of medicine, or podiatry under Chapter 4731. of the Revised Code;	4632 4633 4634 4635
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	4636 4637
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	4638 4639
(20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;	4640 4641
(21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;	4642 4643
(22) A person registered as a registered sanitarian under Chapter 4736. of the Revised Code;	4644 4645
(23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;	4646 4647
(24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;	4648 4649
(25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;	4650 4651
(26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;	4652 4653 4654 4655
(27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;	4656 4657 4658

- (28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code; 4659  
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- (29) A person licensed and registered to practice as a nursing home administrator under Chapter 4751. of the Revised Code; 4662  
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- (30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code; 4665  
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- (31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code; 4668  
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- (32) A person who is licensed as a professional clinical counselor or professional counselor, licensed as a social worker or independent social worker, or registered as a social work assistant under Chapter 4757. of the Revised Code; 4670  
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- (33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code; 4674  
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- (34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code; 4676  
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- (35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code; 4679  
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- (36) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. 4681  
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4683
- (X) "Cocaine" means any of the following: 4684
- (1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 4685  
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- (2) Coca leaves or a salt, compound, derivative, or 4687

preparation of coca leaves, including ecgonine, a salt, isomer, or  
derivative of ecgonine, or a salt of an isomer or derivative of  
ecgonine;

(3) A salt, compound, derivative, or preparation of a  
substance identified in division (X)(1) or (2) of this section  
that is chemically equivalent to or identical with any of those  
substances, except that the substances shall not include  
decocainized coca leaves or extraction of coca leaves if the  
extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means the resin or a preparation of the resin  
contained in marihuana, whether in solid form or in a liquid  
concentrate, liquid extract, or liquid distillate form.

(AA) "Marihuana" has the same meaning as in section 3719.01  
of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile"  
if the offender commits the offense within one hundred feet of a  
juvenile or within the view of a juvenile, regardless of whether  
the offender knows the age of the juvenile, whether the offender  
knows the offense is being committed within one hundred feet of or  
within view of the juvenile, or whether the juvenile actually  
views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a  
prison term shall be imposed" means a presumption, as described in  
division (D) of section 2929.13 of the Revised Code, that a prison  
term is a necessary sanction for a felony in order to comply with  
the purposes and principles of sentencing under section 2929.11 of  
the Revised Code.

(DD) "Major drug offender" has the same meaning as in section  
2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the 4718  
following: 4719

(1) A violation of section 2925.11 of the Revised Code as it 4720  
existed prior to July 1, 1996; 4721

(2) A violation of section 2925.11 of the Revised Code as it 4722  
exists on and after July 1, 1996, that is a misdemeanor or a 4723  
felony of the fifth degree. 4724

(FF) "Mandatory prison term" has the same meaning as in 4725  
section 2929.01 of the Revised Code. 4726

(GG) "Crack cocaine" means a compound, mixture, preparation, 4727  
or substance that is or contains any amount of cocaine that is 4728  
analytically identified as the base form of cocaine or that is in 4729  
a form that resembles rocks or pebbles generally intended for 4730  
individual use. 4731

(HH) "Adulterate" means to cause a drug to be adulterated as 4732  
described in section 3715.63 of the Revised Code. 4733

(II) "Public premises" means any hotel, restaurant, tavern, 4734  
store, arena, hall, or other place of public accommodation, 4735  
business, amusement, or resort. 4736

**Section 9.** That the existing version of section 2925.01 of 4737  
the Revised Code that is scheduled to take effect January 1, 2004, 4738  
is hereby repealed. 4739

**Section 10.** Sections 8 and 9 of this act take effect January 4740  
1, 2004. 4741

**Section 11.** The Legislative Office of Education Oversight 4742  
shall conduct a study of the cost of educating a student in an 4743  
Internet- or computer-based community school established under 4744  
Chapter 3314. of the Revised Code. The Office shall issue a 4745

written report on its findings to the General Assembly not later than December 31, 2003. 4746  
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**Section 12.** (A) This section applies to any entity that is 4748  
exempt from taxation under Section 501(c)(3) of the Internal 4749  
Revenue Code and that satisfies the conditions specified in 4750  
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 4751  
Revised Code but does not satisfy the condition specified in 4752  
division (C)(1)(f)(i) of that section. 4753

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 4754  
of the Revised Code, an entity described in division (A) of this 4755  
section may succeed the board of trustees of a state university 4756  
located in the Pilot Project Area or that board's designee as the 4757  
sponsor of a community school established under Chapter 3314. of 4758  
the Revised Code, and may sponsor such school for the remainder of 4759  
the term of the contract between the board of trustees or its 4760  
designee and the governing authority of the community school and 4761  
may renew that contract as provided in division (E) of section 4762  
3314.03 of the Revised Code. Such entity also may enter into new 4763  
contracts to sponsor additional community schools as long as it 4764  
satisfies all the requirements of Chapter 3314. of the Revised 4765  
Code except for the requirement prescribed in division 4766  
(C)(1)(f)(i) of section 3314.02 of the Revised Code. 4767

**Section 13.** Section 3317.029 of the Revised Code is presented 4768  
in this act as a composite of the section as amended by both Am. 4769  
Sub. H.B. 94 and Am. Sub. S.B. 1 of the 124th General Assembly. 4770  
The General Assembly, applying the principle stated in division 4771  
(B) of section 1.52 of the Revised Code that amendments are to be 4772  
harmonized if reasonably capable of simultaneous operation, finds 4773  
that the composite is the resulting version of the section in 4774  
effect prior to the effective date of the section as presented in 4775  
this act. 4776