

## As Introduced

**129th General Assembly  
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2011-2012**

**H. B. No. 30**

**Representative Gardner**

**Cosponsors: Representatives Wachtmann, Stautberg, Sears, Derickson,  
Brenner, Maag, Adams, J., Carey, Beck, Blair, Burke, Combs, Hottinger,  
Snitchler, Kozlowski, Grossman, Bubp, Stebelton, Ruhl, Blessing, Huffman,  
Baker, Hackett, McClain, Amstutz, Roegner, Henne, Young**

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### **A B I L L**

To amend sections 3301.07, 3301.16, 3302.05, 3302.07,	1
3306.01, 3306.02, 3306.05, 3306.06, 3306.07,	2
3306.08, 3306.09, 3306.091, 3306.10, 3313.489,	3
3316.031, 3316.043, 3316.08, 3321.01, 3321.05,	4
5705.391, and 5705.412 and to repeal sections	5
3306.18, 3306.25, 3306.29, 3306.291, 3306.292,	6
3306.30, 3306.31, 3306.33, 3306.34, 3306.35,	7
3306.40, 3313.821, 3313.822, and 3318.312 of the	8
Revised Code; and to repeal Section 265.70.70 of	9
Am. Sub. H.B. 1 of the 128th General Assembly and	10
Section 9 of Sub. H.B. 318 of the 128th General	11
Assembly to eliminate spending and reporting	12
requirements related to the school funding system,	13
to abolish the School Funding Advisory Council, to	14
eliminate the requirement that school districts	15
offer all-day kindergarten, to eliminate the	16
requirement that school districts establish family	17
and civic engagement teams, and to reduce to three	18
years the period covered by financial forecasts of	19
school districts, community schools, and STEM	20

schools.

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

**Section 1.** That sections 3301.07, 3301.16, 3302.05, 3302.07, 22  
3306.01, 3306.02, 3306.05, 3306.06, 3306.07, 3306.08, 3306.09, 23  
3306.091, 3306.10, 3313.489, 3316.031, 3316.043, 3316.08, 3321.01, 24  
3321.05, 5705.391, and 5705.412 be amended to read as follows: 25

**Sec. 3301.07.** The state board of education shall exercise 26  
under the acts of the general assembly general supervision of the 27  
system of public education in the state. In addition to the powers 28  
otherwise imposed on the state board under the provisions of law, 29  
the board shall have the powers described in this section. 30

(A) The state board shall exercise policy forming, planning, 31  
and evaluative functions for the public schools of the state 32  
except as otherwise provided by law. 33

(B)(1) The state board shall exercise leadership in the 34  
improvement of public education in this state, and administer the 35  
educational policies of this state relating to public schools, and 36  
relating to instruction and instructional material, building and 37  
equipment, transportation of pupils, administrative 38  
responsibilities of school officials and personnel, and finance 39  
and organization of school districts, educational service centers, 40  
and territory. Consultative and advisory services in such matters 41  
shall be provided by the board to school districts and educational 42  
service centers of this state. 43

(2) The state board also shall develop a standard of 44  
financial reporting which shall be used by each school district 45  
board of education and educational service center governing board 46  
to make its financial information and annual budgets for each 47  
school building under its control available to the public in a 48

format understandable by the average citizen. The format shall 49  
show, among other things, at the district and educational service 50  
center level or at the school building level, as determined 51  
appropriate by the department of education, revenue by source; 52  
expenditures for salaries, wages, and benefits of employees, 53  
showing such amounts separately for classroom teachers, other 54  
employees required to hold licenses issued pursuant to sections 55  
3319.22 to 3319.31 of the Revised Code, and all other employees; 56  
expenditures other than for personnel, by category, including 57  
utilities, textbooks and other educational materials, equipment, 58  
permanent improvements, pupil transportation, extracurricular 59  
athletics, and other extracurricular activities; and per pupil 60  
expenditures. 61

(C) The state board shall administer and supervise the 62  
allocation and distribution of all state and federal funds for 63  
public school education under the provisions of law, and may 64  
prescribe such systems of accounting as are necessary and proper 65  
to this function. It may require county auditors and treasurers, 66  
boards of education, educational service center governing boards, 67  
treasurers of such boards, teachers, and other school officers and 68  
employees, or other public officers or employees, to file with it 69  
such reports as it may prescribe relating to such funds, or to the 70  
management and condition of such funds. 71

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 72  
XLVII, and LI of the Revised Code a reference is made to standards 73  
prescribed under this section or division (D) of this section, 74  
that reference shall be construed to refer to the standards 75  
prescribed under division (D)(2) of this section, unless the 76  
context specifically indicates a different meaning or intent. 77

(2) The state board shall formulate and prescribe minimum 78  
standards to be applied to all elementary and secondary schools in 79  
this state for the purpose of requiring a general education of 80

high quality. Such standards shall provide adequately for: the 81  
licensing of teachers, administrators, and other professional 82  
personnel and their assignment according to training and 83  
qualifications; efficient and effective instructional materials 84  
and equipment, including library facilities; the proper 85  
organization, administration, and supervision of each school, 86  
including regulations for preparing all necessary records and 87  
reports and the preparation of a statement of policies and 88  
objectives for each school; buildings, grounds, health and 89  
sanitary facilities and services; admission of pupils, and such 90  
requirements for their promotion from grade to grade as will 91  
assure that they are capable and prepared for the level of study 92  
to which they are certified; requirements for graduation; and such 93  
other factors as the board finds necessary. 94

In the formulation and administration of such standards for 95  
nonpublic schools the board shall also consider the particular 96  
needs, methods and objectives of those schools, provided they do 97  
not conflict with the provision of a general education of a high 98  
quality and provided that regular procedures shall be followed for 99  
promotion from grade to grade of pupils who have met the 100  
educational requirements prescribed. 101

In the formulation and administration of such standards as 102  
they relate to instructional materials and equipment in public 103  
schools, including library materials, the board shall require that 104  
the material and equipment be aligned with and promote skills 105  
expected under the statewide academic standards adopted under 106  
section 3301.079 of the Revised Code. 107

(3) In addition to the minimum standards required by division 108  
(D)(2) of this section, the state board shall formulate and 109  
prescribe the following additional minimum operating standards for 110  
school districts: 111

(a) Standards for the effective and efficient organization, 112

administration, and supervision of each school district so that it 113  
becomes a thinking and learning organization according to 114  
principles of systems design and collaborative professional 115  
learning communities research as defined by the superintendent of 116  
public instruction, including a focus on the personalized and 117  
individualized needs of each student; a shared responsibility 118  
among school boards, administrators, faculty, and staff to develop 119  
a common vision, mission, and set of guiding principles; a shared 120  
responsibility among school boards, administrators, faculty, and 121  
staff to engage in a process of collective inquiry, action 122  
orientation, and experimentation to ensure the academic success of 123  
all students; commitment to teaching and learning strategies that 124  
utilize technological tools and emphasize inter-disciplinary, 125  
real-world, project-based, and technology-oriented learning 126  
experiences to meet the individual needs of every student; 127  
commitment to high expectations for every student and commitment 128  
to closing the achievement gap so that all students achieve core 129  
knowledge and skills in accordance with the statewide academic 130  
standards adopted under section 3301.079 of the Revised Code; 131  
commitment to the use of assessments to diagnose the needs of each 132  
student; effective connections and relationships with families and 133  
others that support student success; and commitment to the use of 134  
positive behavior intervention supports throughout a district to 135  
ensure a safe and secure learning environment for all students; 136

(b) Standards for the establishment of business advisory 137  
councils ~~and family and civic engagement teams by school districts~~ 138  
under ~~sections~~ section 3313.82, ~~3313.821, and 3313.822~~ of the 139  
Revised Code; 140

(c) ~~Standards incorporating the classifications for the~~ 141  
~~components of the adequacy amount under Chapter 3306. of the~~ 142  
~~Revised Code into core academic strategy components and academic~~ 143  
~~improvement components, as specified in rules adopted under~~ 144

~~section 3306.25 of the Revised Code;~~ 145

(d) Standards for school district organizational units, as 146  
defined in sections 3306.02 and 3306.04 of the Revised Code, that 147  
require: 148

(i) The effective and efficient organization, administration, 149  
and supervision of each school district organizational unit so 150  
that it becomes a thinking and learning organization according to 151  
principles of systems design and collaborative professional 152  
learning communities research as defined by the state 153  
superintendent, including a focus on the personalized and 154  
individualized needs of each student; a shared responsibility 155  
among organizational unit administrators, faculty, and staff to 156  
develop a common vision, mission, and set of guiding principles; a 157  
shared responsibility among organizational unit administrators, 158  
faculty, and staff to engage in a process of collective inquiry, 159  
action orientation, and experimentation to ensure the academic 160  
success of all students; commitment to job embedded professional 161  
development and professional mentoring and coaching; established 162  
periods of time for teachers to pursue planning time for the 163  
development of lesson plans, professional development, and shared 164  
learning; commitment to effective management strategies that allow 165  
administrators reasonable access to classrooms for observation and 166  
professional development experiences; commitment to teaching and 167  
learning strategies that utilize technological tools and emphasize 168  
inter-disciplinary, real-world, project-based, and 169  
technology-oriented learning experiences to meet the individual 170  
needs of every student; commitment to high expectations for every 171  
student and commitment to closing the achievement gap so that all 172  
students achieve core knowledge and skills in accordance with the 173  
statewide academic standards adopted under section 3301.079 of the 174  
Revised Code; commitment to the use of assessments to diagnose the 175  
needs of each student; effective connections and relationships 176

with families and others that support student success; commitment 177  
to the use of positive behavior intervention supports throughout 178  
the organizational unit to ensure a safe and secure learning 179  
environment for all students; 180

(ii) A school organizational unit leadership team to 181  
coordinate positive behavior intervention supports, ~~family and~~ 182  
~~civic engagement services,~~ learning environments, thinking and 183  
learning systems, collaborative planning, planning time, student 184  
academic interventions, student extended learning opportunities, 185  
and other activities identified by the team and approved by the 186  
district board of education. The team shall include the building 187  
principal, representatives from each collective bargaining unit, 188  
the building lead teacher, parents, business representatives, and 189  
others that support student success. 190

(E) The state board may require as part of the health 191  
curriculum information developed under section 2108.34 of the 192  
Revised Code promoting the donation of anatomical gifts pursuant 193  
to Chapter 2108. of the Revised Code and may provide the 194  
information to high schools, educational service centers, and 195  
joint vocational school district boards of education; 196

(F) The state board shall prepare and submit annually to the 197  
governor and the general assembly a report on the status, needs, 198  
and major problems of the public schools of the state, with 199  
recommendations for necessary legislative action and a ten-year 200  
projection of the state's public and nonpublic school enrollment, 201  
by year and by grade level. 202

(G) The state board shall prepare and submit to the director 203  
of budget and management the biennial budgetary requests of the 204  
state board of education, for its agencies and for the public 205  
schools of the state. 206

(H) The state board shall cooperate with federal, state, and 207

local agencies concerned with the health and welfare of children 208  
and youth of the state. 209

(I) The state board shall require such reports from school 210  
districts and educational service centers, school officers, and 211  
employees as are necessary and desirable. The superintendents and 212  
treasurers of school districts and educational service centers 213  
shall certify as to the accuracy of all reports required by law or 214  
state board or state department of education rules to be submitted 215  
by the district or educational service center and which contain 216  
information necessary for calculation of state funding. Any 217  
superintendent who knowingly falsifies such report shall be 218  
subject to license revocation pursuant to section 3319.31 of the 219  
Revised Code. 220

(J) In accordance with Chapter 119. of the Revised Code, the 221  
state board shall adopt procedures, standards, and guidelines for 222  
the education of children with disabilities pursuant to Chapter 223  
3323. of the Revised Code, including procedures, standards, and 224  
guidelines governing programs and services operated by county 225  
boards of developmental disabilities pursuant to section 3323.09 226  
of the Revised Code. 227

(K) For the purpose of encouraging the development of special 228  
programs of education for academically gifted children, the state 229  
board shall employ competent persons to analyze and publish data, 230  
promote research, advise and counsel with boards of education, and 231  
encourage the training of teachers in the special instruction of 232  
gifted children. The board may provide financial assistance out of 233  
any funds appropriated for this purpose to boards of education and 234  
educational service center governing boards for developing and 235  
conducting programs of education for academically gifted children. 236

(L) The state board shall require that all public schools 237  
emphasize and encourage, within existing units of study, the 238  
teaching of energy and resource conservation as recommended to 239



each district board of education by leading business persons 240  
involved in energy production and conservation, beginning in the 241  
primary grades. 242

(M) The state board shall formulate and prescribe minimum 243  
standards requiring the use of phonics as a technique in the 244  
teaching of reading in grades kindergarten through three. In 245  
addition, the state board shall provide in-service training 246  
programs for teachers on the use of phonics as a technique in the 247  
teaching of reading in grades kindergarten through three. 248

(N) The state board may adopt rules necessary for carrying 249  
out any function imposed on it by law, and may provide rules as 250  
are necessary for its government and the government of its 251  
employees, and may delegate to the superintendent of public 252  
instruction the management and administration of any function 253  
imposed on it by law. It may provide for the appointment of board 254  
members to serve on temporary committees established by the board 255  
for such purposes as are necessary. Permanent or standing 256  
committees shall not be created. 257

~~Compliance~~ (O) Upon application from the board of education 258  
of a school district, the superintendent of public instruction may 259  
issue a waiver exempting the district from compliance with the 260  
standards adopted under divisions (B)(2) and (D) of this section, 261  
as they relate to the operation of a school operated by ~~a school~~ 262  
~~the district, may be waived by the state superintendent pursuant~~ 263  
~~to section 3306.40 of the Revised Code. The state board shall~~ 264  
adopt standards for the approval or disapproval of waivers under 265  
this division. The state superintendent shall consider every 266  
application for a waiver, and shall determine whether to grant or 267  
deny a waiver in accordance with the state board's standards. For 268  
each waiver granted, the state superintendent shall specify the 269  
period of time during which the waiver is in effect, which shall 270  
not exceed five years. A district board may apply to renew a 271

waiver. 272

**Sec. 3301.16.** Pursuant to standards prescribed by the state 273  
board of education as provided in division (D) of section 3301.07 274  
of the Revised Code, the state board shall classify and charter 275  
school districts and individual schools within each district 276  
except that no charter shall be granted to a nonpublic school 277  
unless the school complies with section 3313.612 of the Revised 278  
Code. 279

In the course of considering the charter of a new school 280  
district created under section 3311.26 or 3311.38 of the Revised 281  
Code, the state board shall require the party proposing creation 282  
of the district to submit to the board a map, certified by the 283  
county auditor of the county in which the proposed new district is 284  
located, showing the boundaries of the proposed new district. In 285  
the case of a proposed new district located in more than one 286  
county, the map shall be certified by the county auditor of each 287  
county in which the proposed district is located. 288

The state board shall revoke the charter of any school 289  
district or school which fails to meet the standards for 290  
elementary and high schools as prescribed by the board. The state 291  
board shall also revoke the charter of any nonpublic school that 292  
does not comply with section 3313.612 of the Revised Code. The 293  
state board may revoke the charter of any school district that 294  
fails to meet the operating standards established under division 295  
(D)(3) of section 3301.07 of the Revised Code. 296

In the issuance and revocation of school district or school 297  
charters, the state board shall be governed by the provisions of 298  
Chapter 119. of the Revised Code. 299

No school district, or individual school operated by a school 300  
district, shall operate without a charter issued by the state 301  
board under this section. 302

In case a school district charter is revoked pursuant to this 303  
section, the state board may dissolve the school district and 304  
transfer its territory to one or more adjacent districts. An 305  
equitable division of the funds, property, and indebtedness of the 306  
school district shall be made by the state board among the 307  
receiving districts. The board of education of a receiving 308  
district shall accept such territory pursuant to the order of the 309  
state board. Prior to dissolving the school district, the state 310  
board shall notify the appropriate educational service center 311  
governing board and all adjacent school district boards of 312  
education of its intention to do so. Boards so notified may make 313  
recommendations to the state board regarding the proposed 314  
dissolution and subsequent transfer of territory. Except as 315  
provided in section 3301.161 of the Revised Code, the transfer 316  
ordered by the state board shall become effective on the date 317  
specified by the state board, but the date shall be at least 318  
thirty days following the date of issuance of the order. 319

A high school is one of higher grade than an elementary 320  
school, in which instruction and training are given in accordance 321  
with sections 3301.07 and 3313.60 of the Revised Code and which 322  
also offers other subjects of study more advanced than those 323  
taught in the elementary schools and such other subjects as may be 324  
approved by the state board of education. 325

An elementary school is one in which instruction and training 326  
are given in accordance with sections 3301.07 and 3313.60 of the 327  
Revised Code and which offers such other subjects as may be 328  
approved by the state board of education. In districts wherein a 329  
junior high school is maintained, the elementary schools in that 330  
district may be considered to include only the work of the first 331  
six school years inclusive, plus the kindergarten year. 332

A high school or an elementary school may consist of less 333  
than one or more than one organizational unit, as defined in 334

sections 3306.02 and 3306.04 of the Revised Code. 335

**Sec. 3302.05.** The state board of education shall adopt rules 336  
freeing school districts declared to be excellent under division 337  
(B)(1) or effective under division (B)(2) of section 3302.03 of 338  
the Revised Code from specified state mandates. Any mandates 339  
included in the rules shall be only those statutes or rules 340  
pertaining to state education requirements. The rules shall not 341  
exempt districts from any standard or requirement of ~~Chapter 3306.~~ 342  
section 3306.09 of the Revised Code or from any operating standard 343  
adopted under division (D)(3) of section 3301.07 of the Revised 344  
Code. 345

**Sec. 3302.07.** (A) The board of education of any school 346  
district, the governing board of any educational service center, 347  
or the administrative authority of any chartered nonpublic school 348  
may submit to the state board of education an application 349  
proposing an innovative education pilot program the implementation 350  
of which requires exemptions from specific statutory provisions or 351  
rules. If a district or service center board employs teachers 352  
under a collective bargaining agreement adopted pursuant to 353  
Chapter 4117. of the Revised Code, any application submitted under 354  
this division shall include the written consent of the teachers' 355  
employee representative designated under division (B) of section 356  
4117.04 of the Revised Code. The exemptions requested in the 357  
application shall be limited to any requirement of Title XXXIII of 358  
the Revised Code or of any rule of the state board adopted 359  
pursuant to that title except that the application may not propose 360  
an exemption from any requirement of or rule adopted pursuant to 361  
section 3306.09, Chapter 3307. or 3309., sections 3319.07 to 362  
3319.21, or Chapter 3323. of the Revised Code. Furthermore, an 363  
exemption from any ~~standard or requirement of Chapter 3306. or~~ 364  
~~from any~~ operating standard adopted under division (D)(3) of 365

section 3301.07 of the Revised Code shall be granted only pursuant 366  
to a waiver granted by the superintendent of public instruction 367  
under division (O) of that section ~~3306.40 of the Revised Code~~. 368

(B) The state board of education shall accept any application 369  
submitted in accordance with division (A) of this section. The 370  
superintendent of public instruction shall approve or disapprove 371  
the application in accordance with standards for approval, which 372  
shall be adopted by the state board. 373

(C) The superintendent of public instruction shall exempt 374  
each district or service center board or chartered nonpublic 375  
school administrative authority with an application approved under 376  
division (B) of this section for a specified period from the 377  
statutory provisions or rules specified in the approved 378  
application. The period of exemption shall not exceed the period 379  
during which the pilot program proposed in the application is 380  
being implemented and a reasonable period to allow for evaluation 381  
of the effectiveness of the program. 382

**Sec. 3306.01.** This chapter shall be administered by the state 383  
board of education. The superintendent of public instruction shall 384  
calculate the amounts payable to each school district and shall 385  
certify the amounts payable to each eligible district to the 386  
treasurer of the district as determined under this chapter. As 387  
soon as possible after such amounts are calculated, the 388  
superintendent shall certify to the treasurer of each school 389  
district the district's adjusted charge-off increase, as defined 390  
in section 5705.211 of the Revised Code. No moneys shall be 391  
distributed pursuant to this chapter without the approval of the 392  
controlling board. 393

The state board of education shall, in accordance with 394  
appropriations made by the general assembly, meet the financial 395  
obligations of this chapter. 396

Annually, the department of education shall calculate and 397  
report to each school district the district's adequacy amount 398  
utilizing the calculations in sections 3306.03 and 3306.13 of the 399  
Revised Code. The department shall calculate and report separately 400  
for each school district the district's total state and local 401  
funds for its students with disabilities, utilizing the 402  
calculations in sections 3306.05, 3306.11, and 3306.13 of the 403  
Revised Code. The department shall calculate and report separately 404  
for each school district the amount of funding calculated for each 405  
factor of the district's adequacy amount. 406

Not later than the thirty-first day of August of each fiscal 407  
year, the department of education shall provide to each school 408  
district a preliminary estimate of the amount of funding that the 409  
department calculates the district will receive under section 410  
3306.13 of the Revised Code. Not later than the first day of 411  
December of each fiscal year, the department shall update that 412  
preliminary estimate. 413

Moneys distributed pursuant to this chapter shall be 414  
calculated and paid on a fiscal year basis, beginning with the 415  
first day of July and extending through the thirtieth day of June. 416  
Unless otherwise provided, the moneys appropriated for each fiscal 417  
year shall be distributed at least monthly to each school 418  
district. The state board shall submit a yearly distribution plan 419  
to the controlling board at its first meeting in July. The state 420  
board shall submit any proposed midyear revision of the plan to 421  
the controlling board in January. Any year-end revision of the 422  
plan shall be submitted to the controlling board in June. If 423  
moneys appropriated for each fiscal year are distributed other 424  
than monthly, such distribution shall be on the same basis for 425  
each school district. 426

The total amounts paid each month shall constitute, as nearly 427  
as possible, one-twelfth of the total amount payable for the 428

entire year. 429

Payments shall be calculated to reflect the reporting of 430  
formula ADM. Annualized periodic payments for each school district 431  
shall be based on the district's final student counts verified by 432  
the superintendent of public instruction based on reports under 433  
section 3317.03 of the Revised Code, as adjusted, if so ordered, 434  
under division (K) of that section. 435

(A) Except as otherwise provided, payments under this chapter 436  
shall be made only to those school districts that comply with 437  
divisions (A)(1) to (3) of this section. 438

(1) Each city, exempted village, and local school district 439  
shall levy for current operating expenses at least twenty mills. 440  
Levies for joint vocational or cooperative education school 441  
districts or county school financing districts, limited to or to 442  
the extent apportioned to current expenses, shall be included in 443  
this qualification requirement. School district income tax levies 444  
under Chapter 5748. of the Revised Code, limited to or to the 445  
extent apportioned to current operating expenses, shall be 446  
included in this qualification requirement to the extent 447  
determined by the tax commissioner under division (D) of section 448  
3317.021 of the Revised Code. 449

(2) Each city, exempted village, local, and joint vocational 450  
school district, during the school year next preceding the fiscal 451  
year for which payments are calculated under this chapter, shall 452  
meet the requirement of section 3313.48 or 3313.481 of the Revised 453  
Code, with regard to the minimum number of days or hours school 454  
must be open for instruction with pupils in attendance, for 455  
individualized parent-teacher conference and reporting periods, 456  
and for professional meetings of teachers. The superintendent of 457  
public instruction shall waive a number of days in accordance with 458  
section 3317.01 of the Revised Code on which it had been necessary 459  
for a school to be closed because of disease epidemic, hazardous 460

weather conditions, inoperability of school buses or other 461  
equipment necessary to the school's operation, damage to a school 462  
building, or other temporary circumstances due to utility failure 463  
rendering the school building unfit for school use. 464

A school district shall not be considered to have failed to 465  
comply with this division or section 3313.481 of the Revised Code 466  
because schools were open for instruction but either twelfth grade 467  
students were excused from attendance for up to three days or only 468  
a portion of the kindergarten students were in attendance for up 469  
to three days in order to allow for the gradual orientation to 470  
school of such students. 471

The superintendent of public instruction shall waive the 472  
requirements of this section with reference to the minimum number 473  
of days or hours a school must be open for instruction with pupils 474  
in attendance for the school year succeeding the school year in 475  
which a board of education initiates a plan of operation pursuant 476  
to section 3313.481 of the Revised Code. The minimum requirements 477  
of this section shall again be applicable to the district 478  
beginning with the school year commencing the second July 479  
succeeding the initiation of the plan, and for each school year 480  
thereafter. 481

A school district shall not be considered to have failed to 482  
comply with this division or section 3313.48 or 3313.481 of the 483  
Revised Code because schools were open for instruction but the 484  
length of the regularly scheduled learning day, for any number of 485  
days during the school year, was reduced by not more than two 486  
hours due to hazardous weather conditions. 487

(3) Each city, exempted village, local, and joint vocational 488  
school district shall have on file, and shall pay in accordance 489  
with, a teachers' salary schedule which complies with section 490  
3317.13 of the Revised Code. 491



(B) A school district board of education or educational 492  
service center governing board that has not conformed with other 493  
law, and the rules pursuant thereto, shall not participate in the 494  
distribution of funds authorized by this chapter, except for good 495  
and sufficient reason established to the satisfaction of the state 496  
board of education and the state controlling board. 497

(C) All funds allocated to school districts under this 498  
chapter, except those specifically allocated for other purposes, 499  
shall be used only to pay current operating expenses or for either 500  
of the following purposes: 501

(1) The modification or purchase of classroom space to 502  
provide all-day kindergarten ~~as required by section 3321.05 of the~~ 503  
~~Revised Code~~, provided the district certifies its shortage of 504  
space for providing all-day kindergarten to the department of 505  
education, in a manner specified by the department; 506

(2) The modification or purchase of classroom space to reduce 507  
class sizes in grades kindergarten through three to attain the 508  
goal of fifteen students per core teacher, provided the district 509  
certifies its need for additional classroom space to the 510  
department, in a manner specified by the department. 511

(D) On or before the last day of each month, the department 512  
of education shall certify to the director of budget and 513  
management for payment, for each county: 514

(1)(a) That portion of the allocation of money under section 515  
3306.13 of the Revised Code that is required to be paid in that 516  
month to each school district located wholly within the county 517  
subsequent to the deductions described in division (D)(1)(b) of 518  
this section; 519

(b) The amounts deducted from such allocation under sections 520  
3307.31 and 3309.51 of the Revised Code for payment directly to 521  
the school employees and state teachers retirement systems under 522

such sections. 523

(2) If the district is located in more than one county, an 524  
apportionment of the amounts that would otherwise be certified 525  
under division (D)(1) of this section. The amounts apportioned to 526  
the county shall equal the amounts certified under division (D)(1) 527  
of this section times the percentage of the district's resident 528  
pupils who reside both in the district and in the county, based on 529  
the average daily membership reported under division (A) of 530  
section 3317.03 of the Revised Code in October of the prior fiscal 531  
year. 532

**Sec. 3306.02.** As used in this chapter: 533

(A) "Adequacy amount" means the amount described in section 534  
3306.03 of the Revised Code. 535

(B) "Building manager" means a person who supervises the 536  
administrative (non-curricular, non-instructional) functions of 537  
school operation so that a school principal can focus on 538  
supporting instruction, providing instructional leadership, and 539  
engaging teachers as part of the instructional leadership team. A 540  
building manager may be, but is not required to be, a licensed 541  
educator under section 3319.22 of the Revised Code. 542

(C) "Career-technical education teacher" means an education 543  
professional who holds a valid license to provide specialized 544  
instruction in career and technical courses. 545

(D)(1) "Category one special education ADM" means a school 546  
district's formula ADM of children whose primary or only 547  
identified disability is a speech and language disability, as this 548  
term is defined pursuant to Chapter 3323. of the Revised Code. 549  
Beginning in fiscal year 2010, for any school district for which 550  
formula ADM means the number verified in the previous fiscal year, 551  
the category one special education ADM also shall be as verified 552

from the previous year. 553

(2) "Category two special education ADM" means a school 554  
district's formula ADM of children identified as specific learning 555  
disabled or developmentally disabled, as these terms are defined 556  
pursuant to Chapter 3323. of the Revised Code, or as having an 557  
other health impairment-minor, as defined in this section. 558  
Beginning in fiscal year 2010, for any school district for which 559  
formula ADM means the number verified in the previous fiscal year, 560  
the category two special education ADM also shall be as verified 561  
from the previous year. 562

(3) "Category three special education ADM" means a school 563  
district's formula ADM of children identified as hearing disabled 564  
or severe behavior disabled, as these terms are defined pursuant 565  
to Chapter 3323. of the Revised Code. Beginning in fiscal year 566  
2010, for any school district for which formula ADM means the 567  
number verified in the previous fiscal year, the category three 568  
special education ADM also shall be as verified from the previous 569  
year. 570

(4) "Category four special education ADM" means a school 571  
district's formula ADM of children identified as vision impaired, 572  
as this term is defined pursuant to Chapter 3323. of the Revised 573  
Code, or as having an other health impairment-major, as defined in 574  
this section. Beginning in fiscal year 2010, for any school 575  
district for which formula ADM means the number verified in the 576  
previous fiscal year, the category four special education ADM also 577  
shall be as verified from the previous year. 578

(5) "Category five special education ADM" means a school 579  
district's formula ADM of children identified as orthopedically 580  
disabled or as having multiple disabilities, as these terms are 581  
defined pursuant to Chapter 3323. of the Revised Code. Beginning 582  
in fiscal year 2010, for any school district for which formula ADM 583  
means the number verified in the previous fiscal year, the 584

category five special education ADM also shall be as verified from 585  
the previous year. 586

(6) "Category six special education ADM" means a school 587  
district's formula ADM of children identified as autistic, having 588  
traumatic brain injuries, or as both visually and hearing 589  
impaired, as these terms are defined pursuant to Chapter 3323. of 590  
the Revised Code. Beginning in fiscal year 2010, for any school 591  
district for which formula ADM means the number verified in the 592  
previous fiscal year, the category six special education ADM also 593  
shall be as verified from the previous year. 594

(E) "Class one effective operating tax rate" of a school 595  
district means the quotient obtained by dividing the district's 596  
class one taxes charged and payable for current expenses, 597  
excluding taxes levied under sections 5705.194 to 5705.197, 598  
5705.199, 5705.213, and 5705.219 of the Revised Code, by the 599  
district's class one taxable value. 600

(F) "Core teacher" means an education professional who 601  
provides instruction in English-language arts, mathematics, 602  
science, social studies, or foreign languages. 603

(G) "Counselor" means a person with a valid educator license 604  
issued pursuant to section 3319.22 of the Revised Code who 605  
provides pre-college and career counseling, general academic 606  
counseling, course planning, and other counseling services that 607  
are not related to a student's individualized education plan, as 608  
defined in section 3323.01 of the Revised Code. 609

(H)(1) "Formula ADM" means, for a city, local, or exempted 610  
village school district, the average daily membership described in 611  
division (A) of section 3317.03 of the Revised Code, as verified 612  
by the superintendent of public instruction and adjusted if so 613  
ordered under division (K) of that section, further adjusted by 614  
the department of education, as follows: 615

(a) Count only twenty per cent of the number of joint 616  
vocational school district students counted under division (A)(3) 617  
of section 3317.03 of the Revised Code; 618

(b) Add twenty per cent of the number of students who are 619  
entitled to attend school in the district under section 3313.64 or 620  
3313.65 of the Revised Code and are enrolled in another school 621  
district under a career-technical educational compact. 622

(2) In making calculations under this chapter that utilize 623  
formula ADM, the department shall use the formula ADM derived from 624  
the final, verified, and adjusted average daily membership 625  
described under division (A) of section 3317.03 of the Revised 626  
Code for the prior fiscal year, unless such average daily 627  
membership for the current fiscal year exceeds that number by two 628  
per cent or more. In that case, the department shall derive the 629  
formula ADM from such average daily membership for the current 630  
fiscal year. 631

(3) For fiscal year 2010, the department shall calculate 632  
formula ADM on the basis of the final, verified, and adjusted 633  
average daily membership, described in division (A) of the version 634  
of section 3317.03 of the Revised Code in effect on and after ~~the~~ 635  
~~effective date of this amendment~~ July 17, 2009, for October 2008 636  
unless such average daily membership for October 2009 exceeds that 637  
number by two per cent or more. In that case, the department shall 638  
derive the formula ADM from such average daily membership for 639  
October 2009. 640

(I) "Gifted coordinator" means a person who holds a valid 641  
educator license issued under section 3319.22 of the Revised Code, 642  
meets the qualifications for a gifted coordinator specified in the 643  
operating standards for identifying and serving gifted students 644  
prescribed in rules adopted by the state board of education, and 645  
provides coordination services for gifted students in accordance 646  
with those standards. 647

(J) "Gifted intervention specialist" means a person who holds  
a valid gifted intervention specialist license or endorsement  
issued under section 3319.22 of the Revised Code and serves gifted  
students in accordance with the operating standards for  
identifying and serving gifted students prescribed in rules  
adopted by the state board of education.

(K) "Internet- or computer-based community school" has the  
same meaning as in section 3314.02 of the Revised Code.

(L) "Lead teacher" means a teacher who provides mentoring and  
coaching for new teachers. A lead teacher also assists in  
coordinating professional development activities, in the  
development of professional learning communities, and in common  
planning time, and assists teachers in developing project-based,  
real-world learning activities for their students. The lead  
teacher position shall be a rotating position in which an  
individual shall serve no more than three years. After lead  
teacher licenses become available under section 3319.22 of the  
Revised Code, only teachers who hold that license shall be  
appointed as lead teachers. Until that time, each school district  
shall designate qualifications for the lead teacher position that  
are comparable to the licensing requirements, and shall give  
preference for appointment to the position to teachers who are  
certified by the national board for professional teaching  
standards or who meet the qualifications for a "master teacher"  
established by the educator standards board.

(M) "Limited English proficiency teacher" means a person who  
provides instruction in English as a second language.

(N) "Medically fragile child" means a child to whom all of  
the following apply:

(1) The child requires the services of a doctor of medicine  
or osteopathic medicine at least once a week due to the

instability of the child's medical condition. 679

(2) The child requires the services of a registered nurse on 680  
a daily basis. 681

(3) The child is at risk of institutionalization in a 682  
hospital, skilled nursing facility, or intermediate care facility 683  
for the mentally retarded. 684

(O) "Ohio educational challenge factor" means an index to 685  
adjust the funding amount for each school district to account for 686  
student and community socioeconomic factors affecting teacher 687  
recruitment and retention, professional development, and other 688  
factors related to quality instruction. The Ohioeducational 689  
challenge factor for each school district includes the district's 690  
college attainment rate of population, wealth per pupil, and 691  
concentration of poverty, and is listed in section 3306.051 of the 692  
Revised Code. 693

(P) "Organizational unit" means, for the purpose of 694  
calculating a school district's adequacy amount under this 695  
chapter, a unit used to index a school district's formula ADM in 696  
certain grade levels. Calculating the number of organizational 697  
units in a school district functions to allocate the state's 698  
resources in a manner that achieves a thorough, efficient, and 699  
adequate educational system that provides the appropriate services 700  
to students enrolled in that district. In recognition of the fact 701  
that students have different educational needs at each 702  
developmental stage, organizational units group the grade levels 703  
into elementary school units, middle school units, and high school 704  
units. Except as provided in division (C) of section 3306.04 of 705  
the Revised Code, a school district's "organizational units" is 706  
the sum of its elementary school units, middle school units, and 707  
high school units. 708

(Q) A child may be identified as having an "other health 709

impairment-major" if the child's condition meets the definition of 710  
"other health impaired" established in rules adopted by the state 711  
board of education prior to July 1, 2001, and if either of the 712  
following ~~apply~~ applies: 713

(1) The child is identified as having a medical condition 714  
that is among those listed by the superintendent of public 715  
instruction as conditions where a substantial majority of cases 716  
fall within the definition of "medically fragile child." 717

(2) The child is determined by the superintendent of public 718  
instruction to be a medically fragile child. A school district may 719  
petition the superintendent of public instruction for a 720  
determination that a child is a medically fragile child. 721

(R) A child may be identified as having an "other health 722  
impairment-minor" if the child's condition meets the definition of 723  
"other health impaired" established in rules adopted by the state 724  
board of education prior to July 1, 2001, but the child's 725  
condition does not meet either of the conditions specified in 726  
division (Q)(1) or (2) of this section. 727

(S) "Potential value" of a school district means: 728

(1) For a district with a class one effective operating rate 729  
that is less than twenty and one-tenth effective mills, the sum of 730  
its total taxable value plus its tax exempt value; 731

(2) For a district with a class one effective operating rate 732  
that is greater than or equal to twenty and one-tenth effective 733  
mills, the sum of its recognized valuation plus its tax exempt 734  
value. 735

(T) "Principal" means a person who provides management 736  
oversight of building operations, academic leadership for the 737  
teaching professionals, and other administrative duties. 738

(U) "Property exemption value" means the amount certified for 739



a school district under divisions (A)(6) and (7) of section 740  
3317.021 of the Revised Code. 741

(V) "Recognized valuation" means the amount calculated for a 742  
school district pursuant to section 3317.015 of the Revised Code. 743

(W) "School nurse wellness coordinator" means a person who 744  
has fulfilled the requirements for the issuance of a school nurse 745  
wellness coordinator license under section 3319.221 of the Revised 746  
Code. 747

(X) "Small school district" means a city, local, or exempted 748  
village school district that has a formula ADM of less than four 749  
hundred eighteen students in grades kindergarten through twelve. 750

(Y) "Special education" has the same meaning as in section 751  
3323.01 of the Revised Code. 752

(Z) "Special education teacher" means a teacher who holds the 753  
necessary license issued pursuant to section 3319.22 of the 754  
Revised Code to meet the unique needs of children with 755  
disabilities. 756

(AA) "Special education teacher's aide" means a person 757  
providing support for special education teachers and other 758  
associated duties. 759

(BB) "Specialist teacher" means a person holding a valid 760  
educator's license, issued pursuant to section 3319.22 of the 761  
Revised Code, who provides instruction in dance, drama and 762  
theater, music, visual art, or physical education. 763

(CC) "State share percentage" means the quotient of a school 764  
district's state share of the adequacy amount determined under 765  
section 3306.13 of the Revised Code divided by the total adequacy 766  
amount for the district as described in section 3306.03 of the 767  
Revised Code. If the quotient is a negative number, the district's 768  
state share percentage is zero. 769

(DD) "Family and community liaisons" means individuals who 770  
provide assistance to students and their families, ~~individuals who~~ 771  
~~are linkage coordinators as described in section 3306.31 of the~~ 772  
~~Revised Code~~, and may include individuals who hold valid licenses 773  
as family liaisons, social workers, and student advocates. 774

(EE) "Supplemental teacher" means a person holding a valid 775  
educator license issued pursuant to section 3319.22 of the Revised 776  
Code, or qualified to secure such a license and approved by the 777  
school district to provide remedial services, intensive 778  
subject-based instruction, homework help, or other forms of 779  
supplemental instruction. 780

(FF) "Targeted poverty indicator" means the percentage of a 781  
school district's students who are economically disadvantaged, as 782  
determined for purposes of the report card issued under section 783  
3302.03 of the Revised Code. 784

(GG) "Tax exempt value" of a school district means the amount 785  
certified for a school district under division (A)(4) of section 786  
3317.021 of the Revised Code. 787

(HH) "Total taxable value" means the sum of the amounts 788  
certified for a school district under divisions (A)(1) and (2) of 789  
section 3317.021 of the Revised Code. 790

**Sec. 3306.05.** (A) The instructional services support 791  
component of the adequacy amount for each city, local, and 792  
exempted village school district is the sum of the following: 793

- (1) The core teacher factor; 794
- (2) The specialist teacher factor; 795
- (3) The lead teacher factor; 796
- (4) The special education teacher factor; 797
- (5) The special education teacher's aide factor; 798

(6) The limited English proficiency teacher factor;	799
(7) The supplemental teacher factor.	800
(B) Each factor listed in division (A) of this section shall	801
be calculated by multiplying the Ohio educational challenge	802
factor, specified for the district in section 3306.051 of the	803
Revised Code, times the statewide base teacher salary of \$56,902	804
in fiscal year 2010 and \$57,812 in fiscal year 2011, times the	805
number of positions funded, as follows:	806
(1) The number of core teacher positions funded shall be	807
calculated by dividing the district's formula ADM in grades four	808
to twelve by twenty-five, and then adding that number to the	809
quotient of the district's formula ADM in grades kindergarten to	810
three divided by the following:	811
(a) In fiscal years 2010 and 2011, nineteen;	812
(b) In fiscal years 2012 and 2013, seventeen;	813
(c) In fiscal year 2014 and in each fiscal year thereafter,	814
fifteen.	815
(2) The number of specialist teacher positions funded shall	816
be calculated by multiplying the number of core teacher positions	817
determined under division (B)(1) of this section for grades	818
kindergarten to eight by one-fifth, and by multiplying the number	819
of core teacher positions determined for grades nine to twelve by	820
one-fourth.	821
(3) The number of lead teacher positions funded shall equal	822
the number of the district's organizational units.	823
(4) The number of special education teacher positions and	824
special education teacher's aide positions funded shall be	825
calculated as provided in section 3306.11 of the Revised Code.	826
(5) The number of limited English proficiency teacher	827
positions funded shall be calculated by multiplying the district's	828

formula ADM times the district's percentage of limited English 829  
proficient students, as defined in 20 U.S.C. 7801, and then 830  
dividing that product by one hundred; 831

(6) The number of supplemental teacher positions funded shall 832  
be calculated by multiplying the district's formula ADM times its 833  
targeted poverty indicator, and then dividing that product by one 834  
hundred. 835

~~(C) Each school district shall account separately for 836~~  
~~expenditures of the amounts received for instructional services 837~~  
~~support under this section and report that information to the 838~~  
~~department of education. 839~~

**Sec. 3306.06.** (A) The additional services support component 840  
of the adequacy amount for each city, local, and exempted village 841  
school district is the sum of the following: 842

- (1) The family and community liaison factor; 843
- (2) The counselor factor; 844
- (3) The summer remediation factor; 845
- (4) The school nurse wellness coordinator factor; 846
- (5) The district health professional factor. 847

(B)(1) The family and community liaison factor shall be 848  
calculated by multiplying the school district's formula ADM times 849  
its targeted poverty indicator and dividing the product by 850  
seventy-five, and then multiplying the quotient by the product of 851  
the applicable Ohio educational challenge factor times \$38,633, in 852  
fiscal year 2010, and times \$39,381, in fiscal year 2011. 853

(2) The counselor factor shall be calculated by dividing the 854  
district's formula ADM for grades six to twelve by two hundred 855  
fifty, and then multiplying the quotient by a dollar amount for 856  
each fiscal year established by law. No counselor factor shall be 857

calculated and paid for fiscal years 2010 and 2011. 858

(3) The summer remediation program factor shall be calculated 859  
by multiplying the district's formula ADM times its targeted 860  
poverty indicator times fifty per cent, which represents the 861  
anticipated participation rate, dividing that product by thirty, 862  
which is the assumed student-to-teacher ratio for summer 863  
remediation, and multiplying that quotient by the product of 864  
\$3,000 times the applicable Ohio educational challenge factor. 865

(4) The school nurse wellness coordinator factor shall be 866  
calculated by multiplying the number of the district's 867  
organizational units times a dollar amount for each fiscal year 868  
established by law, except that in a small school district, the 869  
school nurse wellness coordinator factor shall be zero. No school 870  
nurse wellness coordinator factor shall be calculated and paid for 871  
fiscal years 2010 and 2011. 872

(5) The district health professional factor for each district 873  
equals a dollar amount specified by law for each fiscal year. No 874  
district health professional factor shall be calculated and paid 875  
for fiscal years 2010 and 2011. 876

~~(C) In adopting expenditure and reporting standards under 877  
section 3306.25 of the Revised Code, the superintendent of public 878  
instruction shall include standards that encourage school 879  
districts to give preference to employing or obtaining the 880  
services of licensed school nurses with funds received for the 881  
school nurse wellness coordinator factor and the district health 882  
professional factor. 883~~

~~(D) Each school district shall account separately for 884  
expenditures of the amounts received for additional services 885  
support under this section and report that information to the 886  
department of education. 887~~

**Sec. 3306.07.** (A) The administrative services support 888  
component of the adequacy amount for each city, local, and 889  
exempted village school district is the sum of the following: 890

(1) The district administration factor; 891

(2) The principal factor; 892

(3) The administrative support personnel factor; 893

(B)(1) The district administration factor equals \$187,176 in 894  
fiscal year 2010 and \$190,801 in fiscal year 2011. 895

(2) The principal factor shall be calculated by multiplying 896  
the number of the district's organizational units times \$89,563 in 897  
fiscal year 2010 and \$91,297 in fiscal year 2011. However, each 898  
type 1 or type 2 school district shall receive for a principal 899  
factor an amount not less than the applicable dollar amount 900  
specified in this paragraph times the number of school buildings 901  
in the district for which the department of education issued a 902  
report card under section 3302.03 of the Revised Code for the 903  
prior school year. As used in this division, "type 1 school 904  
district" means a school district characterized as a type 1 905  
(rural/agricultural, high poverty, low median income) district, 906  
and "type 2 school district" means a school district characterized 907  
as a type 2 (rural/agricultural, small student population, low 908  
poverty, low to moderate median income), in the typology of 909  
districts published by the department in July 2007. 910

(3) The administrative support personnel factor is funding 911  
determined for building managers, secretaries, and 912  
noninstructional aides. 913

(a) The funding for building managers shall be calculated by 914  
multiplying \$33,624 in fiscal year 2010 and \$34,275 in fiscal year 915  
2011 times the number of the district's organizational units. 916

(b) The funding for secretaries shall be calculated by 917

multiplying \$33,624 in fiscal year 2010 and \$34,275 in fiscal year 918  
2011 times the number of the district's organizational units, 919  
where two additional secretaries shall be funded for each high 920  
school organizational unit. 921

(c) The funding for noninstructional aides shall be a dollar 922  
amount set by law for each fiscal year times the number of the 923  
district's organizational units, where the organizational units 924  
are multiplied by two in the case of elementary school and middle 925  
school organizational units and by three in case of high school 926  
organizational units. 927

However, each small school district shall receive funding for 928  
one building manager, one secretary, and one noninstructional 929  
aide. Every other city, local, and exempted village school 930  
district shall receive funding for at least one building manager, 931  
one secretary, and one noninstructional aide. 932

No funding shall be calculated and paid for noninstructional 933  
aides for fiscal years 2010 and 2011. 934

~~(C) Each school district shall account separately for the 935  
amounts received for administrative services support under this 936  
section and report that information to the department of 937  
education. 938~~

**Sec. 3306.08.** (A) The operations and maintenance support 939  
component of the adequacy amount for each city, local, and 940  
exempted village school district shall be calculated by 941  
multiplying the district's formula ADM times \$884. 942

(B) The operations and maintenance support for each city, 943  
local, and exempted village school district shall be adjusted by 944  
multiplying the calculated amount by 0.45 in fiscal years 2010 and 945  
2011, and by 0.75 in fiscal years 2012 and 2013. 946

~~(C) Each school district shall account separately for 947~~

~~expenditures of the amounts received for operations and 948~~  
~~maintenance support under this section and report that information 949~~  
~~to the department of education. 950~~

**Sec. 3306.09.** (A) The gifted education support component of 951  
the adequacy amount for each city, local, and exempted village 952  
school district is the sum of the following: 953

- (1) The gifted identification factor; 954
- (2) The gifted coordinator factor; 955
- (3) The gifted intervention specialist factor; 956
- (4) The gifted intervention specialist professional 957  
development factor. 958

(B)(1) The gifted identification factor shall be calculated 959  
by multiplying the district's formula ADM times \$5. 960

(2) The gifted coordinator factor shall be calculated by 961  
multiplying \$66,375 in fiscal year 2010 and \$67,660 in fiscal year 962  
2011 times the quotient of the district's formula ADM divided by 963  
two thousand five hundred. 964

(3) The gifted intervention specialist factor shall be 965  
calculated by multiplying the number of the district's 966  
organizational units times the Ohio educational challenge factor 967  
specified for the district in section 3306.051 of the Revised Code 968  
times the statewide base teacher salary specified in section 969  
3306.05 of the Revised Code. 970

(4) The gifted intervention specialist professional 971  
development factor shall be calculated by multiplying the number 972  
of the district's organizational units times the 973  
per-teaching-position dollar amount specified for the professional 974  
development factor in division (A)(7) of section 3306.03 of the 975  
Revised Code. 976



(C) The gifted intervention specialist factor and the gifted 977  
intervention specialist professional development factor for each 978  
city, local, and exempted village school district, shall be 979  
adjusted by multiplying the calculated amount by 0.20 in fiscal 980  
year 2010, by 0.30 in fiscal year 2011, by 0.40 in fiscal years 981  
2012 and 2013, by 0.60 in fiscal years 2014 and 2015, and by 0.80 982  
in fiscal years 2016 and 2017. 983

(D) A school district that does not submit an annual report 984  
under section 3324.05 of the Revised Code, or that reports zero 985  
students identified as gifted, shall receive zero funding for the 986  
gifted coordinator factor, the gifted intervention specialist 987  
factor, and the gifted intervention specialist professional 988  
development factor. 989

(E) Each school district shall expend the funds calculated 990  
under the gifted education support component in accordance with 991  
rules adopted ~~under section 3306.25 of the Revised Code by the~~ 992  
state board of education. Those rules shall require that such 993  
funds be spent only for the employment of staff to serve students 994  
identified as gifted, in accordance with Chapter 3324. of the 995  
Revised Code, or for other services to such students. The rules 996  
shall be aligned with the operating standards for identifying and 997  
serving gifted students prescribed in rules adopted by the state 998  
~~board of education. Notwithstanding anything to the contrary in~~ 999  
~~section 3306.25 of the Revised Code, the~~ The rules regarding the 1000  
expenditure and reporting of funds for the gifted education 1001  
support component adopted under ~~that~~ this section shall take 1002  
effect July 1, 2011. 1003

Subject to approval by the department of education, a school 1004  
district may use up to fifteen per cent of the portion of the 1005  
gifted intervention specialist factor attributable to the grade 1006  
six through twelve formula ADM to support access to services 1007  
provided by the district that are not services described in 1008

Chapter 3324. of the Revised Code but are specified in gifted 1009  
students' written education plans prepared in accordance with the 1010  
state board's operating standards for identifying and serving 1011  
gifted students. 1012

(F) Each school district shall account separately for 1013  
expenditures of the amounts received for gifted identification, 1014  
gifted coordinators, gifted intervention specialists, and gifted 1015  
intervention specialist professional development under this 1016  
section and report that information to the department of 1017  
education. 1018

(G)(1) Each city, local, and exempted village school district 1019  
that received for fiscal year 2009 unit funding for gifted student 1020  
services under division (L) of section 3317.024 and division (E) 1021  
of section 3317.05 of the Revised Code, as those sections existed 1022  
for that fiscal year, shall spend in each fiscal year thereafter 1023  
for services to identified gifted students from the funds received 1024  
under this chapter an amount not less than the aggregate amount 1025  
received for such gifted unit funding for fiscal year 2009. 1026

(2) Each city, local, and exempted village school district 1027  
that, in fiscal year 2009, received gifted student services from 1028  
an educational service center, which service center received for 1029  
fiscal year 2009 unit funding for gifted student services, shall 1030  
in each fiscal year thereafter do either of the following: 1031

(a) Obtain gifted student services from an educational 1032  
service center that are comparable to the gifted student services 1033  
provided to the district with gifted unit funding in fiscal year 1034  
2009 by an educational service center; 1035

(b) Spend for services to identified gifted students from the 1036  
funds received under this chapter an amount not less than the 1037  
amount of gifted unit funding expended by an educational service 1038  
center in fiscal year 2009 for the district's students. 1039

(3) ~~No district to which division (G)(1) or (2) of this~~ 1040  
~~section applies shall apply for or receive a waiver under section~~ 1041  
~~3306.40 of the Revised Code from the spending requirements~~ 1042  
~~prescribed in those divisions or under division (E) of this~~ 1043  
~~section.~~ 1044

~~(4) Each educational service center that received for fiscal~~ 1045  
~~year 2009 unit funding for gifted student services shall spend~~ 1046  
~~from its state funds in each fiscal year thereafter for services~~ 1047  
~~to identified gifted students an amount not less than the~~ 1048  
~~aggregate amount received for gifted unit funding for fiscal year~~ 1049  
~~2009. No educational service center to which division (G)(4) of~~ 1050  
~~this section shall receive any waiver of this requirement.~~ 1051

(H) A city, local, or exempted village school district that 1052  
did not receive for fiscal year 2009 unit funding for gifted 1053  
student services under division (L) of section 3317.024 and 1054  
division (E) of section 3317.05 of the Revised Code, as those 1055  
sections existed for that fiscal year, may apply to the 1056  
superintendent of public instruction for a waiver ~~under section~~ 1057  
~~3306.40 of the Revised Code~~ from any expenditure requirements 1058  
prescribed under division (E) of this section. ~~Notwithstanding~~ 1059  
~~anything to the contrary in section 3306.40 of the Revised Code,~~ 1060  
~~the~~ The first waiver granted to a district pursuant to this 1061  
division shall not be effective for longer than two years, ~~and~~ 1062  
~~any. A district may receive one~~ subsequent renewal of that waiver, 1063  
which shall not be effective for longer than one year. 1064

**Sec. 3306.091.** (A) The enrichment support component of the 1065  
adequacy amount for each city, local, and exempted village school 1066  
district shall be calculated by multiplying the district's formula 1067  
ADM times \$100 times the Ohio educational challenge factor. 1068

(B) The enrichment support for each city, local, and exempted 1069  
village school district shall be adjusted by multiplying the 1070

calculated amount by 0.20 in fiscal year 2010, by 0.30 in fiscal 1071  
year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in 1072  
fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 1073  
2017. 1074

~~(C) The enrichment support component shall be used for 1075~~  
~~purposes other than services for students identified as gifted 1076~~  
~~delivered in accordance with Chapter 3324. of the Revised Code. A 1077~~  
district may spend the enrichment support component to pay for 1078  
enrichment activities that may encourage the intellectual and 1079  
creative pursuits of all students, including the fine arts. 1080

~~(D) Each school district shall account separately for 1081~~  
~~expenditures of the amounts received for enrichment support under 1082~~  
~~this section and report that information to the department of 1083~~  
~~education. 1084~~

**Sec. 3306.10.** (A) The technology resources support component 1085  
of the adequacy amount for each city, local, and exempted village 1086  
school district is the sum of the following: 1087

(1) The licensed librarian and media specialist factor; 1088

(2) The technical equipment factor. 1089

(B)(1) The licensed librarian and media specialist factor 1090  
shall be calculated by multiplying the number of the district's 1091  
organizational units times \$60,000. 1092

(2) The technical equipment factor shall be calculated by 1093  
multiplying the district's formula ADM times \$250. 1094

(C) The licensed librarian and media specialist factor and 1095  
the technical equipment factor for each city, local, and exempted 1096  
village school district shall be adjusted by multiplying the 1097  
calculated amounts by 0.20 in fiscal year 2010, by 0.30 in fiscal 1098  
year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in 1099  
fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 1100

2017. 1101

~~(D) Each school district shall account separately for the 1102~~  
~~amounts received for technology resources support under this 1103~~  
~~section and report that information to the department of 1104~~  
~~education. 1105~~

**Sec. 3313.489.** (A) The superintendent of public instruction 1106  
shall examine each ~~five-year~~ three-year projection of revenues and 1107  
expenditures submitted under section 5705.391 of the Revised Code 1108  
and shall determine whether the information contained therein, 1109  
together with any other relevant information, indicates that the 1110  
district may be financially unable to operate its instructional 1111  
program on all days set forth in its adopted school calendars and 1112  
pay all obligated expenses during the current fiscal year. If a 1113  
board of education has not adopted a school calendar for the 1114  
school year beginning on the first day of July of the current 1115  
fiscal year at the time an examination is required under this 1116  
division, the superintendent shall examine the ~~five-year~~ 1117  
three-year projection and determine whether the district may be 1118  
financially unable to pay all obligated expenses and operate its 1119  
instructional program for the number of days on which instruction 1120  
was held in the preceding fiscal year. 1121

(B) If the superintendent of public instruction determines 1122  
pursuant to division (A) of this section that a school district 1123  
may be financially unable to operate its instructional program on 1124  
all days required by such division and pay all obligated expenses 1125  
during the current fiscal year, the superintendent shall provide 1126  
written notification of such determination to the president of the 1127  
district's board of education and the auditor of state. 1128

(C) This section does not apply to a school district declared 1129  
to be under a fiscal emergency pursuant to division (B) of section 1130  
3316.03 of the Revised Code. 1131

**Sec. 3316.031.** (A) The state superintendent of public 1132  
instruction, in consultation with the auditor of state, shall 1133  
develop guidelines for identifying fiscal practices and budgetary 1134  
conditions that, if uncorrected, could result in a future 1135  
declaration of a fiscal watch or fiscal emergency within a school 1136  
district. 1137

The guidelines shall not include a requirement that a school 1138  
district submit financial statements according to generally 1139  
accepted accounting principles. 1140

(B)(1) If the state superintendent determines from a school 1141  
district's ~~five-year~~ three-year forecast submitted under section 1142  
5705.391 of the Revised Code that a district is engaging in any of 1143  
those practices or that any of those conditions exist within the 1144  
district, after consulting with the district board of education 1145  
concerning the practices or conditions, the state superintendent 1146  
may declare the district to be under a fiscal caution. 1147

(2) If the auditor of state finds that a district is engaging 1148  
in any of those practices or that any of those conditions exist 1149  
within the district, the auditor of state shall report that 1150  
finding to the state superintendent and, after consulting with the 1151  
district board of education concerning the practices or 1152  
conditions, the state superintendent may declare the district to 1153  
be under a fiscal caution. 1154

(3) Unless the auditor of state has elected to declare a 1155  
state of fiscal watch under division (A)(4) of section 3316.03 of 1156  
the Revised Code, the state superintendent shall declare a school 1157  
district to be under a fiscal caution if the conditions described 1158  
in divisions (A)(4)(a) and (b) of that section are both satisfied 1159  
with respect to the school district. 1160

(C) When the state superintendent declares a district to be 1161  
under fiscal caution, the state superintendent shall promptly 1162

notify the district board of education of that declaration and 1163  
shall request the board to provide written proposals for 1164  
discontinuing or correcting the fiscal practices or budgetary 1165  
conditions that prompted the declaration and for preventing the 1166  
district from experiencing further fiscal difficulties that could 1167  
result in the district being declared to be in a state of fiscal 1168  
watch or fiscal emergency. 1169

(D) The state superintendent, or a designee, may visit and 1170  
inspect any district that is declared to be under a fiscal 1171  
caution. The department of education shall provide technical 1172  
assistance to the district board in implementing proposals to 1173  
eliminate the practices or budgetary conditions that prompted the 1174  
declaration of fiscal caution and may make recommendations 1175  
concerning the board's proposals. 1176

(E) If the state superintendent finds that a school district 1177  
declared to be under a fiscal caution has not made reasonable 1178  
proposals or otherwise taken action to discontinue or correct the 1179  
fiscal practices or budgetary conditions that prompted the 1180  
declaration of fiscal caution, and if the state superintendent 1181  
considers it necessary to prevent further fiscal decline, the 1182  
state superintendent may determine that the district should be in 1183  
a state of fiscal watch. As provided in division (A)(3) of section 1184  
3316.03 of the Revised Code, the auditor of state shall declare 1185  
the district to be in a state of fiscal watch if the auditor of 1186  
state finds the superintendent's determination to be reasonable. 1187

**Sec. 3316.043.** Upon the approval by the superintendent of 1188  
public instruction of an initial financial plan under section 1189  
3316.04 of the Revised Code or a financial recovery plan under 1190  
section 3316.06 of the Revised Code, the board of education of the 1191  
school district for which the plan was approved shall revise the 1192  
district's ~~five-year~~ three-year projection of revenues and 1193

expenditures in accordance with rules adopted under section 1194  
5705.391 of the Revised Code so that the ~~five-year~~ three-year 1195  
projection is consistent with the financial plan or financial 1196  
recovery plan. In the case of a school district declared to be in 1197  
a state of fiscal emergency, the ~~five-year~~ projection shall be 1198  
revised by the financial planning and supervision commission for 1199  
that district. 1200

**Sec. 3316.08.** During a school district's fiscal emergency 1201  
period, the auditor of state shall determine annually, or at any 1202  
other time upon request of the financial planning and supervision 1203  
commission, whether the school district will incur an operating 1204  
deficit. If the auditor of state determines that a school district 1205  
will incur an operating deficit, the auditor of state shall 1206  
certify that determination to the superintendent of public 1207  
instruction, the financial planning and supervision commission, 1208  
and the board of education of the school district. Upon receiving 1209  
the auditor of state's certification, the commission shall adopt a 1210  
resolution requesting that the board of education work with the 1211  
county auditor or tax commissioner to estimate the amount and rate 1212  
of a tax levy that is needed under section 5705.194, 5709.199, or 1213  
5705.21 or Chapter 5748. of the Revised Code to produce a positive 1214  
fund balance not later than the fifth ~~year of the five-year~~ 1215  
~~forecast submitted under section 5705.391 of the Revised Code~~ 1216  
succeeding school year after the current school year. 1217

The board of education shall recommend to the commission 1218  
whether the board supports or opposes a tax levy under section 1219  
5705.194, 5709.199, or 5705.21 or Chapter 5748. of the Revised 1220  
Code and shall provide supporting documentation to the commission 1221  
of its recommendation. 1222

After considering the board of education's recommendation and 1223  
supporting documentation, the commission shall adopt a resolution 1224



to either submit a ballot question proposing a tax levy or not to 1225  
submit such a question. 1226

Except as otherwise provided in this division, the tax shall 1227  
be levied in the manner prescribed for a tax levied under section 1228  
5705.194, 5709.199, or 5705.21 or under Chapter 5748. of the 1229  
Revised Code. If the commission decides that a tax should be 1230  
levied, the tax shall be levied for the purpose of paying current 1231  
operating expenses of the school district. The rate of a tax 1232  
levied under section 5705.194, 5709.199, or 5705.21 of the Revised 1233  
Code shall be determined by the county auditor, and the rate of a 1234  
tax levied under section 5748.02 or 5748.08 of the Revised Code 1235  
shall be determined by the tax commissioner, upon the request of 1236  
the commission. The commission, in consultation with the board of 1237  
education, shall determine the election at which the question of 1238  
the tax shall appear on the ballot, and the commission shall 1239  
submit a copy of its resolution to the board of elections not 1240  
later than ninety days prior to the day of that election. The 1241  
board of elections conducting the election shall certify the 1242  
results of the election to the board of education and to the 1243  
financial planning and supervision commission. 1244

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 1245  
"guardian," or "other person having charge or care of a child" 1246  
means either parent unless the parents are separated or divorced 1247  
or their marriage has been dissolved or annulled, in which case 1248  
"parent" means the parent who is the residential parent and legal 1249  
custodian of the child. If the child is in the legal or permanent 1250  
custody of a person or government agency, "parent" means that 1251  
person or government agency. When a child is a resident of a home, 1252  
as defined in section 3313.64 of the Revised Code, and the child's 1253  
parent is not a resident of this state, "parent," "guardian," or 1254  
"other person having charge or care of a child" means the head of 1255  
the home. 1256

A child between six and eighteen years of age is "of  
compulsory school age" for the purpose of sections 3321.01 to  
3321.13 of the Revised Code. A child under six years of age who  
has been enrolled in kindergarten also shall be considered "of  
compulsory school age" for the purpose of sections 3321.01 to  
3321.13 of the Revised Code unless at any time the child's parent  
or guardian, at the parent's or guardian's discretion and in  
consultation with the child's teacher and principal, formally  
withdraws the child from kindergarten. The compulsory school age  
of a child shall not commence until the beginning of the term of  
such schools, or other time in the school year fixed by the rules  
of the board of the district in which the child resides.

(2) No child shall be admitted to a kindergarten or a first  
grade of a public school in a district in which all children are  
admitted to kindergarten and the first grade in August or  
September unless the child is five or six years of age,  
respectively, by the thirtieth day of September of the year of  
admittance, or by the first day of a term or semester other than  
one beginning in August or September in school districts granting  
admittance at the beginning of such term or semester, except that  
in those school districts using or obtaining educationally  
accepted standardized testing programs for determining entrance,  
as approved by the board of education of such districts, the board  
shall admit a child to kindergarten or the first grade who fails  
to meet the age requirement, provided the child meets necessary  
standards as determined by such standardized testing programs. If  
the board of education has not established a standardized testing  
program, the board shall designate the necessary standards and a  
testing program it will accept for the purpose of admitting a  
child to kindergarten or first grade who fails to meet the age  
requirement. Each child who will be the proper age for entrance to  
kindergarten or first grade by the first day of January of the  
school year for which admission is requested shall be so tested

upon the request of the child's parent. 1290

(3) Notwithstanding divisions (A)(2) and (D) of this section, 1291  
beginning with the school year that starts in 2001 and continuing 1292  
thereafter the board of education of any district may adopt a 1293  
resolution establishing the first day of August in lieu of the 1294  
thirtieth day of September as the required date by which students 1295  
must have attained the age specified in those divisions. 1296

(B) As used in divisions (C) and (D) of this section, 1297  
"successfully completed kindergarten" and "successful completion 1298  
of kindergarten" mean that the child has completed the 1299  
kindergarten requirements at one of the following: 1300

(1) A public or chartered nonpublic school; 1301

(2) A kindergarten class that is both of the following: 1302

(a) Offered by a day-care provider licensed under Chapter 1303  
5104. of the Revised Code; 1304

(b) If offered after July 1, 1991, is directly taught by a 1305  
teacher who holds one of the following: 1306

(i) A valid educator license issued under section 3319.22 of 1307  
the Revised Code; 1308

(ii) A Montessori preprimary credential or age-appropriate 1309  
diploma granted by the American Montessori society or the 1310  
association Montessori internationale; 1311

(iii) Certification determined under division (G) of this 1312  
section to be equivalent to that described in division 1313  
(B)(2)(b)(ii) of this section; 1314

(iv) Certification for teachers in nontax-supported schools 1315  
pursuant to section 3301.071 of the Revised Code. 1316

(C) Except as provided in division (D) of this section, no 1317  
school district shall admit to the first grade any child who has 1318  
not successfully completed kindergarten. 1319

(D) Upon request of a parent, the requirement of division (C) 1320  
of this section may be waived by the district's pupil personnel 1321  
services committee in the case of a child who is at least six 1322  
years of age by the thirtieth day of September of the year of 1323  
admittance and who demonstrates to the satisfaction of the 1324  
committee the possession of the social, emotional, and cognitive 1325  
skills necessary for first grade. 1326

The board of education of each city, local, and exempted 1327  
village school district shall establish a pupil personnel services 1328  
committee. The committee shall be composed of all of the following 1329  
to the extent such personnel are either employed by the district 1330  
or employed by the governing board of the educational service 1331  
center within whose territory the district is located and the 1332  
educational service center generally furnishes the services of 1333  
such personnel to the district: 1334

- (1) The director of pupil personnel services; 1335
- (2) An elementary school counselor; 1336
- (3) An elementary school principal; 1337
- (4) A school psychologist; 1338
- (5) A teacher assigned to teach first grade; 1339
- (6) A gifted coordinator. 1340

The responsibilities of the pupil personnel services 1341  
committee shall be limited to the issuing of waivers allowing 1342  
admittance to the first grade without the successful completion of 1343  
kindergarten. The committee shall have no other authority except 1344  
as specified in this section. 1345

(E) The scheduling of times for kindergarten classes and 1346  
length of the school day for kindergarten shall be determined by 1347  
the board of education of a city, exempted village, or local 1348  
school district, ~~subject to section 3321.05 of the Revised Code.~~ 1349

(F) Any kindergarten class offered by a day-care provider or 1350  
school described by division (B)(1) or (B)(2)(a) of this section 1351  
shall be developmentally appropriate. 1352

(G) Upon written request of a day-care provider described by 1353  
division (B)(2)(a) of this section, the department of education 1354  
shall determine whether certification held by a teacher employed 1355  
by the provider meets the requirement of division (B)(2)(b)(iii) 1356  
of this section and, if so, shall furnish the provider a statement 1357  
to that effect. 1358

(H) As used in this division, "all-day kindergarten" has the 1359  
same meaning as in section 3321.05 of the Revised Code. 1360

(1) Any school district that did not receive for fiscal year 1361  
2009 poverty-based assistance for all-day kindergarten under 1362  
division (D) of section 3317.029 of the Revised Code may charge 1363  
fees or tuition for students enrolled in all-day kindergarten. If 1364  
a district charges fees or tuition for all-day kindergarten under 1365  
this division, the district shall develop a sliding fee scale 1366  
based on family incomes. 1367

(2) The department of education shall conduct an annual 1368  
survey of each school district described in division (H)(1) of 1369  
this section to determine the following: 1370

~~(1)~~(a) Whether the district charges fees or tuition for 1371  
students enrolled in all-day kindergarten; 1372

(b) The amount of the fees or tuition charged; 1373

(c) How many of the students for whom tuition is charged are 1374  
eligible for free lunches under the "National School Lunch Act," 1375  
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 1376  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 1377  
and how many of the students for whom tuition is charged are 1378  
eligible for reduced price lunches under those acts; 1379

~~(2)(d)~~ How many students are enrolled in traditional half-day 1380  
kindergarten ~~and how many students are enrolled in rather than~~ 1381  
all-day kindergarten, ~~as defined in section 3321.05 of the Revised~~ 1382  
~~Code.~~ 1383

Each district shall report to the department, in the manner 1384  
prescribed by the department, the information ~~required by this~~ 1385  
~~division described in divisions (H)(2)(a) to (d) of this section.~~ 1386

The department shall issue an annual report on the results of 1387  
the survey and shall post the report on its web site. The 1388  
department shall issue the first report not later than April 30, 1389  
2008, and shall issue a report not later than the thirtieth day of 1390  
April each year thereafter. 1391

**Sec. 3321.05.** (A) As used in this section, "all-day 1392  
kindergarten" means a kindergarten class that is in session five 1393  
days per week for not less than the same number of clock hours 1394  
each day as for students in grades one through six. 1395

(B) Any school district may operate all-day kindergarten or 1396  
extended kindergarten, but ~~beginning in fiscal year 2011, each~~ 1397  
~~city, local, and exempted village school district shall provide~~ 1398  
~~all day kindergarten to each student enrolled in kindergarten,~~ 1399  
~~except as specified in divisions (C) and (D) of this section.~~ 1400

~~(C) The board of education of a school district may apply to~~ 1401  
~~the superintendent of public instruction for a waiver of the~~ 1402  
~~requirement to provide all day kindergarten for all kindergarten~~ 1403  
~~students. In making the determination to grant or deny the waiver,~~ 1404  
~~the state superintendent may consider space concerns or~~ 1405  
~~alternative delivery approaches used by the school district.~~ 1406

~~(D) No~~ no district shall require any student to attend 1407  
kindergarten for more than ~~one-half of~~ the number of clock hours 1408  
required each day for ~~grades one through six~~ traditional 1409

kindergarten by the minimum standards adopted under division (D) 1410  
of section 3301.07 of the Revised Code. Each school district that 1411  
operates all-day or extended kindergarten shall accommodate 1412  
kindergarten students whose parents or guardians elect to enroll 1413  
them for ~~one-half of~~ the minimum number of hours ~~required each day~~ 1414  
~~for grades one through six.~~ 1415

~~(E)~~(C) A school district may use space in child day-care 1416  
centers licensed under Chapter 5104. of the Revised Code to 1417  
provide all-day kindergarten under this section. 1418

**Sec. 5705.391.** (A) ~~No later than July 1, 1998, the~~ The 1419  
department of education and the auditor of state shall jointly 1420  
adopt rules requiring boards of education to submit ~~five-year~~ 1421  
three-year projections of operational revenues and expenditures. 1422  
The rules shall provide for the auditor of state or the department 1423  
to examine the ~~five-year~~ three-year projections and to determine 1424  
whether any further fiscal analysis is needed to ascertain whether 1425  
a district has the potential to incur a deficit during the ~~first~~ 1426  
~~three years of the five-year~~ three-year period. 1427

The auditor of state or the department may conduct any 1428  
further audits or analyses necessary to assess any district's 1429  
fiscal condition. If further audits or analyses are conducted by 1430  
the auditor of state, the auditor of state shall notify the 1431  
department of the district's fiscal condition, and the department 1432  
shall immediately notify the district of any potential to incur a 1433  
deficit in the current fiscal year or of any strong indications 1434  
that a deficit will be incurred in either of the ensuing two 1435  
years. If such audits or analyses are conducted by the department, 1436  
the department shall immediately notify the district and the 1437  
auditor of state of such potential deficit or strong indications 1438  
thereof. 1439

A district notified under this section shall take immediate 1440

steps to eliminate any deficit in the current fiscal year and 1441  
shall begin to plan to avoid the projected future deficits. 1442

(B) The state board of education, in accordance with sections 1443  
3319.31 and 3319.311 of the Revised Code, may limit, suspend, or 1444  
revoke a license as defined under section 3319.31 of the Revised 1445  
Code that has been issued to any school employee found to have 1446  
willfully contributed erroneous, inaccurate, or incomplete data 1447  
required for the submission of the ~~five-year~~ three-year projection 1448  
required by this section. 1449

**Sec. 5705.412.** (A) As used in this section, "qualifying 1450  
contract" means any agreement for the expenditure of money under 1451  
which aggregate payments from the funds included in the school 1452  
district's ~~five-year~~ three-year forecast under section 5705.391 of 1453  
the Revised Code will exceed the lesser of the following amounts: 1454

(1) Five hundred thousand dollars; 1455

(2) One per cent of the total revenue to be credited in the 1456  
current fiscal year to the district's general fund, as specified 1457  
in the district's most recent certificate of estimated resources 1458  
certified under section 5705.36 of the Revised Code. 1459

(B) Notwithstanding section 5705.41 of the Revised Code, no 1460  
school district shall adopt any appropriation measure, make any 1461  
qualifying contract, or increase during any school year any wage 1462  
or salary schedule unless there is attached thereto a certificate, 1463  
signed as required by this section, that the school district has 1464  
in effect the authorization to levy taxes including the renewal or 1465  
replacement of existing levies which, when combined with the 1466  
estimated revenue from all other sources available to the district 1467  
at the time of certification, are sufficient to provide the 1468  
operating revenues necessary to enable the district to maintain 1469  
all personnel and programs for all the days set forth in its 1470  
adopted school calendars for the current fiscal year and for a 1471



number of days in succeeding fiscal years equal to the number of 1472  
days instruction was held or is scheduled for the current fiscal 1473  
year, as follows: 1474

(1) A certificate attached to an appropriation measure under 1475  
this section shall cover only the fiscal year in which the 1476  
appropriation measure is effective and shall not consider the 1477  
renewal or replacement of an existing levy as the authority to 1478  
levy taxes that are subject to appropriation in the current fiscal 1479  
year unless the renewal or replacement levy has been approved by 1480  
the electors and is subject to appropriation in the current fiscal 1481  
year. 1482

(2) A certificate attached, in accordance with this section, 1483  
to any qualifying contract shall cover the term of the contract. 1484

(3) A certificate attached under this section to a wage or 1485  
salary schedule shall cover the term of the schedule. 1486

If the board of education has not adopted a school calendar 1487  
for the school year beginning on the first day of the fiscal year 1488  
in which a certificate is required, the certificate attached to an 1489  
appropriation measure shall include the number of days on which 1490  
instruction was held in the preceding fiscal year and other 1491  
certificates required under this section shall include that number 1492  
of days for the fiscal year in which the certificate is required 1493  
and any succeeding fiscal years that the certificate must cover. 1494

The certificate shall be signed by the treasurer and 1495  
president of the board of education and the superintendent of the 1496  
school district, unless the district is in a state of fiscal 1497  
emergency declared under Chapter 3316. of the Revised Code. In 1498  
that case, the certificate shall be signed by a member of the 1499  
district's financial planning and supervision commission who is 1500  
designated by the commission for this purpose. 1501

(C) Every qualifying contract made or wage or salary schedule 1502

adopted or put into effect without such a certificate shall be 1503  
void, and no payment of any amount due thereon shall be made. 1504

(D) The department of education and the auditor of state 1505  
jointly shall adopt rules governing the methods by which 1506  
treasurers, presidents of boards of education, superintendents, 1507  
and members of financial planning and supervision commissions 1508  
shall estimate revenue and determine whether such revenue is 1509  
sufficient to provide necessary operating revenue for the purpose 1510  
of making certifications required by this section. 1511

(E) The auditor of state shall be responsible for determining 1512  
whether school districts are in compliance with this section. At 1513  
the time a school district is audited pursuant to section 117.11 1514  
of the Revised Code, the auditor of state shall review each 1515  
certificate issued under this section since the district's last 1516  
audit, and the appropriation measure, contract, or wage and salary 1517  
schedule to which such certificate was attached. If the auditor of 1518  
state determines that a school district has not complied with this 1519  
section with respect to any qualifying contract or wage or salary 1520  
schedule, the auditor of state shall notify the prosecuting 1521  
attorney for the county, the city director of law, or other chief 1522  
law officer of the school district. That officer may file a civil 1523  
action in any court of appropriate jurisdiction to seek a 1524  
declaration that the contract or wage or salary schedule is void, 1525  
to recover for the school district from the payee the amount of 1526  
payments already made under it, or both, except that the officer 1527  
shall not seek to recover payments made under any collective 1528  
bargaining agreement entered into under Chapter 4117. of the 1529  
Revised Code. If the officer does not file such an action within 1530  
one hundred twenty days after receiving notice of noncompliance 1531  
from the auditor of state, any taxpayer may institute the action 1532  
in the taxpayer's own name on behalf of the school district. 1533

(F) This section does not apply to any contract or increase 1534

in any wage or salary schedule that is necessary in order to 1535  
enable a board of education to comply with division (B) of section 1536  
3317.13 of the Revised Code, provided the contract or increase 1537  
does not exceed the amount required to be paid to be in compliance 1538  
with such division. 1539

(G) Any officer, employee, or other person who expends or 1540  
authorizes the expenditure of any public funds or authorizes or 1541  
executes any contract or schedule contrary to this section, 1542  
expends or authorizes the expenditure of any public funds on the 1543  
void contract or schedule, or issues a certificate under this 1544  
section which contains any false statements is liable to the 1545  
school district for the full amount paid from the district's funds 1546  
on the contract or schedule. The officer, employee, or other 1547  
person is jointly and severally liable in person and upon any 1548  
official bond that the officer, employee, or other person has 1549  
given to the school district to the extent of any payments on the 1550  
void claim, not to exceed ten thousand dollars. However, no 1551  
officer, employee, or other person shall be liable for a mistaken 1552  
estimate of available resources made in good faith and based upon 1553  
reasonable grounds. If an officer, employee, or other person is 1554  
found to have complied with rules jointly adopted by the 1555  
department of education and the auditor of state under this 1556  
section governing methods by which revenue shall be estimated and 1557  
determined sufficient to provide necessary operating revenue for 1558  
the purpose of making certifications required by this section, the 1559  
officer, employee, or other person shall not be liable under this 1560  
section if the estimates and determinations made according to 1561  
those rules do not, in fact, conform with actual revenue. The 1562  
prosecuting attorney of the county, the city director of law, or 1563  
other chief law officer of the district shall enforce this 1564  
liability by civil action brought in any court of appropriate 1565  
jurisdiction in the name of and on behalf of the school district. 1566  
If the prosecuting attorney, city director of law, or other chief 1567

law officer of the district fails, upon the written request of any taxpayer, to institute action for the enforcement of the liability, the attorney general, or the taxpayer in the taxpayer's own name, may institute the action on behalf of the subdivision.

(H) This section does not require the attachment of an additional certificate beyond that required by section 5705.41 of the Revised Code for current payrolls of, or contracts of employment with, any employees or officers of the school district.

This section does not require the attachment of a certificate to a temporary appropriation measure if all of the following apply:

(1) The amount appropriated does not exceed twenty-five per cent of the total amount from all sources available for expenditure from any fund during the preceding fiscal year;

(2) The measure will not be in effect on or after the thirtieth day following the earliest date on which the district may pass an annual appropriation measure;

(3) An amended official certificate of estimated resources for the current year, if required, has not been certified to the board of education under division (B) of section 5705.36 of the Revised Code.

**Section 2.** That existing sections 3301.07, 3301.16, 3302.05, 3302.07, 3306.01, 3306.02, 3306.05, 3306.06, 3306.07, 3306.08, 3306.09, 3306.091, 3306.10, 3313.489, 3316.031, 3316.043, 3316.08, 3321.01, 3321.05, 5705.391, and 5705.412 and sections 3306.18, 3306.25, 3306.29, 3306.291, 3306.292, 3306.30, 3306.31, 3306.33, 3306.34, 3306.35, 3306.40, 3313.821, 3313.822, and 3318.312 of the Revised Code are hereby repealed.

**Section 3.** That Section 265.70.70 of Am. Sub. H.B. 1 of the 128th General Assembly and Section 9 of Sub. H.B. 318 of the 128th

General Assembly are hereby repealed. 1598

**Section 4.** Sections 1, 2, and 3 of this act take effect July 1599  
1, 2011. 1600

**Section 5.** Section 3301.07 of the Revised Code is presented 1601  
in this act as a composite of the section as amended by both Am. 1602  
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. The 1603  
General Assembly, applying the principle stated in division (B) of 1604  
section 1.52 of the Revised Code that amendments are to be 1605  
harmonized if reasonably capable of simultaneous operation, finds 1606  
that the composite is the resulting version of the section in 1607  
effect prior to the effective date of the section as presented in 1608  
this act. 1609