

# As Passed by the House

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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, Anielski, Boose,  
Buchy, Coley, Dovilla, Duffey, Gonzales, Goodwin, Hall, Hayes, Martin,  
Mecklenborg, Newbold, Peterson, Rosenberger, Schuring, Slaby, Thompson,  
Uecker Speaker Batchelder**

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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, 3315.18,	3
3315.19, 3316.06, 3316.16, 3317.018, 3317.024,	4
3321.01, and 3321.05; to enact section 3301.96;	5
and to repeal sections 3306.18, 3306.25, 3306.29,	6
3306.291, 3306.292, 3306.30, 3306.31, 3306.33,	7
3306.34, 3306.35, 3306.40, 3313.821, 3313.822,	8
3315.17, 3315.171, and 3318.312 of the Revised	9
Code; and to repeal Section 265.70.70 of Am. Sub.	10
H.B. 1 of the 128th General Assembly and Section 9	11
of Sub. H.B. 318 of the 128th General Assembly to	12
eliminate spending and reporting requirements	13
related to the school funding system, to abolish	14
the School Funding Advisory Council, to eliminate	15
the prohibition on unit funding for gifted student	16
services effective after fiscal year 2011, to	17

eliminate the requirement that school districts 18  
offer all-day kindergarten, to eliminate the 19  
requirement that school districts annually set 20  
aside operating funds for textbooks and 21  
instructional materials, and to eliminate the 22  
requirement that school districts establish family 23  
and civic engagement teams except as required for 24  
implementation of federal "Race to the Top" 25  
grants. 26

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

**Section 1.** That sections 3301.07, 3301.16, 3302.05, 3302.07, 27  
3306.01, 3306.02, 3306.05, 3306.06, 3306.07, 3306.08, 3306.09, 28  
3306.091, 3306.10, 3315.18, 3315.19, 3316.06, 3316.16, 3317.018, 29  
3317.024, 3321.01, and 3321.05 be amended and section 3301.96 of 30  
the Revised Code be enacted to read as follows: 31

**Sec. 3301.07.** The state board of education shall exercise 32  
under the acts of the general assembly general supervision of the 33  
system of public education in the state. In addition to the powers 34  
otherwise imposed on the state board under the provisions of law, 35  
the board shall have the powers described in this section. 36

(A) The state board shall exercise policy forming, planning, 37  
and evaluative functions for the public schools of the state 38  
except as otherwise provided by law. 39

(B)(1) The state board shall exercise leadership in the 40  
improvement of public education in this state, and administer the 41  
educational policies of this state relating to public schools, and 42  
relating to instruction and instructional material, building and 43  
equipment, transportation of pupils, administrative 44  
responsibilities of school officials and personnel, and finance 45

and organization of school districts, educational service centers, 46  
and territory. Consultative and advisory services in such matters 47  
shall be provided by the board to school districts and educational 48  
service centers of this state. 49

(2) The state board also shall develop a standard of 50  
financial reporting which shall be used by each school district 51  
board of education and educational service center governing board 52  
to make its financial information and annual budgets for each 53  
school building under its control available to the public in a 54  
format understandable by the average citizen. The format shall 55  
show, among other things, at the district and educational service 56  
center level or at the school building level, as determined 57  
appropriate by the department of education, revenue by source; 58  
expenditures for salaries, wages, and benefits of employees, 59  
showing such amounts separately for classroom teachers, other 60  
employees required to hold licenses issued pursuant to sections 61  
3319.22 to 3319.31 of the Revised Code, and all other employees; 62  
expenditures other than for personnel, by category, including 63  
utilities, textbooks and other educational materials, equipment, 64  
permanent improvements, pupil transportation, extracurricular 65  
athletics, and other extracurricular activities; and per pupil 66  
expenditures. 67

(C) The state board shall administer and supervise the 68  
allocation and distribution of all state and federal funds for 69  
public school education under the provisions of law, and may 70  
prescribe such systems of accounting as are necessary and proper 71  
to this function. It may require county auditors and treasurers, 72  
boards of education, educational service center governing boards, 73  
treasurers of such boards, teachers, and other school officers and 74  
employees, or other public officers or employees, to file with it 75  
such reports as it may prescribe relating to such funds, or to the 76  
management and condition of such funds. 77

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 78  
XLVII, and LI of the Revised Code a reference is made to standards 79  
prescribed under this section or division (D) of this section, 80  
that reference shall be construed to refer to the standards 81  
prescribed under division (D)(2) of this section, unless the 82  
context specifically indicates a different meaning or intent. 83

(2) The state board shall formulate and prescribe minimum 84  
standards to be applied to all elementary and secondary schools in 85  
this state for the purpose of requiring a general education of 86  
high quality. Such standards shall provide adequately for: the 87  
licensing of teachers, administrators, and other professional 88  
personnel and their assignment according to training and 89  
qualifications; efficient and effective instructional materials 90  
and equipment, including library facilities; the proper 91  
organization, administration, and supervision of each school, 92  
including regulations for preparing all necessary records and 93  
reports and the preparation of a statement of policies and 94  
objectives for each school; buildings, grounds, health and 95  
sanitary facilities and services; admission of pupils, and such 96  
requirements for their promotion from grade to grade as will 97  
assure that they are capable and prepared for the level of study 98  
to which they are certified; requirements for graduation; and such 99  
other factors as the board finds necessary. 100

In the formulation and administration of such standards for 101  
nonpublic schools the board shall also consider the particular 102  
needs, methods and objectives of those schools, provided they do 103  
not conflict with the provision of a general education of a high 104  
quality and provided that regular procedures shall be followed for 105  
promotion from grade to grade of pupils who have met the 106  
educational requirements prescribed. 107

In the formulation and administration of such standards as 108  
they relate to instructional materials and equipment in public 109

schools, including library materials, the board shall require that 110  
the material and equipment be aligned with and promote skills 111  
expected under the statewide academic standards adopted under 112  
section 3301.079 of the Revised Code. 113

(3) In addition to the minimum standards required by division 114  
(D)(2) of this section, the state board shall formulate and 115  
prescribe the following additional minimum operating standards for 116  
school districts: 117

(a) Standards for the effective and efficient organization, 118  
administration, and supervision of each school district so that it 119  
becomes a thinking and learning organization according to 120  
principles of systems design and collaborative professional 121  
learning communities research as defined by the superintendent of 122  
public instruction, including a focus on the personalized and 123  
individualized needs of each student; a shared responsibility 124  
among school boards, administrators, faculty, and staff to develop 125  
a common vision, mission, and set of guiding principles; a shared 126  
responsibility among school boards, administrators, faculty, and 127  
staff to engage in a process of collective inquiry, action 128  
orientation, and experimentation to ensure the academic success of 129  
all students; commitment to teaching and learning strategies that 130  
utilize technological tools and emphasize inter-disciplinary, 131  
real-world, project-based, and technology-oriented learning 132  
experiences to meet the individual needs of every student; 133  
commitment to high expectations for every student and commitment 134  
to closing the achievement gap so that all students achieve core 135  
knowledge and skills in accordance with the statewide academic 136  
standards adopted under section 3301.079 of the Revised Code; 137  
commitment to the use of assessments to diagnose the needs of each 138  
student; effective connections and relationships with families and 139  
others that support student success; and commitment to the use of 140  
positive behavior intervention supports throughout a district to 141

ensure a safe and secure learning environment for all students; 142

(b) Standards for the establishment of business advisory 143  
councils ~~and family and civic engagement teams by school districts~~ 144  
under ~~sections~~ section 3313.82, ~~3313.821, and 3313.822~~ of the 145  
Revised Code; 146

(c) ~~Standards incorporating the classifications for the~~ 147  
~~components of the adequacy amount under Chapter 3306. of the~~ 148  
~~Revised Code into core academic strategy components and academic~~ 149  
~~improvement components, as specified in rules adopted under~~ 150  
~~section 3306.25 of the Revised Code;~~ 151

~~(d)~~ Standards for school district organizational units, as 152  
defined in sections 3306.02 and 3306.04 of the Revised Code, that 153  
require: 154

(i) The effective and efficient organization, administration, 155  
and supervision of each school district organizational unit so 156  
that it becomes a thinking and learning organization according to 157  
principles of systems design and collaborative professional 158  
learning communities research as defined by the state 159  
superintendent, including a focus on the personalized and 160  
individualized needs of each student; a shared responsibility 161  
among organizational unit administrators, faculty, and staff to 162  
develop a common vision, mission, and set of guiding principles; a 163  
shared responsibility among organizational unit administrators, 164  
faculty, and staff to engage in a process of collective inquiry, 165  
action orientation, and experimentation to ensure the academic 166  
success of all students; commitment to job embedded professional 167  
development and professional mentoring and coaching; established 168  
periods of time for teachers to pursue planning time for the 169  
development of lesson plans, professional development, and shared 170  
learning; commitment to effective management strategies that allow 171  
administrators reasonable access to classrooms for observation and 172  
professional development experiences; commitment to teaching and 173

learning strategies that utilize technological tools and emphasize 174  
inter-disciplinary, real-world, project-based, and 175  
technology-oriented learning experiences to meet the individual 176  
needs of every student; commitment to high expectations for every 177  
student and commitment to closing the achievement gap so that all 178  
students achieve core knowledge and skills in accordance with the 179  
statewide academic standards adopted under section 3301.079 of the 180  
Revised Code; commitment to the use of assessments to diagnose the 181  
needs of each student; effective connections and relationships 182  
with families and others that support student success; commitment 183  
to the use of positive behavior intervention supports throughout 184  
the organizational unit to ensure a safe and secure learning 185  
environment for all students; 186

(ii) A school organizational unit leadership team to 187  
coordinate positive behavior intervention supports, ~~family and~~ 188  
~~civic engagement services~~, learning environments, thinking and 189  
learning systems, collaborative planning, planning time, student 190  
academic interventions, student extended learning opportunities, 191  
and other activities identified by the team and approved by the 192  
district board of education. The team shall include the building 193  
principal, representatives from each collective bargaining unit, 194  
the building lead teacher, parents, business representatives, and 195  
others that support student success. 196

(E) The state board may require as part of the health 197  
curriculum information developed under section 2108.34 of the 198  
Revised Code promoting the donation of anatomical gifts pursuant 199  
to Chapter 2108. of the Revised Code and may provide the 200  
information to high schools, educational service centers, and 201  
joint vocational school district boards of education; 202

(F) The state board shall prepare and submit annually to the 203  
governor and the general assembly a report on the status, needs, 204  
and major problems of the public schools of the state, with 205

recommendations for necessary legislative action and a ten-year 206  
projection of the state's public and nonpublic school enrollment, 207  
by year and by grade level. 208

(G) The state board shall prepare and submit to the director 209  
of budget and management the biennial budgetary requests of the 210  
state board of education, for its agencies and for the public 211  
schools of the state. 212

(H) The state board shall cooperate with federal, state, and 213  
local agencies concerned with the health and welfare of children 214  
and youth of the state. 215

(I) The state board shall require such reports from school 216  
districts and educational service centers, school officers, and 217  
employees as are necessary and desirable. The superintendents and 218  
treasurers of school districts and educational service centers 219  
shall certify as to the accuracy of all reports required by law or 220  
state board or state department of education rules to be submitted 221  
by the district or educational service center and which contain 222  
information necessary for calculation of state funding. Any 223  
superintendent who knowingly falsifies such report shall be 224  
subject to license revocation pursuant to section 3319.31 of the 225  
Revised Code. 226

(J) In accordance with Chapter 119. of the Revised Code, the 227  
state board shall adopt procedures, standards, and guidelines for 228  
the education of children with disabilities pursuant to Chapter 229  
3323. of the Revised Code, including procedures, standards, and 230  
guidelines governing programs and services operated by county 231  
boards of developmental disabilities pursuant to section 3323.09 232  
of the Revised Code. 233

(K) For the purpose of encouraging the development of special 234  
programs of education for academically gifted children, the state 235  
board shall employ competent persons to analyze and publish data, 236



promote research, advise and counsel with boards of education, and 237  
encourage the training of teachers in the special instruction of 238  
gifted children. The board may provide financial assistance out of 239  
any funds appropriated for this purpose to boards of education and 240  
educational service center governing boards for developing and 241  
conducting programs of education for academically gifted children. 242

(L) The state board shall require that all public schools 243  
emphasize and encourage, within existing units of study, the 244  
teaching of energy and resource conservation as recommended to 245  
each district board of education by leading business persons 246  
involved in energy production and conservation, beginning in the 247  
primary grades. 248

(M) The state board shall formulate and prescribe minimum 249  
standards requiring the use of phonics as a technique in the 250  
teaching of reading in grades kindergarten through three. In 251  
addition, the state board shall provide in-service training 252  
programs for teachers on the use of phonics as a technique in the 253  
teaching of reading in grades kindergarten through three. 254

(N) The state board may adopt rules necessary for carrying 255  
out any function imposed on it by law, and may provide rules as 256  
are necessary for its government and the government of its 257  
employees, and may delegate to the superintendent of public 258  
instruction the management and administration of any function 259  
imposed on it by law. It may provide for the appointment of board 260  
members to serve on temporary committees established by the board 261  
for such purposes as are necessary. Permanent or standing 262  
committees shall not be created. 263

~~Compliance~~ (O) Upon application from the board of education 264  
of a school district, the superintendent of public instruction may 265  
issue a waiver exempting the district from compliance with the 266  
standards adopted under divisions (B)(2) and (D) of this section, 267  
as they relate to the operation of a school operated by ~~a school~~ 268

~~the district, may be waived by the state superintendent pursuant~~ 269  
~~to section 3306.40 of the Revised Code. The state board shall~~ 270  
~~adopt standards for the approval or disapproval of waivers under~~ 271  
~~this division. The state superintendent shall consider every~~ 272  
~~application for a waiver, and shall determine whether to grant or~~ 273  
~~deny a waiver in accordance with the state board's standards. For~~ 274  
~~each waiver granted, the state superintendent shall specify the~~ 275  
~~period of time during which the waiver is in effect, which shall~~ 276  
~~not exceed five years. A district board may apply to renew a~~ 277  
~~waiver.~~ 278

**Sec. 3301.16.** Pursuant to standards prescribed by the state 279  
board of education as provided in division (D) of section 3301.07 280  
of the Revised Code, the state board shall classify and charter 281  
school districts and individual schools within each district 282  
except that no charter shall be granted to a nonpublic school 283  
unless the school complies with section 3313.612 of the Revised 284  
Code. 285

In the course of considering the charter of a new school 286  
district created under section 3311.26 or 3311.38 of the Revised 287  
Code, the state board shall require the party proposing creation 288  
of the district to submit to the board a map, certified by the 289  
county auditor of the county in which the proposed new district is 290  
located, showing the boundaries of the proposed new district. In 291  
the case of a proposed new district located in more than one 292  
county, the map shall be certified by the county auditor of each 293  
county in which the proposed district is located. 294

The state board shall revoke the charter of any school 295  
district or school which fails to meet the standards for 296  
elementary and high schools as prescribed by the board. The state 297  
board shall also revoke the charter of any nonpublic school that 298  
does not comply with section 3313.612 of the Revised Code. The 299

state board may revoke the charter of any school district that 300  
fails to meet the operating standards established under division 301  
(D)(3) of section 3301.07 of the Revised Code. 302

In the issuance and revocation of school district or school 303  
charters, the state board shall be governed by the provisions of 304  
Chapter 119. of the Revised Code. 305

No school district, or individual school operated by a school 306  
district, shall operate without a charter issued by the state 307  
board under this section. 308

In case a school district charter is revoked pursuant to this 309  
section, the state board may dissolve the school district and 310  
transfer its territory to one or more adjacent districts. An 311  
equitable division of the funds, property, and indebtedness of the 312  
school district shall be made by the state board among the 313  
receiving districts. The board of education of a receiving 314  
district shall accept such territory pursuant to the order of the 315  
state board. Prior to dissolving the school district, the state 316  
board shall notify the appropriate educational service center 317  
governing board and all adjacent school district boards of 318  
education of its intention to do so. Boards so notified may make 319  
recommendations to the state board regarding the proposed 320  
dissolution and subsequent transfer of territory. Except as 321  
provided in section 3301.161 of the Revised Code, the transfer 322  
ordered by the state board shall become effective on the date 323  
specified by the state board, but the date shall be at least 324  
thirty days following the date of issuance of the order. 325

A high school is one of higher grade than an elementary 326  
school, in which instruction and training are given in accordance 327  
with sections 3301.07 and 3313.60 of the Revised Code and which 328  
also offers other subjects of study more advanced than those 329  
taught in the elementary schools and such other subjects as may be 330  
approved by the state board of education. 331

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

A high school or an elementary school may consist of less  
than one or more than one organizational unit, as defined in  
sections 3306.02 and 3306.04 of the Revised Code.

Sec. 3301.96. Any school district that is required by the  
agreement for a grant awarded under the federal Race to the Top  
program, Division (A), Title XIV, Sections 14005 and 14006 of the  
"American Recovery and Reinvestment Act of 2009," Pub. L. No.  
111-5, 123 Stat. 115, to employ a linkage coordinator and engage  
in other activities for closing the achievement gap and increasing  
the graduation rate or to have a family and civic engagement team  
shall continue to comply with those provisions for the life of the  
grant award, in the manner provided for by former sections  
3306.31, 3313.821, and 3313.822 of the Revised Code, which  
sections were repealed by Sub. H.B. 30 of the 129th general  
assembly.

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

Code. 363

**Sec. 3302.07.** (A) The board of education of any school 364  
district, the governing board of any educational service center, 365  
or the administrative authority of any chartered nonpublic school 366  
may submit to the state board of education an application 367  
proposing an innovative education pilot program the implementation 368  
of which requires exemptions from specific statutory provisions or 369  
rules. If a district or service center board employs teachers 370  
under a collective bargaining agreement adopted pursuant to 371  
Chapter 4117. of the Revised Code, any application submitted under 372  
this division shall include the written consent of the teachers' 373  
employee representative designated under division (B) of section 374  
4117.04 of the Revised Code. The exemptions requested in the 375  
application shall be limited to any requirement of Title XXXIII of 376  
the Revised Code or of any rule of the state board adopted 377  
pursuant to that title except that the application may not propose 378  
an exemption from any requirement of or rule adopted pursuant to 379  
section 3306.09, Chapter 3307. or 3309., sections 3319.07 to 380  
3319.21, or Chapter 3323. of the Revised Code. Furthermore, an 381  
exemption from any ~~standard or requirement of Chapter 3306. or~~ 382  
~~from any~~ operating standard adopted under division (D)(3) of 383  
section 3301.07 of the Revised Code shall be granted only pursuant 384  
to a waiver granted by the superintendent of public instruction 385  
under division (O) of that ~~section 3306.40 of the Revised Code.~~ 386

(B) The state board of education shall accept any application 387  
submitted in accordance with division (A) of this section. The 388  
superintendent of public instruction shall approve or disapprove 389  
the application in accordance with standards for approval, which 390  
shall be adopted by the state board. 391

(C) The superintendent of public instruction shall exempt 392  
each district or service center board or chartered nonpublic 393

school administrative authority with an application approved under 394  
division (B) of this section for a specified period from the 395  
statutory provisions or rules specified in the approved 396  
application. The period of exemption shall not exceed the period 397  
during which the pilot program proposed in the application is 398  
being implemented and a reasonable period to allow for evaluation 399  
of the effectiveness of the program. 400

**Sec. 3306.01.** This chapter shall be administered by the state 401  
board of education. The superintendent of public instruction shall 402  
calculate the amounts payable to each school district and shall 403  
certify the amounts payable to each eligible district to the 404  
treasurer of the district as determined under this chapter. As 405  
soon as possible after such amounts are calculated, the 406  
superintendent shall certify to the treasurer of each school 407  
district the district's adjusted charge-off increase, as defined 408  
in section 5705.211 of the Revised Code. No moneys shall be 409  
distributed pursuant to this chapter without the approval of the 410  
controlling board. 411

The state board of education shall, in accordance with 412  
appropriations made by the general assembly, meet the financial 413  
obligations of this chapter. 414

Annually, the department of education shall calculate and 415  
report to each school district the district's adequacy amount 416  
utilizing the calculations in sections 3306.03 and 3306.13 of the 417  
Revised Code. The department shall calculate and report separately 418  
for each school district the district's total state and local 419  
funds for its students with disabilities, utilizing the 420  
calculations in sections 3306.05, 3306.11, and 3306.13 of the 421  
Revised Code. The department shall calculate and report separately 422  
for each school district the amount of funding calculated for each 423  
factor of the district's adequacy amount. 424

Not later than the thirty-first day of August of each fiscal 425  
year, the department of education shall provide to each school 426  
district a preliminary estimate of the amount of funding that the 427  
department calculates the district will receive under section 428  
3306.13 of the Revised Code. Not later than the first day of 429  
December of each fiscal year, the department shall update that 430  
preliminary estimate. 431

Moneys distributed pursuant to this chapter shall be 432  
calculated and paid on a fiscal year basis, beginning with the 433  
first day of July and extending through the thirtieth day of June. 434  
Unless otherwise provided, the moneys appropriated for each fiscal 435  
year shall be distributed at least monthly to each school 436  
district. The state board shall submit a yearly distribution plan 437  
to the controlling board at its first meeting in July. The state 438  
board shall submit any proposed midyear revision of the plan to 439  
the controlling board in January. Any year-end revision of the 440  
plan shall be submitted to the controlling board in June. If 441  
moneys appropriated for each fiscal year are distributed other 442  
than monthly, such distribution shall be on the same basis for 443  
each school district. 444

The total amounts paid each month shall constitute, as nearly 445  
as possible, one-twelfth of the total amount payable for the 446  
entire year. 447

Payments shall be calculated to reflect the reporting of 448  
formula ADM. Annualized periodic payments for each school district 449  
shall be based on the district's final student counts verified by 450  
the superintendent of public instruction based on reports under 451  
section 3317.03 of the Revised Code, as adjusted, if so ordered, 452  
under division (K) of that section. 453

(A) Except as otherwise provided, payments under this chapter 454  
shall be made only to those school districts that comply with 455  
divisions (A)(1) to (3) of this section. 456

(1) Each city, exempted village, and local school district 457  
shall levy for current operating expenses at least twenty mills. 458  
Levies for joint vocational or cooperative education school 459  
districts or county school financing districts, limited to or to 460  
the extent apportioned to current expenses, shall be included in 461  
this qualification requirement. School district income tax levies 462  
under Chapter 5748. of the Revised Code, limited to or to the 463  
extent apportioned to current operating expenses, shall be 464  
included in this qualification requirement to the extent 465  
determined by the tax commissioner under division (D) of section 466  
3317.021 of the Revised Code. 467

(2) Each city, exempted village, local, and joint vocational 468  
school district, during the school year next preceding the fiscal 469  
year for which payments are calculated under this chapter, shall 470  
meet the requirement of section 3313.48 or 3313.481 of the Revised 471  
Code, with regard to the minimum number of days or hours school 472  
must be open for instruction with pupils in attendance, for 473  
individualized parent-teacher conference and reporting periods, 474  
and for professional meetings of teachers. The superintendent of 475  
public instruction shall waive a number of days in accordance with 476  
section 3317.01 of the Revised Code on which it had been necessary 477  
for a school to be closed because of disease epidemic, hazardous 478  
weather conditions, inoperability of school buses or other 479  
equipment necessary to the school's operation, damage to a school 480  
building, or other temporary circumstances due to utility failure 481  
rendering the school building unfit for school use. 482

A school district shall not be considered to have failed to 483  
comply with this division or section 3313.481 of the Revised Code 484  
because schools were open for instruction but either twelfth grade 485  
students were excused from attendance for up to three days or only 486  
a portion of the kindergarten students were in attendance for up 487  
to three days in order to allow for the gradual orientation to 488



school of such students. 489

The superintendent of public instruction shall waive the 490  
requirements of this section with reference to the minimum number 491  
of days or hours a school must be open for instruction with pupils 492  
in attendance for the school year succeeding the school year in 493  
which a board of education initiates a plan of operation pursuant 494  
to section 3313.481 of the Revised Code. The minimum requirements 495  
of this section shall again be applicable to the district 496  
beginning with the school year commencing the second July 497  
succeeding the initiation of the plan, and for each school year 498  
thereafter. 499

A school district shall not be considered to have failed to 500  
comply with this division or section 3313.48 or 3313.481 of the 501  
Revised Code because schools were open for instruction but the 502  
length of the regularly scheduled learning day, for any number of 503  
days during the school year, was reduced by not more than two 504  
hours due to hazardous weather conditions. 505

(3) Each city, exempted village, local, and joint vocational 506  
school district shall have on file, and shall pay in accordance 507  
with, a teachers' salary schedule which complies with section 508  
3317.13 of the Revised Code. 509

(B) A school district board of education or educational 510  
service center governing board that has not conformed with other 511  
law, and the rules pursuant thereto, shall not participate in the 512  
distribution of funds authorized by this chapter, except for good 513  
and sufficient reason established to the satisfaction of the state 514  
board of education and the state controlling board. 515

(C) All funds allocated to school districts under this 516  
chapter, except those specifically allocated for other purposes, 517  
shall be used only to pay current operating expenses or for either 518  
of the following purposes: 519

(1) The modification or purchase of classroom space to 520  
provide all-day kindergarten ~~as required by section 3321.05 of the~~ 521  
~~Revised Code~~, provided the district certifies its shortage of 522  
space for providing all-day kindergarten to the department of 523  
education, in a manner specified by the department; 524

(2) The modification or purchase of classroom space to reduce 525  
class sizes in grades kindergarten through three to attain the 526  
goal of fifteen students per core teacher, provided the district 527  
certifies its need for additional classroom space to the 528  
department, in a manner specified by the department. 529

(D) On or before the last day of each month, the department 530  
of education shall certify to the director of budget and 531  
management for payment, for each county: 532

(1)(a) That portion of the allocation of money under section 533  
3306.13 of the Revised Code that is required to be paid in that 534  
month to each school district located wholly within the county 535  
subsequent to the deductions described in division (D)(1)(b) of 536  
this section; 537

(b) The amounts deducted from such allocation under sections 538  
3307.31 and 3309.51 of the Revised Code for payment directly to 539  
the school employees and state teachers retirement systems under 540  
such sections. 541

(2) If the district is located in more than one county, an 542  
apportionment of the amounts that would otherwise be certified 543  
under division (D)(1) of this section. The amounts apportioned to 544  
the county shall equal the amounts certified under division (D)(1) 545  
of this section times the percentage of the district's resident 546  
pupils who reside both in the district and in the county, based on 547  
the average daily membership reported under division (A) of 548  
section 3317.03 of the Revised Code in October of the prior fiscal 549  
year. 550

Sec. 3306.02. As used in this chapter: 551

(A) "Adequacy amount" means the amount described in section 552  
3306.03 of the Revised Code. 553

(B) "Building manager" means a person who supervises the 554  
administrative (non-curricular, non-instructional) functions of 555  
school operation so that a school principal can focus on 556  
supporting instruction, providing instructional leadership, and 557  
engaging teachers as part of the instructional leadership team. A 558  
building manager may be, but is not required to be, a licensed 559  
educator under section 3319.22 of the Revised Code. 560

(C) "Career-technical education teacher" means an education 561  
professional who holds a valid license to provide specialized 562  
instruction in career and technical courses. 563

(D)(1) "Category one special education ADM" means a school 564  
district's formula ADM of children whose primary or only 565  
identified disability is a speech and language disability, as this 566  
term is defined pursuant to Chapter 3323. of the Revised Code. 567  
Beginning in fiscal year 2010, for any school district for which 568  
formula ADM means the number verified in the previous fiscal year, 569  
the category one special education ADM also shall be as verified 570  
from the previous year. 571

(2) "Category two special education ADM" means a school 572  
district's formula ADM of children identified as specific learning 573  
disabled or developmentally disabled, as these terms are defined 574  
pursuant to Chapter 3323. of the Revised Code, or as having an 575  
other health impairment-minor, as defined in this section. 576  
Beginning in fiscal year 2010, for any school district for which 577  
formula ADM means the number verified in the previous fiscal year, 578  
the category two special education ADM also shall be as verified 579  
from the previous year. 580

(3) "Category three special education ADM" means a school 581  
district's formula ADM of children identified as hearing disabled 582  
or severe behavior disabled, as these terms are defined pursuant 583  
to Chapter 3323. of the Revised Code. Beginning in fiscal year 584  
2010, for any school district for which formula ADM means the 585  
number verified in the previous fiscal year, the category three 586  
special education ADM also shall be as verified from the previous 587  
year. 588

(4) "Category four special education ADM" means a school 589  
district's formula ADM of children identified as vision impaired, 590  
as this term is defined pursuant to Chapter 3323. of the Revised 591  
Code, or as having an other health impairment-major, as defined in 592  
this section. Beginning in fiscal year 2010, for any school 593  
district for which formula ADM means the number verified in the 594  
previous fiscal year, the category four special education ADM also 595  
shall be as verified from the previous year. 596

(5) "Category five special education ADM" means a school 597  
district's formula ADM of children identified as orthopedically 598  
disabled or as having multiple disabilities, as these terms are 599  
defined pursuant to Chapter 3323. of the Revised Code. Beginning 600  
in fiscal year 2010, for any school district for which formula ADM 601  
means the number verified in the previous fiscal year, the 602  
category five special education ADM also shall be as verified from 603  
the previous year. 604

(6) "Category six special education ADM" means a school 605  
district's formula ADM of children identified as autistic, having 606  
traumatic brain injuries, or as both visually and hearing 607  
impaired, as these terms are defined pursuant to Chapter 3323. of 608  
the Revised Code. Beginning in fiscal year 2010, for any school 609  
district for which formula ADM means the number verified in the 610  
previous fiscal year, the category six special education ADM also 611  
shall be as verified from the previous year. 612

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

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

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

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

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

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

(2) In making calculations under this chapter that utilize formula ADM, the department shall use the formula ADM derived from the final, verified, and adjusted average daily membership

described under division (A) of section 3317.03 of the Revised Code for the prior fiscal year, unless such average daily membership for the current fiscal year exceeds that number by two per cent or more. In that case, the department shall derive the formula ADM from such average daily membership for the current fiscal year.

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

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

(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 675  
coordinating professional development activities, in the 676  
development of professional learning communities, and in common 677  
planning time, and assists teachers in developing project-based, 678  
real-world learning activities for their students. The lead 679  
teacher position shall be a rotating position in which an 680  
individual shall serve no more than three years. After lead 681  
teacher licenses become available under section 3319.22 of the 682  
Revised Code, only teachers who hold that license shall be 683  
appointed as lead teachers. Until that time, each school district 684  
shall designate qualifications for the lead teacher position that 685  
are comparable to the licensing requirements, and shall give 686  
preference for appointment to the position to teachers who are 687  
certified by the national board for professional teaching 688  
standards or who meet the qualifications for a "master teacher" 689  
established by the educator standards board. 690

(M) "Limited English proficiency teacher" means a person who 691  
provides instruction in English as a second language. 692

(N) "Medically fragile child" means a child to whom all of 693  
the following apply: 694

(1) The child requires the services of a doctor of medicine 695  
or osteopathic medicine at least once a week due to the 696  
instability of the child's medical condition. 697

(2) The child requires the services of a registered nurse on 698  
a daily basis. 699

(3) The child is at risk of institutionalization in a 700  
hospital, skilled nursing facility, or intermediate care facility 701  
for the mentally retarded. 702

(O) "Ohio educational challenge factor" means an index to 703  
adjust the funding amount for each school district to account for 704  
student and community socioeconomic factors affecting teacher 705

recruitment and retention, professional development, and other 706  
factors related to quality instruction. The Ohio educational 707  
challenge factor for each school district includes the district's 708  
college attainment rate of population, wealth per pupil, and 709  
concentration of poverty, and is listed in section 3306.051 of the 710  
Revised Code. 711

(P) "Organizational unit" means, for the purpose of 712  
calculating a school district's adequacy amount under this 713  
chapter, a unit used to index a school district's formula ADM in 714  
certain grade levels. Calculating the number of organizational 715  
units in a school district functions to allocate the state's 716  
resources in a manner that achieves a thorough, efficient, and 717  
adequate educational system that provides the appropriate services 718  
to students enrolled in that district. In recognition of the fact 719  
that students have different educational needs at each 720  
developmental stage, organizational units group the grade levels 721  
into elementary school units, middle school units, and high school 722  
units. Except as provided in division (C) of section 3306.04 of 723  
the Revised Code, a school district's "organizational units" is 724  
the sum of its elementary school units, middle school units, and 725  
high school units. 726

(Q) A child may be identified as having an "other health 727  
impairment-major" if the child's condition meets the definition of 728  
"other health impaired" established in rules adopted by the state 729  
board of education prior to July 1, 2001, and if either of the 730  
following ~~apply~~ applies: 731

(1) The child is identified as having a medical condition 732  
that is among those listed by the superintendent of public 733  
instruction as conditions where a substantial majority of cases 734  
fall within the definition of "medically fragile child." 735

(2) The child is determined by the superintendent of public 736  
instruction to be a medically fragile child. A school district may 737



petition the superintendent of public instruction for a 738  
determination that a child is a medically fragile child. 739

(R) A child may be identified as having an "other health 740  
impairment-minor" if the child's condition meets the definition of 741  
"other health impaired" established in rules adopted by the state 742  
board of education prior to July 1, 2001, but the child's 743  
condition does not meet either of the conditions specified in 744  
division (Q)(1) or (2) of this section. 745

(S) "Potential value" of a school district means: 746

(1) For a district with a class one effective operating rate 747  
that is less than twenty and one-tenth effective mills, the sum of 748  
its total taxable value plus its tax exempt value; 749

(2) For a district with a class one effective operating rate 750  
that is greater than or equal to twenty and one-tenth effective 751  
mills, the sum of its recognized valuation plus its tax exempt 752  
value. 753

(T) "Principal" means a person who provides management 754  
oversight of building operations, academic leadership for the 755  
teaching professionals, and other administrative duties. 756

(U) "Property exemption value" means the amount certified for 757  
a school district under divisions (A)(6) and (7) of section 758  
3317.021 of the Revised Code. 759

(V) "Recognized valuation" means the amount calculated for a 760  
school district pursuant to section 3317.015 of the Revised Code. 761

(W) "School nurse wellness coordinator" means a person who 762  
has fulfilled the requirements for the issuance of a school nurse 763  
wellness coordinator license under section 3319.221 of the Revised 764  
Code. 765

(X) "Small school district" means a city, local, or exempted 766  
village school district that has a formula ADM of less than four 767

hundred eighteen students in grades kindergarten through twelve. 768

(Y) "Special education" has the same meaning as in section 769  
3323.01 of the Revised Code. 770

(Z) "Special education teacher" means a teacher who holds the 771  
necessary license issued pursuant to section 3319.22 of the 772  
Revised Code to meet the unique needs of children with 773  
disabilities. 774

(AA) "Special education teacher's aide" means a person 775  
providing support for special education teachers and other 776  
associated duties. 777

(BB) "Specialist teacher" means a person holding a valid 778  
educator's license, issued pursuant to section 3319.22 of the 779  
Revised Code, who provides instruction in dance, drama and 780  
theater, music, visual art, or physical education. 781

(CC) "State share percentage" means the quotient of a school 782  
district's state share of the adequacy amount determined under 783  
section 3306.13 of the Revised Code divided by the total adequacy 784  
amount for the district as described in section 3306.03 of the 785  
Revised Code. If the quotient is a negative number, the district's 786  
state share percentage is zero. 787

(DD) "Family and community liaisons" means individuals who 788  
provide assistance to students and their families, ~~individuals who~~ 789  
~~are linkage coordinators as described in section 3306.31 of the~~ 790  
~~Revised Code,~~ and may include individuals who hold valid licenses 791  
as family liaisons, social workers, and student advocates. 792

(EE) "Supplemental teacher" means a person holding a valid 793  
educator license issued pursuant to section 3319.22 of the Revised 794  
Code, or qualified to secure such a license and approved by the 795  
school district to provide remedial services, intensive 796  
subject-based instruction, homework help, or other forms of 797  
supplemental instruction. 798

(FF) "Targeted poverty indicator" means the percentage of a 799  
school district's students who are economically disadvantaged, as 800  
determined for purposes of the report card issued under section 801  
3302.03 of the Revised Code. 802

(GG) "Tax exempt value" of a school district means the amount 803  
certified for a school district under division (A)(4) of section 804  
3317.021 of the Revised Code. 805

(HH) "Total taxable value" means the sum of the amounts 806  
certified for a school district under divisions (A)(1) and (2) of 807  
section 3317.021 of the Revised Code. 808

**Sec. 3306.05.** (A) The instructional services support 809  
component of the adequacy amount for each city, local, and 810  
exempted village school district is the sum of the following: 811

(1) The core teacher factor; 812

(2) The specialist teacher factor; 813

(3) The lead teacher factor; 814

(4) The special education teacher factor; 815

(5) The special education teacher's aide factor; 816

(6) The limited English proficiency teacher factor; 817

(7) The supplemental teacher factor. 818

(B) Each factor listed in division (A) of this section shall 819  
be calculated by multiplying the Ohio educational challenge 820  
factor, specified for the district in section 3306.051 of the 821  
Revised Code, times the statewide base teacher salary of \$56,902 822  
in fiscal year 2010 and \$57,812 in fiscal year 2011, times the 823  
number of positions funded, as follows: 824

(1) The number of core teacher positions funded shall be 825  
calculated by dividing the district's formula ADM in grades four 826  
to twelve by twenty-five, and then adding that number to the 827

quotient of the district's formula ADM in grades kindergarten to three divided by the following:

(a) In fiscal years 2010 and 2011, nineteen;

(b) In fiscal years 2012 and 2013, seventeen;

(c) In fiscal year 2014 and in each fiscal year thereafter, fifteen.

(2) The number of specialist teacher positions funded shall be calculated by multiplying the number of core teacher positions determined under division (B)(1) of this section for grades kindergarten to eight by one-fifth, and by multiplying the number of core teacher positions determined for grades nine to twelve by one-fourth.

(3) The number of lead teacher positions funded shall equal the number of the district's organizational units.

(4) The number of special education teacher positions and special education teacher's aide positions funded shall be calculated as provided in section 3306.11 of the Revised Code.

(5) The number of limited English proficiency teacher positions funded shall be calculated by multiplying the district's formula ADM times the district's percentage of limited English proficient students, as defined in 20 U.S.C. 7801, and then dividing that product by one hundred;

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

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

**Sec. 3306.06.** (A) The additional services support component 858  
of the adequacy amount for each city, local, and exempted village 859  
school district is the sum of the following: 860

(1) The family and community liaison factor; 861

(2) The counselor factor; 862

(3) The summer remediation factor; 863

(4) The school nurse wellness coordinator factor; 864

(5) The district health professional factor. 865

(B)(1) The family and community liaison factor shall be 866  
calculated by multiplying the school district's formula ADM times 867  
its targeted poverty indicator and dividing the product by 868  
seventy-five, and then multiplying the quotient by the product of 869  
the applicable Ohio educational challenge factor times \$38,633, in 870  
fiscal year 2010, and times \$39,381, in fiscal year 2011. 871

(2) The counselor factor shall be calculated by dividing the 872  
district's formula ADM for grades six to twelve by two hundred 873  
fifty, and then multiplying the quotient by a dollar amount for 874  
each fiscal year established by law. No counselor factor shall be 875  
calculated and paid for fiscal years 2010 and 2011. 876

(3) The summer remediation program factor shall be calculated 877  
by multiplying the district's formula ADM times its targeted 878  
poverty indicator times fifty per cent, which represents the 879  
anticipated participation rate, dividing that product by thirty, 880  
which is the assumed student-to-teacher ratio for summer 881  
remediation, and multiplying that quotient by the product of 882  
\$3,000 times the applicable Ohio educational challenge factor. 883

(4) The school nurse wellness coordinator factor shall be 884  
calculated by multiplying the number of the district's 885  
organizational units times a dollar amount for each fiscal year 886  
established by law, except that in a small school district, the 887

school nurse wellness coordinator factor shall be zero. No school 888  
nurse wellness coordinator factor shall be calculated and paid for 889  
fiscal years 2010 and 2011. 890

(5) The district health professional factor for each district 891  
equals a dollar amount specified by law for each fiscal year. No 892  
district health professional factor shall be calculated and paid 893  
for fiscal years 2010 and 2011. 894

~~(C) In adopting expenditure and reporting standards under 895  
section 3306.25 of the Revised Code, the superintendent of public 896  
instruction shall include standards that encourage school 897  
districts to give preference to employing or obtaining the 898  
services of licensed school nurses with funds received for the 899  
school nurse wellness coordinator factor and the district health 900  
professional factor. 901~~

~~(D) Each school district shall account separately for 902  
expenditures of the amounts received for additional services 903  
support under this section and report that information to the 904  
department of education. 905~~

**Sec. 3306.07.** (A) The administrative services support 906  
component of the adequacy amount for each city, local, and 907  
exempted village school district is the sum of the following: 908

(1) The district administration factor; 909

(2) The principal factor; 910

(3) The administrative support personnel factor; 911

(B)(1) The district administration factor equals \$187,176 in 912  
fiscal year 2010 and \$190,801 in fiscal year 2011. 913

(2) The principal factor shall be calculated by multiplying 914  
the number of the district's organizational units times \$89,563 in 915  
fiscal year 2010 and \$91,297 in fiscal year 2011. However, each 916  
type 1 or type 2 school district shall receive for a principal 917

factor an amount not less than the applicable dollar amount 918  
specified in this paragraph times the number of school buildings 919  
in the district for which the department of education issued a 920  
report card under section 3302.03 of the Revised Code for the 921  
prior school year. As used in this division, "type 1 school 922  
district" means a school district characterized as a type 1 923  
(rural/agricultural, high poverty, low median income) district, 924  
and "type 2 school district" means a school district characterized 925  
as a type 2 (rural/agricultural, small student population, low 926  
poverty, low to moderate median income), in the typology of 927  
districts published by the department in July 2007. 928

(3) The administrative support personnel factor is funding 929  
determined for building managers, secretaries, and 930  
noninstructional aides. 931

(a) The funding for building managers shall be calculated by 932  
multiplying \$33,624 in fiscal year 2010 and \$34,275 in fiscal year 933  
2011 times the number of the district's organizational units. 934

(b) The funding for secretaries shall be calculated by 935  
multiplying \$33,624 in fiscal year 2010 and \$34,275 in fiscal year 936  
2011 times the number of the district's organizational units, 937  
where two additional secretaries shall be funded for each high 938  
school organizational unit. 939

(c) The funding for noninstructional aides shall be a dollar 940  
amount set by law for each fiscal year times the number of the 941  
district's organizational units, where the organizational units 942  
are multiplied by two in the case of elementary school and middle 943  
school organizational units and by three in case of high school 944  
organizational units. 945

However, each small school district shall receive funding for 946  
one building manager, one secretary, and one noninstructional 947  
aide. Every other city, local, and exempted village school 948

district shall receive funding for at least one building manager, 949  
one secretary, and one noninstructional aide. 950

No funding shall be calculated and paid for noninstructional 951  
aides for fiscal years 2010 and 2011. 952

~~(C) Each school district shall account separately for the 953  
amounts received for administrative services support under this 954  
section and report that information to the department of 955  
education. 956~~

**Sec. 3306.08.** (A) The operations and maintenance support 957  
component of the adequacy amount for each city, local, and 958  
exempted village school district shall be calculated by 959  
multiplying the district's formula ADM times \$884. 960

(B) The operations and maintenance support for each city, 961  
local, and exempted village school district shall be adjusted by 962  
multiplying the calculated amount by 0.45 in fiscal years 2010 and 963  
2011, and by 0.75 in fiscal years 2012 and 2013. 964

~~(C) Each school district shall account separately for 965  
expenditures of the amounts received for operations and 966  
maintenance support under this section and report that information 967  
to the department of education. 968~~

**Sec. 3306.09.** (A) The gifted education support component of 969  
the adequacy amount for each city, local, and exempted village 970  
school district is the sum of the following: 971

(1) The gifted identification factor; 972

(2) The gifted coordinator factor; 973

(3) The gifted intervention specialist factor; 974

(4) The gifted intervention specialist professional 975  
development factor. 976



(B)(1) The gifted identification factor shall be calculated 977  
by multiplying the district's formula ADM times \$5. 978

(2) The gifted coordinator factor shall be calculated by 979  
multiplying \$66,375 in fiscal year 2010 and \$67,660 in fiscal year 980  
2011 times the quotient of the district's formula ADM divided by 981  
two thousand five hundred. 982

(3) The gifted intervention specialist factor shall be 983  
calculated by multiplying the number of the district's 984  
organizational units times the Ohio educational challenge factor 985  
specified for the district in section 3306.051 of the Revised Code 986  
times the statewide base teacher salary specified in section 987  
3306.05 of the Revised Code. 988

(4) The gifted intervention specialist professional 989  
development factor shall be calculated by multiplying the number 990  
of the district's organizational units times the 991  
per-teaching-position dollar amount specified for the professional 992  
development factor in division (A)(7) of section 3306.03 of the 993  
Revised Code. 994

(C) The gifted intervention specialist factor and the gifted 995  
intervention specialist professional development factor for each 996  
city, local, and exempted village school district, shall be 997  
adjusted by multiplying the calculated amount by 0.20 in fiscal 998  
year 2010, by 0.30 in fiscal year 2011, by 0.40 in fiscal years 999  
2012 and 2013, by 0.60 in fiscal years 2014 and 2015, and by 0.80 1000  
in fiscal years 2016 and 2017. 1001

(D) A school district that does not submit an annual report 1002  
under section 3324.05 of the Revised Code, or that reports zero 1003  
students identified as gifted, shall receive zero funding for the 1004  
gifted coordinator factor, the gifted intervention specialist 1005  
factor, and the gifted intervention specialist professional 1006  
development factor. 1007

(E) Each school district shall expend the funds calculated 1008  
under the gifted education support component in accordance with 1009  
rules adopted ~~under section 3306.25 of the Revised Code by the~~ 1010  
state board of education. Those rules shall require that such 1011  
funds be spent only for the employment of staff to serve students 1012  
identified as gifted, in accordance with Chapter 3324. of the 1013  
Revised Code, or for other services to such students. The rules 1014  
shall be aligned with the operating standards for identifying and 1015  
serving gifted students prescribed in rules adopted by the state 1016  
board of education. ~~Notwithstanding anything to the contrary in~~ 1017  
~~section 3306.25 of the Revised Code, the~~ The rules regarding the 1018  
expenditure and reporting of funds for the gifted education 1019  
support component adopted under ~~that~~ this section shall take 1020  
effect July 1, ~~2011~~ 2013. 1021

Subject to approval by the department of education, a school 1022  
district may use up to fifteen per cent of the portion of the 1023  
gifted intervention specialist factor attributable to the grade 1024  
six through twelve formula ADM to support access to services 1025  
provided by the district that are not services described in 1026  
Chapter 3324. of the Revised Code but are specified in gifted 1027  
students' written education plans prepared in accordance with the 1028  
state board's operating standards for identifying and serving 1029  
gifted students. 1030

(F) Each school district shall account separately for 1031  
expenditures of the amounts received for gifted identification, 1032  
gifted coordinators, gifted intervention specialists, and gifted 1033  
intervention specialist professional development under this 1034  
section and report that information to the department of 1035  
education. 1036

(G)(1) Each city, local, and exempted village school district 1037  
that received for fiscal year 2009 unit funding for staff to 1038  
provide gifted student services under division (L) of section 1039

3317.024 and division (E) of section 3317.05 of the Revised Code, 1040  
as those sections existed for that fiscal year, shall spend in 1041  
each fiscal year thereafter for staff to provide services to 1042  
identified gifted students from the funds received under this 1043  
chapter an amount not less than the aggregate amount received for 1044  
such gifted unit funding for fiscal year 2009. 1045

(2) Each city, local, and exempted village school district 1046  
that, in fiscal year 2009, received gifted student services from 1047  
staff employed for that purpose by an educational service center, 1048  
which service center received for fiscal year 2009 unit funding 1049  
for gifted student services, shall in each fiscal year thereafter 1050  
do either of the following: 1051

(a) Obtain staff to provide gifted student services from an 1052  
educational service center that are comparable to the gifted 1053  
student staff services provided to the district with gifted unit 1054  
funding in fiscal year 2009 by an educational service center; 1055

(b) Spend for staff to provide services to identified gifted 1056  
students from the funds received under this chapter an amount not 1057  
less than the amount of gifted unit funding expended by an 1058  
educational service center in fiscal year 2009 for the district's 1059  
students. 1060

~~(3) No district to which division (C)(1) or (2) of this~~ 1061  
~~section applies shall apply for or receive a waiver under section~~ 1062  
~~3306.40 of the Revised Code from the spending requirements~~ 1063  
~~prescribed in those divisions or under division (E) of this~~ 1064  
~~section.~~ 1065

~~(4)~~ Each educational service center that received for fiscal 1066  
year 2009 unit funding for staff to provide gifted student 1067  
services shall spend from its state funds in each fiscal year 1068  
thereafter for staff to provide services to identified gifted 1069  
students an amount not less than the aggregate amount received for 1070

gifted unit funding for fiscal year 2009. ~~No educational service~~ 1071  
~~center to which division (G)(4) of this section shall receive any~~ 1072  
~~waiver of this requirement.~~ 1073

(H) A city, local, or exempted village school district that 1074  
did not receive for fiscal year 2009 unit funding for gifted 1075  
student services under division (L) of section 3317.024 and 1076  
division (E) of section 3317.05 of the Revised Code, as those 1077  
sections existed for that fiscal year, may apply to the 1078  
superintendent of public instruction for a waiver ~~under section~~ 1079  
~~3306.40 of the Revised Code~~ from any expenditure requirements 1080  
prescribed under division (E) of this section. ~~Notwithstanding~~ 1081  
~~anything to the contrary in section 3306.40 of the Revised Code,~~ 1082  
~~the~~ The first waiver granted to a district pursuant to this 1083  
division shall not be effective for longer than two years, ~~and~~ 1084  
~~any.~~ A district may receive one subsequent renewal of that waiver, 1085  
which shall not be effective for longer than one year. 1086

(I) Each school district and educational center shall account 1087  
for the funds spent under division (G) of this section and report 1088  
that information to the department. The operating standards for 1089  
identifying and serving gifted students shall apply to the staff 1090  
funded under this section. The department shall monitor and 1091  
enforce compliance with the spending requirements in division (G) 1092  
of this section. 1093

**Sec. 3306.091.** (A) The enrichment support component of the 1094  
adequacy amount for each city, local, and exempted village school 1095  
district shall be calculated by multiplying the district's formula 1096  
ADM times \$100 times the Ohio educational challenge factor. 1097

(B) The enrichment support for each city, local, and exempted 1098  
village school district shall be adjusted by multiplying the 1099  
calculated amount by 0.20 in fiscal year 2010, by 0.30 in fiscal 1100  
year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in 1101

fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 2017.

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

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

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

(1) The licensed librarian and media specialist factor;

(2) The technical equipment factor.

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

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

(C) The licensed librarian and media specialist factor and the technical equipment factor for each city, local, and exempted village school district shall be adjusted by multiplying the calculated amounts by 0.20 in fiscal year 2010, by 0.30 in fiscal year 2011, by 0.40 in fiscal years 2012 and 2013, by 0.60 in fiscal years 2014 and 2015, and by 0.80 in fiscal years 2016 and 2017.

~~(D) Each school district shall account separately for the~~

~~amounts received for technology resources support under this~~ 1132  
~~section and report that information to the department of~~ 1133  
~~education.~~ 1134

**Sec. 3315.18.** (A) The board of education of each city, 1135  
exempted village, local, and joint vocational school district 1136  
shall establish a capital and maintenance fund. Each board 1137  
annually shall deposit into that fund an amount derived from 1138  
revenues received by the district that would otherwise have been 1139  
deposited in the general fund that is equal to three per cent of 1140  
the formula amount for the preceding fiscal year, as defined in 1141  
section 3317.02 of the Revised Code, or another percentage if 1142  
established by the auditor of state under division (B) of this 1143  
section, multiplied by the district's student population for the 1144  
preceding fiscal year, except that money received from a permanent 1145  
improvement levy authorized by section 5705.21 of the Revised Code 1146  
may replace general revenue moneys in meeting the requirements of 1147  
this section. Money in the fund shall be used solely for 1148  
acquisition, replacement, enhancement, maintenance, or repair of 1149  
permanent improvements, as that term is defined in section 5705.01 1150  
of the Revised Code. Any money in the fund that is not used in any 1151  
fiscal year shall carry forward to the next fiscal year. 1152

(B) The state superintendent of public instruction and the 1153  
auditor of state jointly shall adopt rules in accordance with 1154  
Chapter 119. of the Revised Code defining what constitutes 1155  
expenditures permitted by division (A) of this section. The 1156  
auditor of state may designate a percentage, other than three per 1157  
cent, of the formula amount multiplied by the district's student 1158  
population that must be deposited into the fund. 1159

(C) Within its capital and maintenance fund, a school 1160  
district board of education may establish a separate account 1161  
solely for the purpose of depositing funds transferred from the 1162

district's reserve balance account established under former 1163  
division (H) of section 5705.29 of the Revised Code. After April 1164  
10, 2001, a board may deposit all or part of the funds formerly 1165  
included in such reserve balance account in the separate account 1166  
established under this section. Funds deposited in this separate 1167  
account and interest on such funds shall be utilized solely for 1168  
the purpose of providing the district's portion of the basic 1169  
project costs of any project undertaken in accordance with Chapter 1170  
3318. of the Revised Code. 1171

(D)(1) Notwithstanding division (A) of this section, in any 1172  
year a district is in fiscal emergency status as declared pursuant 1173  
to section 3316.03 of the Revised Code, the district may deposit 1174  
an amount less than required by division (A) of this section, or 1175  
make no deposit, into the district capital and maintenance fund 1176  
for that year. 1177

(2) Notwithstanding division (A) of this section, in any 1178  
fiscal year that a school district is either in fiscal watch 1179  
status, as declared pursuant to section 3316.03 of the Revised 1180  
Code, or in fiscal caution status, as declared pursuant to section 1181  
3316.031 of the Revised Code, the district may apply to the 1182  
superintendent of public instruction for a waiver from the 1183  
requirements of division (A) of this section, under which the 1184  
district may be permitted to deposit an amount less than required 1185  
by that division or permitted to make no deposit into the district 1186  
capital and maintenance fund for that year. The superintendent may 1187  
grant a waiver under division (D)(2) of this section if the 1188  
district demonstrates to the satisfaction of the superintendent 1189  
that compliance with division (A) of this section that year will 1190  
create an undue financial hardship on the district. 1191

(3) Notwithstanding division (A) of this section, not more 1192  
often than one fiscal year in every three consecutive fiscal 1193  
years, any school district that does not satisfy the conditions 1194

for the exemption described in division (D)(1) of this section or 1195  
the conditions to apply for the waiver described in division 1196  
(D)(2) of this section may apply to the superintendent of public 1197  
instruction for a waiver from the requirements of division (A) of 1198  
this section, under which the district may be permitted to deposit 1199  
an amount less than required by that division or permitted to make 1200  
no deposit into the district capital and maintenance fund for that 1201  
year. The superintendent may grant a waiver under division (D)(3) 1202  
of this section if the district demonstrates to the satisfaction 1203  
of the superintendent that compliance with division (A) of this 1204  
section that year will necessitate the reduction or elimination of 1205  
a program currently offered by the district that is critical to 1206  
the academic success of students of the district and that no 1207  
reasonable alternatives exist for spending reductions in other 1208  
areas of operation within the district that negate the necessity 1209  
of the reduction or elimination of that program. 1210

(E) Notwithstanding any provision to the contrary in Chapter 1211  
4117. of the Revised Code, the requirements of this section 1212  
prevail over any conflicting provisions of agreements between 1213  
employee organizations and public employers entered into after 1214  
November 21, 1997. 1215

(F) As used in this section, "student population" means the 1216  
average, daily, full-time equivalent number of students in 1217  
kindergarten through twelfth grade receiving any educational 1218  
services from the school district during the first full school 1219  
week in October, excluding students enrolled in adult education 1220  
classes, but including all of the following: 1221

(1) Adjacent or other district students enrolled in the 1222  
district under an open enrollment policy pursuant to section 1223  
3313.98 of the Revised Code; 1224

(2) Students receiving services in the district pursuant to a 1225  
compact, cooperative education agreement, or a contract, but who 1226



are entitled to attend school in another district pursuant to 1227  
section 3313.64 or 3313.65 of the Revised Code; 1228

(3) Students for whom tuition is payable pursuant to sections 1229  
3317.081 and 3323.141 of the Revised Code. 1230

The department of education shall determine a district's 1231  
student population using data reported to it under section 3317.03 1232  
of the Revised Code for the applicable fiscal year. 1233

**Sec. 3315.19.** Notwithstanding the provisions of ~~sections~~ 1234  
~~3315.17 and~~ section 3315.18 of the Revised Code as ~~they exist~~ it 1235  
exists after ~~the effective date of this section~~ July 1, 2001, the 1236  
board of education of any school district annually may elect to 1237  
set aside funds ~~for textbooks and instructional materials or~~ 1238  
capital and maintenance in accordance with the provisions of ~~those~~ 1239  
~~sections~~ that section as ~~they~~ it existed prior to ~~the effective~~ 1240  
~~date of this section~~ July 1, 2001, and the rules adopted under 1241  
~~those sections~~ that section. Any district board making such an 1242  
election under this section shall notify the auditor of state 1243  
within ninety days after the beginning of the fiscal year whether 1244  
the district intends to comply with the provisions of ~~one or both~~ 1245  
former ~~sections~~ section 3315.18 of the Revised Code. A school 1246  
district making an election under this section shall not be 1247  
required to comply, during the fiscal year of the election, with 1248  
the provisions of ~~the applicable sections~~ section 3315.18 of the 1249  
Revised Code as ~~they exist~~ it exists after ~~the effective date of~~ 1250  
~~this section~~ July 1, 2001. 1251

**Sec. 3316.06.** (A) Within one hundred twenty days after the 1252  
first meeting of a school district financial planning and 1253  
supervision commission, the commission shall adopt a financial 1254  
recovery plan regarding the school district for which the 1255  
commission was created. During the formulation of the plan, the 1256

commission shall seek appropriate input from the school district 1257  
board and from the community. This plan shall contain the 1258  
following: 1259

(1) Actions to be taken to: 1260

(a) Eliminate all fiscal emergency conditions declared to 1261  
exist pursuant to division (B) of section 3316.03 of the Revised 1262  
Code; 1263

(b) Satisfy any judgments, past-due accounts payable, and all 1264  
past-due and payable payroll and fringe benefits; 1265

(c) Eliminate the deficits in all deficit funds, except that 1266  
any prior year deficits in ~~the textbook and instructional~~ 1267  
~~materials fund established pursuant to section 3315.17 of the~~ 1268  
~~Revised Code and~~ the capital and maintenance fund established 1269  
pursuant to section 3315.18 of the Revised Code shall be forgiven; 1270

(d) Restore to special funds any moneys from such funds that 1271  
were used for purposes not within the purposes of such funds, or 1272  
borrowed from such funds by the purchase of debt obligations of 1273  
the school district with the moneys of such funds, or missing from 1274  
the special funds and not accounted for, if any; 1275

(e) Balance the budget, avoid future deficits in any funds, 1276  
and maintain on a current basis payments of payroll, fringe 1277  
benefits, and all accounts; 1278

(f) Avoid any fiscal emergency condition in the future; 1279

(g) Restore the ability of the school district to market 1280  
long-term general obligation bonds under provisions of law 1281  
applicable to school districts generally. 1282

(2) The management structure that will enable the school 1283  
district to take the actions enumerated in division (A)(1) of this 1284  
section. The plan shall specify the level of fiscal and management 1285  
control that the commission will exercise within the school 1286

district during the period of fiscal emergency, and shall 1287  
enumerate respectively, the powers and duties of the commission 1288  
and the powers and duties of the school board during that period. 1289  
The commission may elect to assume any of the powers and duties of 1290  
the school board it considers necessary, including all powers 1291  
related to personnel, curriculum, and legal issues in order to 1292  
successfully implement the actions described in division (A)(1) of 1293  
this section. 1294

(3) The target dates for the commencement, progress upon, and 1295  
completion of the actions enumerated in division (A)(1) of this 1296  
section and a reasonable period of time expected to be required to 1297  
implement the plan. The commission shall prepare a reasonable time 1298  
schedule for progress toward and achievement of the requirements 1299  
for the plan, and the plan shall be consistent with that time 1300  
schedule. 1301

(4) The amount and purpose of any issue of debt obligations 1302  
that will be issued, together with assurances that any such debt 1303  
obligations that will be issued will not exceed debt limits 1304  
supported by appropriate certifications by the fiscal officer of 1305  
the school district and the county auditor. Debt obligations 1306  
issued pursuant to section 133.301 of the Revised Code shall 1307  
include assurances that such debt shall be in an amount not to 1308  
exceed the amount certified under division (B) of such section. If 1309  
the commission considers it necessary in order to maintain or 1310  
improve educational opportunities of pupils in the school 1311  
district, the plan may include a proposal to restructure or 1312  
refinance outstanding debt obligations incurred by the board under 1313  
section 3313.483 of the Revised Code contingent upon the approval, 1314  
during the period of the fiscal emergency, by district voters of a 1315  
tax levied under section 718.09, 718.10, 5705.194, 5705.21, 1316  
5748.02, or 5748.08 of the Revised Code that is not a renewal or 1317  
replacement levy, or a levy under section 5705.199 of the Revised 1318

Code, and that will provide new operating revenue. Notwithstanding 1319  
any provision of Chapter 133. or sections 3313.483 to 3313.4811 of 1320  
the Revised Code, following the required approval of the district 1321  
voters and with the approval of the commission, the school 1322  
district may issue securities to evidence the restructuring or 1323  
refinancing. Those securities may extend the original period for 1324  
repayment, not to exceed ten years, and may alter the frequency 1325  
and amount of repayments, interest or other financing charges, and 1326  
other terms of agreements under which the debt originally was 1327  
contracted, at the discretion of the commission, provided that any 1328  
loans received pursuant to section 3313.483 of the Revised Code 1329  
shall be paid from funds the district would otherwise receive 1330  
under Chapter 3306. of the Revised Code, as required under 1331  
division (E)(3) of section 3313.483 of the Revised Code. The 1332  
securities issued for the purpose of restructuring or refinancing 1333  
the debt shall be repaid in equal payments and at equal intervals 1334  
over the term of the debt and are not eligible to be included in 1335  
any subsequent proposal for the purpose of restructuring or 1336  
refinancing debt under this section. 1337

(B) Any financial recovery plan may be amended subsequent to 1338  
its adoption. Each financial recovery plan shall be updated 1339  
annually. 1340

(C) Each school district financial planning and supervision 1341  
commission shall submit the financial recovery plan it adopts or 1342  
updates under this section to the state superintendent of public 1343  
instruction for approval immediately following its adoption or 1344  
updating. The state superintendent shall evaluate the plan and 1345  
either approve or disapprove it within thirty calendar days from 1346  
the date of its submission. If the plan is disapproved, the state 1347  
superintendent shall recommend modifications that will render it 1348  
acceptable. No financial planning and supervision commission shall 1349  
implement a financial recovery plan that is adopted or updated on 1350

or after April 10, 2001, unless the state superintendent has 1351  
approved it. 1352

**Sec. 3316.16.** (A) A school district financial planning and 1353  
supervision commission, with respect to its functions under this 1354  
chapter, shall continue in existence until such time as a 1355  
determination is made under division (B) of this section that all 1356  
of the following have occurred: 1357

(1) An effective financial accounting and reporting system in 1358  
accordance with section 3316.10 of the Revised Code is in the 1359  
process of being implemented, and it is reasonably expected that 1360  
this implementation will be completed within two years. 1361

(2) All of the fiscal emergency conditions determined 1362  
pursuant to division (B) of section 3316.03 of the Revised Code 1363  
have been corrected or eliminated, and no new fiscal emergency 1364  
conditions have occurred. 1365

(3) The objectives of the financial recovery plan described 1366  
in section 3316.06 of the Revised Code are being met. 1367

(4) The school district board has prepared a financial 1368  
forecast for a five-year period in accordance with the standards 1369  
issued by the auditor of state and an opinion has been rendered by 1370  
the auditor of state that the financial forecast is considered to 1371  
be nonadverse. The forecast shall display the district's projected 1372  
compliance with ~~sections 3315.17 and section~~ 3315.18 of the 1373  
Revised Code beginning in the year the commission is proposed for 1374  
termination. 1375

(B) The determination that all conditions listed in division 1376  
(A) of this section for the termination of the existence of the 1377  
commission and its functions exist may be made either by the 1378  
auditor of state or by the commission and shall be certified to 1379  
the commission, the auditor of state, the governor, the director 1380

of budget and management, and the budget commission, whereupon 1381  
such commission and its functions under this chapter shall 1382  
terminate. This determination shall be made by the auditor of 1383  
state upon the filing with the auditor of state of a written 1384  
request for such a determination by the school district board, the 1385  
governor, or the commission, or may be made by the auditor of 1386  
state upon the auditor of state's own initiative. 1387

(C) The commission shall prepare and submit at the time of 1388  
such certification a final report of its activities, in such form 1389  
as is appropriate for the purpose of providing a record of its 1390  
activities and assisting other commissions created under this 1391  
chapter in the conduct of their functions. All of the books and 1392  
records of the commission shall be delivered to the auditor of 1393  
state for retention and safekeeping. 1394

(D) Upon receipt of the certification provided for in 1395  
division (B) of this section, the director of budget and 1396  
management shall follow the procedures set forth in section 126.29 1397  
of the Revised Code. 1398

(E) If, at the time of termination of the commission, an 1399  
effective financial accounting and reporting system has not been 1400  
fully implemented, the auditor of state shall monitor the progress 1401  
of implementation and shall exercise authority under this section 1402  
and Chapter 117. of the Revised Code to secure full implementation 1403  
at the earliest time feasible but within two years after such 1404  
termination. 1405

**Sec. 3317.018.** (A) The department of education shall make no 1406  
calculations or payments under Chapter 3317. of the Revised Code 1407  
for any fiscal year except as prescribed in this section. 1408

(B) School districts shall report student enrollment data as 1409  
prescribed by section 3317.03 of the Revised Code, which data the 1410  
department shall use to make payments under Chapters 3306. and 1411

3317. of the Revised Code. 1412

(C) The tax commissioner shall report data regarding tax 1413  
valuation and receipts for school districts as prescribed by 1414  
sections 3317.015, 3317.021, 3317.025, 3317.026, 3317.027, 1415  
3317.028, 3317.0210, 3317.0211, and 3317.08 and by division (M) of 1416  
section 3317.02 of the Revised Code, which data the department 1417  
shall use to make payments under Chapters 3306. and 3317. of the 1418  
Revised Code. 1419

(D) Unless otherwise specified by another provision of law, 1420  
in addition to the payments prescribed by Chapter 3306. of the 1421  
Revised Code, the department shall continue to make payments to or 1422  
adjustments for school districts in fiscal years after fiscal year 1423  
2009 under the following provisions of Chapter 3317. of the 1424  
Revised Code: 1425

(1) The catastrophic cost reimbursement under division (C)(3) 1426  
of section 3317.022 of the Revised Code. No other payments shall 1427  
be made under that section. 1428

(2) All payments or adjustments under section 3317.023 of the 1429  
Revised Code, except no payments or adjustments shall be made 1430  
under divisions (B), (C), and (D) of that section. 1431

(3) All payments or adjustments under section 3317.024 of the 1432  
Revised Code, except no payments or adjustments shall be made 1433  
under divisions (F), ~~(L)~~, and (N) of that section for fiscal years 1434  
after fiscal year 2009 or under division (L) of that section for 1435  
fiscal years 2010 and 2011. 1436

(4) All payments and adjustments under sections 3317.025, 1437  
3317.026, 3317.027, 3317.028, 3317.0210, and 3317.0211 of the 1438  
Revised Code; 1439

(5) Payments under section 3317.04 of the Revised Code; 1440

(6) Unit payments under sections 3317.05, 3317.051, 3317.052, 1441

and 3317.053 of the Revised Code, except that no units for gifted 1442  
funding are authorized ~~after fiscal year 2009~~ for fiscal years 1443  
2010 and 2011. 1444

(7) Payments under sections 3317.06, 3317.063, and 3317.064 1445  
of the Revised Code; 1446

(8) Payments under section 3317.07 of the Revised Code; 1447

(9) Payments to educational service centers under section 1448  
3317.11 of the Revised Code; 1449

(10) The catastrophic cost reimbursement under division (E) 1450  
of section 3317.16 of the Revised Code and excess cost 1451  
reimbursements under division (G) of that section. No other 1452  
payments shall be made under that section; 1453

(11) Payments under section 3317.17 of the Revised Code; 1454

(12) Adjustments under section 3317.18 of the Revised Code; 1455

(13) Payments to cooperative education school districts under 1456  
section 3317.19 of the Revised Code; 1457

(14) Payments to county MR/DD boards under section 3317.20 of 1458  
the Revised Code; 1459

(15) Payments to state institutions for weighted special 1460  
education funding under section 3317.201 of the Revised Code. 1461

(E) Sections 3317.016 and 3317.017 shall not apply to fiscal 1462  
years after fiscal year 2009. 1463

(F) This section does not affect the provisions of sections 1464  
3317.031, 3317.032, 3317.033, 3317.035, 3317.061, 3317.08, 1465  
3317.081, 3317.082, 3317.09, 3317.12, 3317.13, 3317.14, 3317.15, 1466  
3317.50, 3317.51, 3317.62, 3317.63, and 3317.64 of the Revised 1467  
Code. 1468

**Sec. 3317.024.** The following shall be distributed monthly, 1469  
quarterly, or annually as may be determined by the state board of 1470



education, except that the department of education shall not make 1471  
payments under divisions (F), ~~(L)~~, and (N) of this section for any 1472  
fiscal year after fiscal year 2009 or under division (L) of this 1473  
section for fiscal year 2010 or 2011: 1474

(A) An amount for each island school district and each joint 1475  
state school district for the operation of each high school and 1476  
each elementary school maintained within such district and for 1477  
capital improvements for such schools. Such amounts shall be 1478  
determined on the basis of standards adopted by the state board of 1479  
education. 1480

(B) An amount for each school district operating classes for 1481  
children of migrant workers who are unable to be in attendance in 1482  
an Ohio school during the entire regular school year. The amounts 1483  
shall be determined on the basis of standards adopted by the state 1484  
board of education, except that payment shall be made only for 1485  
subjects regularly offered by the school district providing the 1486  
classes. 1487

(C) An amount for each school district with guidance, 1488  
testing, and counseling programs approved by the state board of 1489  
education. The amount shall be determined on the basis of 1490  
standards adopted by the state board of education. 1491

(D) An amount for the emergency purchase of school buses as 1492  
provided for in section 3317.07 of the Revised Code; 1493

(E) An amount for each school district required to pay 1494  
tuition for a child in an institution maintained by the department 1495  
of youth services pursuant to section 3317.082 of the Revised 1496  
Code, provided the child was not included in the calculation of 1497  
the district's average daily membership for the preceding school 1498  
year. 1499

(F) An amount for adult basic literacy education for each 1500

district participating in programs approved by the state board of 1501  
education. The amount shall be determined on the basis of 1502  
standards adopted by the state board of education. 1503

(G) An amount for the approved cost of transporting eligible 1504  
pupils with disabilities attending a special education program 1505  
approved by the department of education whom it is impossible or 1506  
impractical to transport by regular school bus in the course of 1507  
regular route transportation provided by the district or service 1508  
center. No district or service center is eligible to receive a 1509  
payment under this division for the cost of transporting any pupil 1510  
whom it transports by regular school bus and who is included in 1511  
the district's transportation ADM. The state board of education 1512  
shall establish standards and guidelines for use by the department 1513  
of education in determining the approved cost of such 1514  
transportation for each district or service center. 1515

(H) An amount to each school district, including each 1516  
cooperative education school district, pursuant to section 3313.81 1517  
of the Revised Code to assist in providing free lunches to needy 1518  
children and an amount to assist needy school districts in 1519  
purchasing necessary equipment for food preparation. The amounts 1520  
shall be determined on the basis of rules adopted by the state 1521  
board of education. 1522

(I) An amount to each school district, for each pupil 1523  
attending a chartered nonpublic elementary or high school within 1524  
the district. The amount shall equal the amount appropriated for 1525  
the implementation of section 3317.06 of the Revised Code divided 1526  
by the average daily membership in grades kindergarten through 1527  
twelve in nonpublic elementary and high schools within the state 1528  
as determined during the first full week in October of each school 1529  
year. 1530

(J) An amount for each county DD board, distributed on the 1531  
basis of standards adopted by the state board of education, for 1532

the approved cost of transportation required for children 1533  
attending special education programs operated by the county DD 1534  
board under section 3323.09 of the Revised Code; 1535

(K) An amount for each school district that establishes a 1536  
mentor teacher program that complies with rules of the state board 1537  
of education. No school district shall be required to establish or 1538  
maintain such a program in any year unless sufficient funds are 1539  
appropriated to cover the district's total costs for the program. 1540

(L) An amount to each school district or educational service 1541  
center for the total number of gifted units approved pursuant to 1542  
section 3317.05 of the Revised Code. The amount for each such unit 1543  
shall be the sum of the minimum salary for the teacher of the 1544  
unit, calculated on the basis of the teacher's training level and 1545  
years of experience pursuant to the salary schedule prescribed in 1546  
the version of section 3317.13 of the Revised Code in effect prior 1547  
to July 1, 2001, plus fifteen per cent of that minimum salary 1548  
amount, plus two thousand six hundred seventy-eight dollars. 1549

(M) An amount to each institution defined under section 1550  
3317.082 of the Revised Code providing elementary or secondary 1551  
education to children other than children receiving special 1552  
education under section 3323.091 of the Revised Code. This amount 1553  
for any institution in any fiscal year shall equal the total of 1554  
all tuition amounts required to be paid to the institution under 1555  
division (A)(1) of section 3317.082 of the Revised Code. 1556

(N) A grant to each school district and joint vocational 1557  
school district that operates a "graduation, reality, and 1558  
dual-role skills" (GRADS) program for pregnant and parenting 1559  
students that is approved by the department. The amount of the 1560  
payment shall be the district's state share percentage, as defined 1561  
in section 3317.022 or 3317.16 of the Revised Code, times the 1562  
GRADS personnel allowance times the full-time-equivalent number of 1563  
GRADS teachers approved by the department. The GRADS personnel 1564

allowance is \$47,555 in fiscal years 2008 and 2009. The GRADS 1565  
program shall include instruction on adoption as an option for 1566  
unintended pregnancies. 1567

The state board of education or any other board of education 1568  
or governing board may provide for any resident of a district or 1569  
educational service center territory any educational service for 1570  
which funds are made available to the board by the United States 1571  
under the authority of public law, whether such funds come 1572  
directly or indirectly from the United States or any agency or 1573  
department thereof or through the state or any agency, department, 1574  
or political subdivision thereof. 1575

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 1576  
"guardian," or "other person having charge or care of a child" 1577  
means either parent unless the parents are separated or divorced 1578  
or their marriage has been dissolved or annulled, in which case 1579  
"parent" means the parent who is the residential parent and legal 1580  
custodian of the child. If the child is in the legal or permanent 1581  
custody of a person or government agency, "parent" means that 1582  
person or government agency. When a child is a resident of a home, 1583  
as defined in section 3313.64 of the Revised Code, and the child's 1584  
parent is not a resident of this state, "parent," "guardian," or 1585  
"other person having charge or care of a child" means the head of 1586  
the home. 1587

A child between six and eighteen years of age is "of 1588  
compulsory school age" for the purpose of sections 3321.01 to 1589  
3321.13 of the Revised Code. A child under six years of age who 1590  
has been enrolled in kindergarten also shall be considered "of 1591  
compulsory school age" for the purpose of sections 3321.01 to 1592  
3321.13 of the Revised Code unless at any time the child's parent 1593  
or guardian, at the parent's or guardian's discretion and in 1594  
consultation with the child's teacher and principal, formally 1595

withdraws the child from kindergarten. The compulsory school age 1596  
of a child shall not commence until the beginning of the term of 1597  
such schools, or other time in the school year fixed by the rules 1598  
of the board of the district in which the child resides. 1599

(2) No child shall be admitted to a kindergarten or a first 1600  
grade of a public school in a district in which all children are 1601  
admitted to kindergarten and the first grade in August or 1602  
September unless the child is five or six years of age, 1603  
respectively, by the thirtieth day of September of the year of 1604  
admittance, or by the first day of a term or semester other than 1605  
one beginning in August or September in school districts granting 1606  
admittance at the beginning of such term or semester, except that 1607  
in those school districts using or obtaining educationally 1608  
accepted standardized testing programs for determining entrance, 1609  
as approved by the board of education of such districts, the board 1610  
shall admit a child to kindergarten or the first grade who fails 1611  
to meet the age requirement, provided the child meets necessary 1612  
standards as determined by such standardized testing programs. If 1613  
the board of education has not established a standardized testing 1614  
program, the board shall designate the necessary standards and a 1615  
testing program it will accept for the purpose of admitting a 1616  
child to kindergarten or first grade who fails to meet the age 1617  
requirement. Each child who will be the proper age for entrance to 1618  
kindergarten or first grade by the first day of January of the 1619  
school year for which admission is requested shall be so tested 1620  
upon the request of the child's parent. 1621

(3) Notwithstanding divisions (A)(2) and (D) of this section, 1622  
beginning with the school year that starts in 2001 and continuing 1623  
thereafter the board of education of any district may adopt a 1624  
resolution establishing the first day of August in lieu of the 1625  
thirtieth day of September as the required date by which students 1626  
must have attained the age specified in those divisions. 1627

(B) As used in divisions (C) and (D) of this section, 1628  
"successfully completed kindergarten" and "successful completion 1629  
of kindergarten" mean that the child has completed the 1630  
kindergarten requirements at one of the following: 1631

(1) A public or chartered nonpublic school; 1632

(2) A kindergarten class that is both of the following: 1633

(a) Offered by a day-care provider licensed under Chapter 1634  
5104. of the Revised Code; 1635

(b) If offered after July 1, 1991, is directly taught by a 1636  
teacher who holds one of the following: 1637

(i) A valid educator license issued under section 3319.22 of 1638  
the Revised Code; 1639

(ii) A Montessori preprimary credential or age-appropriate 1640  
diploma granted by the American Montessori society or the 1641  
association Montessori internationale; 1642

(iii) Certification determined under division (G) of this 1643  
section to be equivalent to that described in division 1644  
(B)(2)(b)(ii) of this section; 1645

(iv) Certification for teachers in nontax-supported schools 1646  
pursuant to section 3301.071 of the Revised Code. 1647

(C) Except as provided in division (D) of this section, no 1648  
school district shall admit to the first grade any child who has 1649  
not successfully completed kindergarten. 1650

(D) Upon request of a parent, the requirement of division (C) 1651  
of this section may be waived by the district's pupil personnel 1652  
services committee in the case of a child who is at least six 1653  
years of age by the thirtieth day of September of the year of 1654  
admittance and who demonstrates to the satisfaction of the 1655  
committee the possession of the social, emotional, and cognitive 1656  
skills necessary for first grade. 1657

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

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

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

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

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

(G) Upon written request of a day-care provider described by  
division (B)(2)(a) of this section, the department of education  
shall determine whether certification held by a teacher employed  
by the provider meets the requirement of division (B)(2)(b)(iii)

of this section and, if so, shall furnish the provider a statement 1688  
to that effect. 1689

(H) As used in this division, "all-day kindergarten" has the 1690  
same meaning as in section 3321.05 of the Revised Code. 1691

(1) Any school district that did not receive for fiscal year 1692  
2009 poverty-based assistance for all-day kindergarten under 1693  
division (D) of section 3317.029 of the Revised Code may charge 1694  
fees or tuition for students enrolled in all-day kindergarten. If 1695  
a district charges fees or tuition for all-day kindergarten under 1696  
this division, the district shall develop a sliding fee scale 1697  
based on family incomes. 1698

(2) The department of education shall conduct an annual 1699  
survey of each school district described in division (H)(1) of 1700  
this section to determine the following: 1701

~~(1)~~(a) Whether the district charges fees or tuition for 1702  
students enrolled in all-day kindergarten; 1703

(b) The amount of the fees or tuition charged; 1704

(c) How many of the students for whom tuition is charged are 1705  
eligible for free lunches under the "National School Lunch Act," 1706  
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 1707  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 1708  
and how many of the students for whom tuition is charged are 1709  
eligible for reduced price lunches under those acts; 1710

~~(2)~~(d) How many students are enrolled in traditional half-day 1711  
kindergarten ~~and how many students are enrolled in~~ rather than 1712  
all-day kindergarten, ~~as defined in section 3321.05 of the Revised~~ 1713  
Code. 1714

Each district shall report to the department, in the manner 1715  
prescribed by the department, the information ~~required by this~~ 1716  
~~division~~ described in divisions (H)(2)(a) to (d) of this section. 1717



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

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

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

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

~~(D) No~~ no district shall require any student to attend  
kindergarten for more than ~~one-half of~~ the number of clock hours  
required each day for ~~grades one through six~~ traditional  
kindergarten by the minimum standards adopted under division (D)  
of section 3301.07 of the Revised Code. Each school district that  
operates all-day or extended kindergarten shall accommodate  
kindergarten students whose parents or guardians elect to enroll  
them for ~~one-half of~~ the minimum number of hours ~~required each day~~  
~~for grades one through six.~~

~~(E)~~(C) A school district may use space in child day-care  
centers licensed under Chapter 5104. of the Revised Code to

provide all-day kindergarten under this section. 1749

**Section 2.** That existing sections 3301.07, 3301.16, 3302.05, 1750  
3302.07, 3306.01, 3306.02, 3306.05, 3306.06, 3306.07, 3306.08, 1751  
3306.09, 3306.091, 3306.10, 3315.18, 3315.19, 3316.06, 3316.16, 1752  
3317.018, 3317.024, 3321.01, and 3321.05 and sections 3306.18, 1753  
3306.25, 3306.29, 3306.291, 3306.292, 3306.30, 3306.31, 3306.33, 1754  
3306.34, 3306.35, 3306.40, 3313.821, 3313.822, 3315.17, 3315.171, 1755  
and 3318.312 of the Revised Code are hereby repealed. 1756

**Section 3.** That Section 265.70.70 of Am. Sub. H.B. 1 of the 1757  
128th General Assembly and Section 9 of Sub. H.B. 318 of the 128th 1758  
General Assembly are hereby repealed. 1759

**Section 4.** Sections 1, 2, and 3 of this act take effect July 1760  
1, 2011. 1761

**Section 5.** Sections 3301.07 and 3317.024 of the Revised Code 1762  
are presented in this act as composites of the sections as amended 1763  
by both Am. Sub. H.B. 1 and Sub. S.B. 79 of the 128th General 1764  
Assembly. The General Assembly, applying the principle stated in 1765  
division (B) of section 1.52 of the Revised Code that amendments 1766  
are to be harmonized if reasonably capable of simultaneous 1767  
operation, finds that the composites are the resulting versions of 1768  
the sections in effect prior to the effective date of the sections 1769  
as presented in this act. 1770